



# HOUSE BILL 958: Election Law Changes.

2025-2026 General Assembly

<b>Committee:</b>	House Election Law. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 26, 2025
<b>Introduced by:</b>	Reps. Blackwell, Stevens	<b>Prepared by:</b>	Erika Churchill, Jessica Sammons, Hillary Woodard, and William Brewer
<b>Analysis of:</b>	PCS to First Edition H958-CSBKe-8		Committee Co-Counsel

**OVERVIEW:** *The PCS to House Bill 958 would make various changes to the State's election laws.*

## CURRENT LAW & BILL ANALYSIS:

### Part I – Revisions to Ballot Counting Procedure

#### ***Counting of Early Voting Ballots:***

If ballots cast during the early voting period are counted electronically, those ballots must be counted at the time polls close on election day. If ballots cast during the early voting period are paper ballots and counted manually, then those ballots are counted at the same time as absentee ballots.

#### ***Counting of Absentee Ballots:***

G.S. 163-234(12) requires county boards of election (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. The county boards must 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.

#### ***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.

#### ***Curable Deficiencies:***

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

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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.

S.L. 2024-57 created 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.

Effective January 1, 2026, and applicable to elections held on or after that date, **Sections 1.1, 1.2, 1.3 and 1.4** would do all of the following:

- Allow county boards to begin counting early voting ballots and absentee ballots between the hours of 9:00 A.M. and 5:00 P.M. on election day upon the adoption of a resolution two weeks prior to the election stating the hour and place for the count. The county board would not be able to adjourn that meeting until the count of absentee ballots is complete.
- Extend the deadline for returning cure documentation for absentee and provisional ballots from noon on Friday after the election to noon on the Monday after the election.
- Allow county boards to take preparatory steps to count provisional ballots prior to election day, provided that the steps do not reveal the result of the count prior to the time of the closing of the polls. For voters casting a provisional ballot after completing an affidavit for lack of photo ID, if the county board has not found the affidavit to be valid within five business days after the election, the county board would have until canvass to determine whether to count the vote.
- Require any vote on the approval of an absentee or provisional ballot to be by majority vote of the county board.
- Extend the time for county boards to announce a tally of all absentee ballots cast to no later than the Monday after the election, except those absentee ballots subject to a challenge, those for which a final decision on a curable deficiency remains pending, or those cast in accordance with Article 21A of Chapter 163.

Effective December 1, 2025, and applicable to offenses committed on or after that date, **Section 1.5** would also make it a Class I felony for any person to reveal the result of any count of ballots prior to the close of polls on election day.

## **Part II – Various Election Administration Changes**

### ***Party Designations on Ballot:***

Each official ballot must contain certain information, including the title of each office, the number of votes allowed for each ballot item, the names of the candidates, and party designations in partisan ballot items. Effective January 1, 2026, and applicable to elections held on or after that date, **Section 2.1** would require that the party designations for partisan ballot items be printed in the same font type and size as the name of the candidate.

### ***Removal and Training of Precinct Officials:***

Precinct officials include the chief judge, judges of election, and assistants appointed to serve in an election. To be eligible to serve as a precinct official, a person must be a registered voter and a resident of the county where the precinct is located. Precinct officials cannot be a candidate in the election, hold an elective office, hold office with a political party, or be a manager or treasurer for a candidate or political

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party. Precinct officials must also comply with training requirements in accordance with the rules established by the State Board of Elections. (State Board)

Each county board has the authority to remove any precinct official, following notice and a hearing, for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or any other satisfactory cause. Removal of a precinct official may only occur when a majority of members of the county board are present and during an open meeting.

Effective January 1, 2026, and applicable to elections held on or after that date, **Section 2.2** would do the following:

- Clarify that a county board may remove any precinct official from their position at any time, including throughout the day of a primary or election, for incompetency or failure to discharge the duties of the office.
- Authorize a county board to prohibit a precinct official from serving as a precinct official in any subsequent election in an open meeting at which a majority of its members are present.
- Set a minimum number of at least six emergency election-day assistants that each county board would be required to appoint.
- Specify training requirements for precinct officials.

## ***Counting of Challenged Ballot of Deceased Voter:***

Any registered voter of the county may challenge the right of any person to register, remain registered, or vote in the county. Challenges can be made at any time, including during early voting and on the day of the primary or election and may be made based on residency, age, felony conviction, death, citizenship, or that a person is not who he or she represents himself or herself to be.

Effective January 1, 2026, and applicable to elections held on or after that date, **Section 2.3** would require that if a ballot challenge based on death of the voter was upheld, no portion of the challenged ballot would be counted if the voter died between the time the ballot was cast and 6:30 A.M. on election day.

## ***Disorderly Conduct at a Voting Place:***

It is a Class 1 misdemeanor to do any of the following:

- Make any rude or riotous noise or engage in any disorderly conduct in or near any public building or facility.
- Unlawfully write or scribble on, mark, deface, besmear, or injure the walls of any public building or facility, or any statue or monument situated in any public place.
- To commit any nuisance in or near any public building or facility.

Effective October 1, 2025, and applicable to offenses committed on or after that date, **Section 2.4** would expand the definition of "public building or facility" to include one that is temporarily in use as a voting site. As a result, it would be a Class 1 misdemeanor to violate any of the above-listed provisions. This section would be effective October 1, 2025, and apply to offenses committed on or after that date.

## ***Ban Rank Choice Voting:***

Rank choice voting is an election method that allows a voter the option to rank candidates for office in the order of the voter's preference. Effective January 1, 2026, and applicable to elections held on or after that date, **Section 2.5** would provide that rank choice voting is prohibited in any referendum, primary, or other election in North Carolina.

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## ***Require Return to Sender on Voter Registration Mailings:***

Effective January 1, 2026, and applicable to elections held on or after that date, **Section 2.6** would require that all mailings sent to applicants by county boards for the purpose of address verification and to registrants for purposes of list maintenance include a location on the mailing that can be marked to indicate that the applicant or registrant does not reside at the address given and that the notice should be returned to the sender.

## ***Closing of Equipment Following Early Voting:***

Effective January 1, 2026, and applicable to elections held on or after that date, **Section 2.7** would require that, at the close of the early voting period, any votes tabulated on voting equipment used at an early voting site must be kept in a secure, locked location by the county board until the time to count early voting ballots.

## **Part III – Role & Duty of the State Board**

### ***Role of the State Board in Voter Recruitment:***

Effective January 1, 2026, and applicable to elections held on or after that date, **Section 3.1** would prohibit anyone serving on the State Board from making any oral or written statements intended for general distribution supporting any political party over another, influencing voter turnout for a particular political party, and from encouraging or promoting voter turnout in any election. These prohibitions would also apply to any person serving on a county board.

### ***Authority in Election Litigation:***

The State Board has the authority to assist county boards in matters in which litigation is contemplated or has been initiated in accordance with all of the following:

- The county board requests assistance from the State Board by majority resolution.
- The State Board determines, by a majority vote, to assist in the matter.

However, the State Board is not authorized to provide assistance in litigation to counties except when the uniform administration of Chapter 163 has been or would be threatened.

In addition, the Attorney General has the authority to provide the State Board with legal assistance or, in the Attorney General's discretion, recommend that private counsel be employed. If the Attorney General determines that private counsel is needed, then the State Board may employ counsel with the approval of the General Assembly.

Effective when it becomes law and applicable to litigation existing on or after that date, **Section 3.2** would allow the State Board to employ staff counsel or retain private counsel to provide legal services. Private counsel could be retained for any of the following:

- Matters in which litigation is contemplated or initiated.
- Matters in which the State Board is assisting a county board with litigation.
- Matters arising in connection with the State Board's action under Chapter 163.
- Matters arising in connection with the Executive Director's actions under Chapter 163.

The State Board would be able to use any funds available to them to retain private counsel and would be required to supervise and manage any retained private counsel. Any communications or documents made or used in connection with the legal services by the retained counsel would not be considered public records.

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## ***Designation of Exempt Positions at the State Board of Elections:***

**Section 3.3** would provide that the Executive Director of the State Board would be authorized to exempt up to 25 State Board employees from the provisions of the North Carolina Human Resources Act by providing a letter to the Director of the Office of State Human Resources that designates the employees. Any exemptions made by the Executive Director would not affect the number of positions the State Auditor is authorized to exempt from the provisions of the North Carolina Human Resources Act. In addition, the total number of full-time positions in the Department of the State Auditor would not include the employees of the State Board.

## **Part IV – Revisions to Uniformed Military and Overseas Voter Act**

### ***Photo ID Required for UOCAVA Voters:***

Section 2 and Section 3 of Article VI of the North Carolina Constitution require that any voter offering to vote in person must present photo identification before voting. The General Assembly must enact laws establishing the requirements of such photo identification, which may include exceptions for this requirement.

G.S. 163-166.16 establishes the requirements for photo identification when offering to vote in person, setting forth the types of acceptable photo identification and exceptions including religious objections, reasonable impediments, and natural disasters. G.S. 163-230.1 also requires a voter casting an absentee ballot to submit a copy of their photo identification, or an affidavit of an exception, with their returned application and ballot.

Effective January 1, 2026, and applicable to elections held on or after that date, **Section 4.1** would provide that all voters voting in accordance with UOCAVA would have to submit a copy of their photo identification or an affidavit of an exception. The State Board would be required to provide the means for any identification to be electronically submitted in a secure manner.

## **Part V – Campaign Finance Revisions**

### ***48-Hour Report Requirements:***

Generally, the treasurer of each candidate and each political committee and the treasurer of each referendum committee is required to file a number of certain reports with the State Board. One of these reports is the 48-hour report. A political committee, political party, or an affiliated party committee that receives a contribution or transfer of funds is required to disclose, within 48 hours of receipt, a contribution or transfer of one thousand dollars or more received before an election but after the period covered by the last report due before that election. The disclosure is by report to the State Board identifying the source and amount of the funds. The State Board is required to specify the form and manner of making the report.

**Section 5.1** would do the following:

- Increase the reporting threshold for the 48-hour reporting requirement from \$1,000 to \$2,000 and require the State Board to increase the dollar amount of the reporting requirement effective each election cycle based on the Consumer Price Index. The State Board would set the revised threshold in October of the even-numbered year, publish the revised threshold in the North Carolina Register, and notify the Revisor of Statutes to adjust the dollar amount statutorily.
- Provide that the 48-hour report requirement would not apply to any candidate campaign committee in a primary election in which the candidate is unopposed on that ballot.

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## ***Contributions by Foreign Nationals in Referenda:***

G.S. 163-278.19A provides that a "person" can lawfully contribute to a referendum committee. A "person" is defined as any business entity, corporation, insurance company, labor union, or professional association.

Effective January 1, 2026, and applicable to contributions made or accepted on or after that date, **Section 5.2** would provide that a referendum committee is prohibited from accepting any contributions from foreign nationals. However, a referendum committee would be authorized to accept contributions from any business entity organized and operating in the United States that is wholly or majority owned by a foreign national or combination of foreign nationals if both of the following or met:

- The contribution is derived solely from funds generated by operations in the United States.
- All decisions concerning the referendum are made by an individual or group of individuals who are citizens or lawful permanent residents of the United States.

A "foreign national" would be defined as any of the following:

- An individual who is not a citizen or lawful permanent resident of the United States.
- A government of a foreign country, or political subdivision thereof.
- A foreign political party.
- Any business entity that is organized under the law of, or has its principal place of business in, a foreign country.
- Any business entity that is organized and operating in the United States, and is wholly or majority owned by a foreign national or combination of foreign nationals.

## **Part VI – Signature Verification Pilot Program for Absentee Ballots**

**Section 6** would require the State Board to select ten counties in the State in which to conduct a pilot program during the 2026 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, but the State Board would be authorized to select the same 10 counties that were selected for the pilot program in accordance with S.L. 2023-140. The State Board would also be required 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 required to be counted, regardless of any rejection by the signature verification software.

The selected county boards of elections would be required to report to the State Board their findings during the 2026 primary. The State Board would be required to compile the reports from the county boards and deliver its findings and recommendations to the General Assembly by May 1, 2026.

## **Part VII – Training for County Boards of Elections**

**Section 7.1** would require the UNC School of Government to work jointly with the State Board to develop a uniform curriculum for training county directors of elections and employees of county boards on the State's elections laws.

**Section 7.2** would require the State Board to partner with local community colleges to provide a location for any training conducted by the State Board and county board to be held.

**EFFECTIVE DATE:** Except as otherwise provided, this act is effective when it becomes law.