



**SENATE BILL 382:
Disaster Relief-3/Budget/Various Law Changes,
Sec. 3A.4-3A.5:
Various Election Changes**

2023-2024 General Assembly

Committee:		Date:	January 9, 2025
Introduced by:		Prepared by:	Erika Churchill Staff Attorney
Analysis of:	Sec. 3A.4-3A.5 of S.L. 2024-57		

OVERVIEW: Sections 3A.4 and 3A.5 of S.L. 2024-57, effective January 1, 2025, do the following:

- *Change the request deadline for absentee ballots.*
- *Specify a standard deadline for cure documentation for absentee ballots and provisional ballots and for the counting of such ballots properly cured.*
- *Require the meeting of county boards of elections on Election Day to be continuous until all absentee ballots received through the close of polls on Election Day have been counted.*
- *Authorize a political party headquarters building fund to use contributions for any legal action and allow political parties to use that fund to make unlimited donations to any existing legal defense fund.*

This bill was vetoed by the Governor on November 26, 2024, and the veto was overridden by the General Assembly on December 11, 2024.

CURRENT LAW and BILL ANALYSIS:

Absentee Ballots

Any qualified voter of the State can vote by absentee ballot in a statewide primary, general, or special election and any qualified voter of a county is authorized to vote by absentee ballot in any primary or election conducted by that county board of elections (county board). Any qualified voter seeking to vote by absentee ballot, or that voter's near relative or verifiable legal guardian, is required to submit an absentee ballot request form by 5:00 P.M. on the Tuesday before the election.

Voting a Mail-In Absentee Ballot:

Upon receiving the completed request form for an absentee application and absentee ballot, the county board must mail the voter a package that includes the official ballot, a container-return envelope, and an instruction sheet. The application must be completed and signed by the voter personally, the ballot marked and sealed in the container-return envelope, and the certificate completed. The voter must complete the absentee ballot and application in the presence of two voters who are at least 18 years old and not a candidate or employee of certain adult care homes, or in front of a notary public. Both individuals must sign the application and certificate as witnesses and indicate their addresses. If a near relative or legal guardian assisted the voter, that individual's name and address must also be listed.

Receipt of Marked Mail-In Absentee Ballot:

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 382

Page 2

After an absentee ballot has been executed, the absentee ballot must be returned to the county board who issued the ballot in one of the following ways:

- Mail or commercial courier service and received by the county board no later than 7:30 P.M. on the day of the statewide primary or general election.
- Delivered in person, by the voter or the voter's near relative or verifiable legal guardian, to the county board no later than 7:30 P.M. on the day of the statewide primary or general election.
- Electronically transmitted to the county board, if the ballot was issued under the provisions of Article 21A of Chapter 163.

If the State Board of Elections (State Board) or court order extends the closing time of the polls on the day of the primary or general election, the ballots must be received by the closing time as extended by the State Board or court order in order to be counted.

Curable Deficiencies for Absentee Ballots:

The county boards must notify a voter if the voter's container-return envelope contains a curable deficiency. Curable deficiencies include that the voter failed to sign the voter certification, signed in the wrong spot, or failed to include photo ID or required affidavit. The identification of the two persons witnessing the casting of the absentee ballot is not a curable deficiency. Failing to include a photo ID can be cured via email. The voter must send in cure documentation no later than the end of business on the business day before canvass. If the voter cures the deficiency in a timely manner, the ballot must be counted.

Provisional Ballots

Voters receive a provisional ballot when questions arise about the voter's qualification to vote, the voter's eligibility to vote in a given election, the voter's eligibility to vote a specific ballot style, or when a voter does not or cannot present photo ID when voting in person. Provisional ballots will only be counted if the registered voter that voted a provisional ballot brings the required supplemental information such as a HAVA document or photo ID, if applicable, to the county board by the end of business on the business day prior to the canvass by the county boards.

If the county board finds that an individual voting a provisional ballot was registered in the county, voted in the proper precinct, and was otherwise eligible to vote, then the provisional ballots must be counted by that county board before canvass.

Voter Assistance Log at Polling Places

According to G.S. 163-166.8, certain qualified voters are entitled to assistance from certain individuals with entering and exiting the voting booth and in casting a ballot. The qualified voter must request permission from the chief judge to receive the assistance, and if the chief judge determines that the assistance is appropriate, the chief judge must ask the voter to identify the person the voter desires to provide the assistance.

Precinct officials are required to maintain a log of any individual, other than a minor child under the age of 18 in the care of a voter, who enters the voting place and is not seeking to vote in that voting place. The log must include the printed name and address of the individual entering the voting place, the time the individual entered the voting place, and a space for the individual's signature.

Senate Bill 382

Page 3

Section 3A.4 makes the following changes regarding absentee ballots, provisional ballots, and the voter assistance log:

- Requires all absentee ballot request forms to be received no later than 5:00 P.M. on the second Tuesday before the election, rather than the Tuesday before the election.
- Requires county boards to convene at 5:00 P.M. on Election Day to count absentee ballots received through 7:30 P.M. on Election Day, with the meeting continuing until the counting is finished. County board members cannot separate or leave the counting place except for unavoidable necessity.
- Creates a standard return deadline of noon on the Friday after the election for the submission of any needed "cure documentation" by the voter for any absentee or provisional ballot cast without complete documentation.
- Requires county boards to announce a tally of all absentee ballots cast by 5:00 P.M. on the third business day after the election, except those absentee ballots subject to a challenge or those cast in accordance with Article 21A of Chapter 163.
- Requires the State Board to establish a uniform process for all county boards to maintain a record of the required information regarding voter assistance at the polling place.

Additional Uses of the Political Party Headquarters Fund

Generally, no corporation, business entity, labor union, professional association, or insurance company can make any contribution to a candidate or political committee. However, under G.S. 163-278.19B, these prohibited entities can donate to the political party headquarters building fund of a political party or an affiliated party committee.

Any donations to a political party headquarters building fund must be segregated from other funds received by the political party or affiliated party committee and can be spent only on the following:

- To purchase, construct, renovate, or pay a mortgage on a principal headquarters building.
- To repay donors if a principal headquarters building is not purchased, constructed, or renovated.
- To pay building rent or monthly or bimonthly utility expenses incurred to operate a principal headquarters building.
- To compensate personnel, including in-kind contributions for no more than three personnel whose functions are primarily administrative such as accounting, payroll, or campaign finance reporting services, for the party and whose job functions require no more than 10% of work time to be spent on political advocacy each calendar year.

The term "legal action" is defined in G.S. 163-278.300 to include a formal dispute in a judicial, legislative, or administrative forum. The term "legal action" also includes investigations made or conducted before the commencement of any formal proceedings but excludes the election itself or the campaign for election.

G.S. 163-278.300 defines a "legal expense fund" as "any collection of money for the purpose of funding a legal action, or a potential legal action, taken by or against an elected officer in that elected officer's official capacity." A legal expense fund can be used for reasonable expenses incurred by the elected officer in relation to a legal action or potential legal action brought by or against that elected officer in his or her official capacity. A "legal expense donation" is defined as "any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, subscription of money, or anything of value whatsoever, and any

Senate Bill 382

Page 4

contract, agreement, or other obligation to make a contribution to a legal expense fund for a permitted use."

Section 3A.5 authorizes funds in a political party headquarters building fund to be used for the additional purpose of funding any legal action. Additionally, political parties can use the political party headquarters building fund to make unlimited donations to any existing legal defense fund under Article 22M of Chapter 163 of the General Statutes.

EFFECTIVE DATE: This bill was vetoed by the Governor on November 16, 2024, and the veto was overridden by the General Assembly on December 11, 2024. Sections 3A.4 and 3A.5 of the act became effective January 1, 2025, and apply to elections conducted on or after that date and to donations and expenses paid on or after that date.