



SENATE BILL 747: Elections Law Changes.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	August 16, 2023
Introduced by:	Sens. Hise, P. Newton, Daniel	Prepared by:	Jessica Sammons Staff Attorney
Analysis of:	Fourth Edition		

OVERVIEW: *Senate Bill 747 would make various changes to the elections laws of the State, effective January 1, 2024.*

CURRENT LAW & BILL ANALYSIS:

Treat Early Voting the Same as In-Person Voting (Sections 1, 3, 6, 9, 11-12, 19-20, 22, 25, 27-29, 31-32, 36, 40-43):

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 is authorized to 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 voting, and military-overseas ballots.

Early voting is casting a ballot in-person at an early voting site run by a county board of elections, either at the county board's office or another site approved by the county board. Sites must be approved by the county board of elections and the State Board as part of the Plan for Implementation, which must include plans for providing adequate security of the ballots and provisions to avoid allowing individuals to vote duplicate ballots.

The period of early voting is 17 days, running from the third Thursday before an election to the last Saturday before an election at 3:00 P.M.

Sections 1, 20, and 27 would recodify existing statutes on early voting into a new Part in Article 14A for early voting to treat early voting more like in-person voting on Election Day. Ballots cast during early voting would be retrievable, and the ballot number or identifier would not be a public record.

Section 29 would provide a process for counting ballots cast during early voting. If the ballots are counted electronically, the count would begin at the time the polls close. If the ballots are paper ballots counted manually, the count would begin at the same time as mail-in absentee ballots.

Sections 3, 6, 9, 11-12, 19, 22, 25, 28, 31-32, 36, and 40-43 would make conforming changes.

Funding of Elections; Records Retention (Sections 2, 4-5, 14, 35):

Each county board of elections has supervisory authority over the conduct of elections within that county. Specifically, the county boards of commissioners are responsible for appropriating "reasonable and adequate funds necessary for the legal functions of the county board of elections." G.S. 163-37. With respect to municipal elections conducted by the county board of elections, "[e]ach municipality and special

Jeffrey Hudson
Director



* S 7 4 7 - S M B K - 6 8 E 4 - V - 3 *

Legislative Analysis
Division
919-733-2578

Senate Bill 747

Page 2

district shall reimburse the county board of elections for the actual cost involved in the administration" of that election. G.S. 163-284.

Generally, State and local government entities involved in administering elections receive funding from public sources. However, nothing prohibits State and local entities from seeking grants or otherwise accepting funds from private sources for the purpose of conducting elections.

Sections 2, 4, 14, and 35 would require the following to be retained for 22 months after an election: voted in-person ballots, election results tapes, executed ballot applications, container-return envelopes, voted absentee ballots, and challenged ballots.

Sections 2, 4, and 5 would provide that the State Board and county boards of elections are prohibited from accepting private monetary donations or in-kind contributions for the purpose of administering elections or employing individuals on a temporary basis. The in-kind donation or use of a voting site for the purpose of conducting elections would not be prohibited.

Poll Observers, Runners (Sections 7, 21, 23):

Under G.S. 163-45, the chair of each political party in each county has the right to designate two observers to attend each voting place at each primary and election. The chair of each political party in the county also has the right to designate 10 additional at-large observers who are residents of that county who may attend any voting place in that county, by providing a list to the county director of elections. This right does not extend to a political party during a primary unless that party is participating in that primary. In any election in which an unaffiliated candidate is on the ballot, the candidate or the candidate's campaign manager has the right to appoint two observers for each voting place.

Individuals authorized to appoint observers must submit in writing a signed list of the appointed observers prior to 10:00 AM on the fifth day prior to the election. For observers appointed to early voting sites, the list must be submitted on the fifth day prior to the day the observer is scheduled to serve. For observers appointed to early voting sites, the list of observers can be amended between the early voting period and election day.

An individual appointed as observers must be a registered voter of the county and have good moral character. No candidate on the ballot in a primary or election may serve as an observer.

The chair of the county board of elections, or the chief judge and judges for each affected precinct, may for good cause reject any observer and require that another be appointed. Observers may be appointed at early voting sites, and at-large observers may serve at any early voting site. Not more than two observers from the same political party are permitted in the voting enclosure at any time, except that one of the at-large observers from each party may also be in the voting enclosure.

Under G.S. 18B-601, the proponents and opponents for an alcoholic beverage election each have the right to appoint two observers to attend each voting place. The persons authorized to appoint observers must submit in writing to the chief judge of each precinct a signed list of the appointed observers for that precinct no later than three days before the election. The persons appointed as observers must be registered voters of the precinct for which appointed. The chief judges and judges for that precinct may for good cause reject any appointee and require another observer to be appointed.

Observers may not do any of the following:

- Electioneer at the voting place.
- Impede the voting process.
- Interfere or communicate with or observe any voter casting a ballot.

Senate Bill 747

Page 3

The chief judge and judges of elections are required to permit the observer to observe and take notes.

Each observer may be relieved during the day after serving a minimum of four hours, at the option of the party chair, provided all names are included on the list the chair of the political party is required to file.

Observers are entitled to obtain a list of the persons who have voted in the precinct during that election day. Obtaining the list is to occur at times specified by the State Board, but not less than three times each election day with the spacing not less than one hour apart. Runners may also be sent by the county party chair for this purpose, even if an observer has not been appointed for that precinct.

Section 7 would separate the law regarding runners and observers, consolidate observer statutes, and make the following changes to their appointments and duties, both on election day and at early voting sites:

- Require the list of individuals appointed as observers to be submitted electronically or in writing by noon on the business day before the observer is scheduled to serve.
- Allow no more than three observers from the same political party to be in the voting enclosure at any time.
- Provide that observers appointed to a specific voting place may be relieved after serving no less than four hours, but observers appointed countywide or Statewide may be relieved anytime during the day.
- Provide that observers may not be a candidate or serve as an election official in the primary or election in which serving as an observer.
- Allow the chief judge at each voting place to use reasonable methods to verify the identity of observers, and the State Board to require an observer to wear an identification tag or badge.
- Provide that the county board or a chief judge can only challenge the appointment of an observer for good cause, which would include evidence that the observer could impact the conduct of the election. Challenges would be submitted to the State Board on a form developed by the State Board.
- Establish a list of what election officials cannot prohibit an observer from doing, provided that the observer does not interfere with the privacy of any voter or the conduct of the election, including taking notes, listening to election-related conversations, moving about the voting place, leaving and re-entering the voting place, communicating via phone outside the voting enclosure, and witnessing opening and closing procedures.
- Establish a list of what observers are prohibited from doing inside the voting place, including looking at a voter's marked ballot, impeding a voter's entrance or exit, interfering with an election official's duties, engaging in electioneering, and making or receiving phone calls inside the voting place.
- Create a process for removing an observer from the voting site and an appeals process for an observer who has been denied the ability to serve.
- Allow the State Board to publish copies of the list of who has voted at a particular voting site that day on the State Board's website.
- Make conforming changes for observers for alcoholic beverage elections.

Sections 21 and 23 would make conforming changes.

Senate Bill 747

Page 4

Precinct Officials (Sections 8, 27):

Each county board of elections must appoint one person to act as a chief judge and two other persons to act as judges of election for each precinct in that county. In its discretion, each county board is authorized to appoint two or more assistants for each precinct to aid the chief judge and judges. Collectively, chief judges, judges, and assistants are referred to as "precinct officials." G.S. 163-41. The assistants perform many of the same duties as the chief judge and the judges, but they do not enter into the quasi-judicial role of the chief judge and judges, such as making an initial ruling on a challenge to a voter.

To serve as a precinct official, a person must comply with the following requirements:

- Be a registered voter in the county in which their assigned precinct is located.
- Not be a candidate or relative of a candidate in the election for which they are serving.
- Not be an elected government official, hold office with a political party, or be manager or treasurer for a candidate or political party.
- Not serve at the same precinct as a spouse, child, spouse of a child, or sibling.
- Attend an instructional meeting conducted by the chair of the county board and the director of elections prior to each primary and general election.

Precinct officials are appointed by county boards from nominations made by the chairs of the county political parties.

G.S. 163-41 requires that, when making appointments for chief judge and judge for each precinct, residents of the precinct must be appointed to at least two of the three positions. G.S. 163-42 requires that, in making appointments for precinct assistants, residents of the precinct must be appointed to a majority of the positions. An equal number of assistants shall be appointed from different political parties, unless the requirement as to party affiliation cannot be met because of an insufficient number of voters of different political parties within the county.

On the day of the election, the chief judge and the judges must remain at the voting place from the time they begin their duties until all duties for that election have been completed and may not leave the voting place except for unavoidable necessity.

Section 8 would remove the requirement that an individual chief judge and judges must remain at the voting place for the duration of the day and would instead require county boards to ensure that the positions are filled throughout the day.

Section 27 would require, for each early voting site other than the county board office, precinct officials to be allocated in the same manner as is required at each precinct on election day, including the residency requirement for judges and the equal party affiliation requirement for assistants, where possible. The chair of each political party in the county would make recommendations to fill these positions, and if the recommendations are made to the county board within five days before the appointments are to be made, then the county board would make appointments from the list of recommendations. Multiple precinct officials would be able to serve at each voting site, so that precinct officials may serve shifts from day-to-day or hour-to-hour. The precinct officials would not be required to be member or full-time employee of the county board or have received training equivalent to that of a full-time employee.

Same-Day Registration (Section 10):

Individuals may register to vote or update the individual's name and address and cast a retrievable ballot via same-day registration at an early voting site during the early voting period.

Senate Bill 747

Page 5

In order to register and vote, the individual would have to do all of the following:

- Complete the standard voter registration form, including the attestation that the individual is a U.S. citizen and resides at the address given.
- Provide "proof of residence," through a valid document that has the person's name and current residence address: a NC driver's license, a photo identification from a government agency, a utility bill, bank statement, paycheck, government check, or other government document (HAVA document).
- Present photo identification.

Within two business days after the individual has registered at the early voting site, the county board must verify the individual's driver's license or Social Security number, update the voter registration database, search for possible duplicate registrations, and begin to verify the individual's address by mail.

If the application is complete and the individual meets all qualifications to vote, the county board will mail the individual a voter registration card through non-forwardable mail to verify the individual's address. If the U.S. Postal Service returns a card as undeliverable, a second mailing will be sent. If the second mailing is returned as undeliverable, the voter registration will be denied.

The individual's ballot cast during early voting must be counted unless the county board determines that the applicant is not qualified to vote.

Section 10 would provide that for any individual registering to vote during same-day registration, if the U.S. Postal Service returns the first mailing of the individual's voter registration card as undeliverable before the end of business on the day before canvass, the county board would not register the individual and would retrieve the individual's marked ballot and remove the ballot's votes from the official count.

Voter Challenges (Sections 13, 16):

Article 8 of Chapter 163 of the General Statutes provides the procedures for any registered voter in the county to challenge the voter registration of any other voter in the county. Challenges to a voter's voter registration must be made to the county board before the 25th day before each election. The county boards hold a preliminary hearing on the challenge, taking testimony under oath and receiving evidence from the challenger. The burden of proof is on the challenger. If the challenger presents evidence and if the county board finds probable cause that the person challenged is not qualified to vote, then the board must schedule a hearing on the challenge.

A challenge is not to be sustained unless the challenge is substantiated by affirmative proof. In the absence of such proof, the presumption is that the voter is properly registered. If a challenge is sustained, the county board will cancel or correct the voter registration of the voter.

Article 8 of Chapter 163 of the General Statutes also allows any registered voter within the same county as the challenged voter to challenge a voter who is attempting to cast a ballot by issuing a challenge at the voting site before the voter casts a ballot. Challenges are made directly to the judges. A judge or assistant assigned to the precinct may also enter a challenge against voters in the precinct. In addition to challenging that voter's voter registration, the basis for the challenge can also include that the voter has already voted, is voting in the wrong party's partisan primary, or the voter failed to present the required photo identification. The challenges are heard and decided by the chief judge and judges for that voting site.

If the challenge is overruled, the voter must be allowed to vote a regular ballot. If the challenge is sustained, the challenged voter must be allowed to vote via a challenged ballot. The challenged voter may vote the ballot and seal the voted ballot in an envelope marked as a challenged ballot. The chair of the county board of elections preserves the challenged ballot in the sealed envelope for six months after the

Senate Bill 747

Page 6

election. If the election is contested, either party may request the court to order that the sealed envelopes containing the challenged ballots be delivered to the county board, and the county board would convene to consider the challenged ballots and rule as to which challenged ballots should be counted. G.S. 163-88.1.

A decision of the county board on any voter challenge is appealable within 10 days to the Superior Court of the county in which that county board is located.

Section 13 would apply the provisions of filing a challenge on the day of an election to filing a challenge at an early voting site during the hours for early voting, with the challenge being heard by the chief judge or judges of the early voting site in the same manner as at the precinct on election day.

Section 16 would provide that if an appeal is made by the State Board, that appeal is to the Superior Court of the county in which the challenge originated.

Date of Second Primary (Section 16.5):

Under G.S. 163-111, upon completion of the canvass for the primary, if a substantial plurality of the votes cast in the primary (more than 30%) was not attained by a nominee or nominees, a second primary may be requested by the candidate receiving the next highest number of votes. Second primaries, if requested, are held seven weeks after the first primary, or 10 weeks after the first primary if any of the offices for which a second primary is requested include a candidate for U.S. Congress. G.S. 163-111.

Section 16.5 would provide that a second primary, if requested, would be held ten weeks after the first primary, regardless of ballot items in the second primary.

Unaffiliated Voter Participation in Primaries (Section 17):

Under G.S. 163-119, if a political party chooses to allow unaffiliated voters to vote in the primary for that party, the party's State Executive Committee must deliver a resolution to the State Board by December 1 before each primary. For a party to withdraw its permission, the State Executive Committee must report the withdrawal of permission no later than December 1 before the primary.

If the party allows an unaffiliated voter to vote in the party's primary, the unaffiliated voter desiring to vote in that primary must state the party primary the voter wishes to vote in.

Section 17 would require political parties to allow unaffiliated voters to participate in that party's primary. Unaffiliated voters could not participate in more than one primary.

Write-In Votes (Section 18):

Under G.S. 163-123, a person may have votes counted as a write-in candidate in a general election if the person files a declaration of intent to be a candidate along with a small number of signatures on a written petition by the 90th day before the election. Individuals appearing on the primary ballot are not eligible to have votes counted for that individual as a write-in candidate for the same office in that year. The write-in qualification requirement does not apply in municipal elections.

Section 18 would provide that the write-in qualification requirement does not apply to special district elections or nonpartisan elections for boards of education.

Voter Assistance Log (Section 24):

Under G.S. 163-166.8, the following qualified voters are entitled to assistance with entering and exiting the voting booth and in casting a ballot:

- A voter who, on account of physical disability, is unable to enter the voting booth without assistance.

Senate Bill 747

Page 7

- A voter who, on account of physical disability, is unable to mark a ballot without assistance.
- A voter who, on account of illiteracy, is unable to mark a ballot without assistance.
- A voter who, on account of blindness, is unable to enter the voting booth or mark a ballot without assistance.

If entitled to assistance, a person authorized to assist the qualified voter must be one of the following: the voter's spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by the voter. The voter's employer or agent of that employer or an officer or agent of the voter's union is not eligible to assist the voter.

The qualified voter must request permission from the chief judge to have assistance, and if the chief judge determines that the assistance is appropriate, the chief judge must ask the voter to point out and identify the person the voter desires to provide the assistance. If that person is eligible to assist, the chief judge must request the person to render the assistance. The chief judge, one of the judges, or one of the assistants may assist the voter, if requested by the voter, and if it is not otherwise prohibited.

Section 24 would require precinct officials 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 would 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 signature of the individual.

Identification Proof for Certain First-Time Voters (Section 26):

Under G.S. 163-166.12, a voter registering by mail, who has not previously voted in an election with a federal ballot item, must provide one of the following forms of identification prior to voting in person:

- A current and valid photo ID.
- A copy of one of the following documents that shows the name and address of the voter: current utility bill, bank statement, government check, paycheck, or other government document (HAVA document).

A voter is exempted from showing identification if that individual included as part of the voter registration one of the forms of ID listed above, or his or her driver's license number, or the last four digits of his or her social security number which matched an existing State identification record.

Also exempt are overseas and military voters entitled to vote by absentee ballot under the Uniform Military and Overseas Voter Act (Article 21A of Chapter 163) and voters entitled to vote other than in-person under the federal Voting Accessibility for the Elderly and Handicapped Act.

The county board must note the type of identification submitted by the voter and may dispose of the copy of the identification given as soon as the type of proof is noted in the voter registration records. If the individual does not provide the required identification, the individual must vote a provisional ballot.

Section 26 would require the county board of elections to create a list denoting the voter, the method of voting by the voter, and type of identification proof submitted by the voter. This list would be a public record.

Cross-County Municipal Contests (Section 30):

Each county board of elections has jurisdiction over elections for the following:

- Offices of that county, including clerk of superior court and register of deeds.
- Membership in either house of the General Assembly from a district lying entirely within that county.

Senate Bill 747

Page 8

- Offices of municipalities.
- Referenda in which only residents of that county are eligible to vote.

The State Board has jurisdiction over all other elections in this State. The board with jurisdiction is responsible for canvassing for the entire electorate for the ballot item, preparing abstracts or composite abstracts for the entire electorate for the ballot item, and issuing certificates of nomination and election.

Section 30 would require the following for municipal races that cross county lines (such as when a municipality lies within more than one county):

- Each county board of elections with territory of that municipality within its jurisdiction to complete its canvass.
- The State Board to prepare a composite abstract and deliver that abstract to the affected county boards.
- Each of those affected county boards to issue a certificate of nomination or election to the candidate for municipal office that was elected in that election.

Revisions to Voter History (Section 33):

Section 33 would require the State Board to submit an annual report on any revisions to a voter's voter history record after an election has been certified. This report would be required to include the rationale for such revisions and must be submitted to the Joint Legislative Elections Oversight Committee and the Joint Legislative Oversight Committee on General Government.

Amendments to Electoral College Provisions (Section 34):

At the canvass, or as soon thereafter as possible, the State Board certifies the election of the slate of presidential electors who received the most votes. The State Board provides a copy of the certification of the election to the Secretary of State, who then sends the certification to the Governor. The Governor sets forth the names of persons chosen as presidential electors for this State and the number of votes cast for each in Certificates of Ascertainment. The Governor sends the Certificates of Ascertainment by registered mail to the Archivist of the United States before the electors meet. The electors attend a meeting on the first Monday after the second Wednesday in December after the presidential election to vote on behalf of the State for President and Vice President of the United States. G.S. 163-210.

3 U.S.C. § 7 provides: "The electors of President and Vice President of each State shall meet and give their votes on the first Tuesday after the second Wednesday in December next following their appointment at such place in each State in accordance with the laws of the State enacted prior to election day."

If the appointment of any presidential elector has not been proclaimed under G.S. 163-210 before noon on the sixth day before the electors are to meet, the General Assembly may fill the position of any presidential elector whose election is not yet proclaimed. If the General Assembly does not appoint by the day before the day the electors are to meet, then the Governor shall appoint that elector. If the proclamation is made any time before noon on the day the electors are to meet, then that proclamation shall control over an appointment made by the General Assembly or Governor.

Section 34 would change the date of the meeting of the electors to the first Tuesday after the second Wednesday in December after the election to be consistent with federal law. The section would also require the Certificates of Ascertainment be sent to the Archivist in the most expeditious method available and with a security feature for verifying its authenticity.

Senate Bill 747

Page 9

Mail-in Absentee Ballots (Sections 15, 35, 47):

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 is authorized to vote by absentee ballot in any primary or election conducted by the county board of elections. For those voters properly requesting a mail-in absentee application and ballots, applications and ballots are mailed or issued no earlier than 60 days prior to the statewide general election in an even-numbered year, or no earlier than 50 days in any other election.

Voting a Mail-In Absentee Ballot:

Upon receiving the completed request form, the county board must mail the voter a single package that includes the official ballots, a container-return envelope, and an instruction sheet. The application must be completed and signed by the voter personally, the ballots 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 and not a candidate or employee of certain adult care homes, or in front of a notary public. Both individuals must sign the absentee 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.

County boards must retain all applications made for absentee ballots for one year and make those applications available to inspection by the State Board or to any person upon the directive of the State Board. After one year, the applications may be destroyed.

Receipt of Marked Mail-In Absentee Ballot:

The sealed container-return envelope with the completed application and marked absentee ballot must be sent to the county board by mail or commercial courier service or delivered in person to an election official at an early voting site when that early voting site is open for voting. 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 and overseas voters, the ballots must be received by the county board of elections no later than the end of business on the business day before the day of canvass and may be transmitted electronically.

Approving Applications for Mail-In Absentee Ballots:

County boards are required to hold one or more public meetings each Tuesday at 5:00 p.m., beginning the fifth Tuesday before the election, for the purpose of acting on applications for mail-in absentee ballots, beginning on the fifth Tuesday before the election. At these meetings, the county board must determine whether the container-return envelope has been properly executed. If so, the county board must approve the application and allow for the envelope to be opened and the ballot to be counted at the designated time.

Counting of Mail-In Absentee Ballots:

The county board of elections may begin counting mail-in 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. The county board is to retain all container-return envelopes and absentee ballots

Senate Bill 747

Page 10

in a safe place for at least four months, and longer if any contest is pending concerning the validity of any ballot.

Challenges to Mail-In Absentee Ballot:

Any registered voter of the same precinct as an absentee voter may challenge that voter's absentee ballot. 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 may be challenged 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.

Bar Code for Tracking Voted Mail-In Absentee Ballot:

The State Board is required to include a bar code or other unique identifier on each container-return envelope for mail-in absentee ballots to allow the voted ballot to be tracked upon return by the voter by both the county board of elections and the voter.

The bill would do the following regarding mail-in absentee ballots:

- Require that, except for military and overseas voters, all completed applications and marked absentee ballots be returned to the county board by 7:30 P.M. on the day of the election, regardless of postmark. (Sec. 35)
- Allow mail-in absentee ballots received by the county board by 7:30 P.M. on election day to be challenged no later than 5:00 P.M. on the fifth business day after the election and allow any registered voter of the same county as the absentee voter to challenge that absentee voter's ballot. (Sec. 15)
- Require all absentee ballots received prior to election day to be counted on election day. Absentee ballots received on election day may be counted at a county board meeting between election day and the day of canvass. (Sec. 35)
- Require each witness witnessing an absentee ballot to print his or her name on the application. Failure to include a printed witness name would not invalidate the application if the identity of the individual can solely be identified by the witness's signature. (Sec. 35)
- Create a process for curing deficiencies in absentee ballots. The county board must notify the voter if the voter's container-return envelope contains a curable deficiency, such as if the voter failed to sign the voter certification, signed in the wrong spot, or failed to include photo ID. The identification of the two persons witnessing the casting of the absentee ballot would not be a curable deficiency. The voter would send in cure documentation no later than the end of business on the business day before canvass. Failure to include photo ID would be able to be cured via e-mail to the county board. If the voter cures the deficiency in a timely manner, the ballot would be counted. (Sec. 35)
- Require the State Board and county boards, at least once per primary or election, to publish on its website or in a mailing sent to voters the following:

Senate Bill 747

Page 11

- The date that absentee ballots are available for voting.
- The date that completed absentee ballot request forms must be received by a county board.
- The means by which the voter's marked absentee ballot must be returned to the county board.
- The date and time that marked absentee ballots must be received by the county board. (Sec. 35)
- Require the instruction sheets for absentee ballots to include the means by which the voter's marked absentee ballot must be returned to the county board and the date and time that the ballot must be received by the county board. (Sec. 35)
- Require the county boards to report the following to the State Board, and the State Board to publish on its website each day in a readable and usable format:
 - During each day of early voting:
 - The number of absentee ballots spoiled due to the voter voting in person at a voting site after requesting an absentee ballot.
 - The number of outstanding absentee ballots.
 - On the day after the day of the election:
 - The number of absentee ballots that have been counted.
 - The number of outstanding absentee ballots.
 - The number of provisional ballots cast. (Sec. 35)
- Require the State Board to educate the public regarding the new deadline for returning marked mail-in absentee ballots by including the information in any mailing sent to residential addresses in 2023 and 2024. (Sec. 47)

Election-Related Offenses (Sections 37-39):

G.S. 163-274 provides that certain election-related offenses are either Class 1 or Class 2 misdemeanors, and G.S. 163-275 provides that certain election-related offenses are Class I felonies.

It is a Class I felony for any person convicted of a crime which excludes the person from the right to vote, to vote at any primary or election without having his or her rights of citizenship restored.

Section 37 would, effective December 1, 2023, add two additional Class 1 misdemeanors:

- For any person to impersonate a precinct official while carrying out duties in registering voters or conducting an election.
- For any person other than the State Board or a county board (or an employee of either) to affix or print any identifier on any absentee ballot request form for the purpose of tracking that form.

Section 38 would add a knowing requirement to the Class I felony for voting in an election without the voter's right of citizenship restored, thus a person would have to vote in an election knowing that the voter's right of citizenship had not been restored in order to be guilty of the offense.

Section 39 would require the State Board to report violations in the administration of election laws and frauds and irregularities in elections to the State Bureau of Investigation for further investigation and prosecution. The State Bureau of Investigation would be required to investigate all cases arising from

Senate Bill 747

Page 12

frauds in connection with elections in the State. The State Board and county boards would be required to cooperate with and provide information to the State Bureau of Investigation in its investigations.

Remove Foreign Citizens from Voter Rolls (Section 44):

Chapter 9 of the General Statutes governs the process of summoning prospective jurors for trials of cases in superior and district courts, including the compilation of a jury list and the selection of jurors. With respect to juror service, the qualifications are codified in G.S. 9-3. With respect to voting, the qualifications are codified in G.S. 163-55. Some qualifications of prospective jurors under G.S. 9-3 overlap with qualifications to vote under G.S. 163-55; those are related to age, citizenship, residency, and criminal history.

G.S. 9-3. Qualifications of prospective jurors.

Qualified jurors must:

- Be a resident of the county where the summons was issued.
- Be at least 18 years old.
- Be physically and mentally competent.
- Be able to understand English.

Qualified jurors must NOT:

- Have served as a juror during the previous two years.
- Have served a full term as a grand juror in the last six years.
- Have a felony conviction unless citizenship rights have been restored. (Citizenship and voting rights are automatically restored upon completion of the sentence. No special document is needed.)

G.S. 163-55. Qualifications to vote; exclusion from electoral franchise.

Qualified voters must:

- Be registered to vote.
- Be a resident of the county, and prior to voting in an election, have resided at his or her residential address for at least 30 days prior to the date of the election.
- Be at least 18 years old, or will be at the time of the next general election, or be at least 16 years old and understand that he or she must be at least 18 years old on Election Day of the general election in order to vote.
- Rescind any previous registration in another county or state.

Individuals who have been adjudged guilty of a felony against this State or the United States are not qualified to vote unless citizenship rights have been restored.

G.S. 163-82.14 provides the process for periodic removal of ineligible voters from the voter registration rolls, including removal of deceased voters, those convicted of a felony, and those who have moved out of the county.

Section 44, effective July 1, 2024, would do the following:

- Codify the holding of the North Carolina Supreme Court in Hinton v. Hinton, 196 N.C. 341 (1928) requiring United States citizenship as a qualification for jury service.
- Require applications for excuses from jury duty to be made on a form developed and furnished by the Administrative Office of the Courts. It would allow a chief district court judge to delegate authority to the clerk of superior court to approve excusal requests.

Senate Bill 747

Page 13

- Establish processes for the clerk of superior court to retain the name and address provided by each person who requests to be excused from jury duty because the person is not qualified to serve as a juror, along with the reason for the request. The clerk would be required to maintain the records for the remainder of the biennium. The records retained by the clerk would not be public records.
- Require the clerk of superior court to record the name, address, date of birth, and other personal information from the master jury list, reason for the disqualification, and the date of disqualification if a person is disqualified from jury duty because the person states he or she is not a citizen of the United States. The clerk would be required to communicate this information to the State Board semi-annually. The State Board would be required to use this information to conduct efforts to remove names from the list of registered voters. This communication would be a public record, subject to redacting personal identifying information.
- Establish a process for removal of non-citizens excused from jury duty on that basis from voter registration rolls.
- Require list maintenance efforts to be conducted on a weekly basis.

Notice Regarding Photo ID to Vote (Section 45):

Section 45 would require the State Board and each county board to include a prominent notice regarding the requirement to show photo ID to vote in person on its website and provide the contents of that notice. This section would expire on December 31, 2024.

Study on Feasibility of Replacing Statewide Voter Registration System (Section 46):

Section 46 would require the Department of Information Technology to study and report to the General Assembly on or before March 1, 2024, as to the feasibility of replacing the statewide voter registration system. This study shall include the possibility of establishing periodic communications between state agencies for the purpose of list maintenance and voter registration.

Pilot Program for Signature Verification (Section 48):

Section 48 would require the State Board to select ten counties in the State in which to conduct a pilot program during the 2024 primary for signature verification on executed mail-in absentee ballots. The counties would be required to be diverse in population size, regional location, and demographic composition. The State Board would select the software that would be used for the signature verification. All absentee ballots that are otherwise eligible to be counted during the primary would be counted, regardless of any rejection by the signature verification software.

The selected county boards of elections would report to the State Board its findings during the 2024 primary. The State Board would compile the reports from the county boards and deliver its findings and recommendations to the General Assembly by May 1, 2024.

EFFECTIVE DATE: Except as otherwise provided, effective January 1, 2024, and applies to elections held on or after that date.