

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10694-LUe-177C

Short Title: Safeguarding Elections Act.

(Public)

Sponsors: Representative Buansi.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE VARIOUS CHANGES UNDER THE LAWS PERTAINING TO
ELECTIONS.

The General Assembly of North Carolina enacts:

**PART I. STATE PROTECTIONS AGAINST FEDERAL INTERFERENCE WITH
CONDUCT OF ELECTIONS**

SECTION 1. Article 22 of Chapter 163 of the General Statutes is amended by adding
a new section to read:

"§ 163-271.2. Interference with conduct of elections.

(a) A person acting under the color of law shall not order or authorize the presence of any troops or armed persons in the civil, military, or naval service of this State or the United States at any location used as a voting place, including any parking areas used for voting, beginning 17 days before an election through the close of the voting place on election day, unless such force is necessary to repel armed enemies of the United States. For purposes of this section, "color of law" means to act or purport to act in the performance of official duties under the authority of a statute, ordinance, regulation, rule, proclamation, or order of the United States or this State.

(b) Nothing in this section shall be construed to prevent any officer or member of any troops or the Armed Forces of this State or the United States from exercising the right to vote.

(c) This section shall not apply to (i) law enforcement whose presence is otherwise required by law or who is responding to a request for assistance regarding a specific emergency or disturbance that exists at the time the request for assistance is made or (ii) a request for assistance from an election officer with jurisdiction over the election process in question.

(d) Any person aggrieved by a violation of this section may bring an action for preventive relief, including an application in a district court for a permanent or temporary injunction, restraining order, or other order. In any action commenced pursuant to this section, the court, in its discretion, may allow the prevailing party reasonable attorneys' fees.

(e) In addition to any other fine or penalty imposed by this section, the court may order any person liable for violating this section to pay a civil penalty, the amount of which shall be determined by the court and be commensurate with the seriousness of the offense.

(f) This section shall be enforced in addition to any other existing civil and criminal penalties established under this Chapter."

**PART II. VOTER PROTECTIONS AGAINST INTIMIDATION, THREATS, OR
COERCION**



* D R H 1 0 6 9 4 - L U E - 1 7 7 C *

1 **SECTION 2.(a)** Article 22 of Chapter 163 of the General Statutes is amended by
2 adding the following new sections to read:

3 **"§ 163-275.1. Voter intimidation, threats, or coercion.**

4 (a) As used in this section, the following definitions shall apply:

5 (1) Coerce. – To compel another person's conduct using force or threat of force,
6 whether that force is physical or economic, and is judged not in isolation but
7 in the context and background of contemporaneous events.

8 (2) Intimidate. – To willfully engage in conduct without legal purpose that would
9 cause a reasonable person to fear for the person's safety or the safety of the
10 person's immediate family or close personal associates by placing the person
11 in fear of death, bodily injury, or continued harassment.

12 (3) Threaten. – To express an intention to harm another.

13 (b) Notwithstanding any other provision of law, any person who does any of the
14 following is guilty of a Class H felony:

15 (1) Threatens or attempts to threaten any person:

16 a. For voting or attempting to vote.

17 b. For voting or attempting to vote for or against a particular candidate.

18 c. For registering to vote.

19 d. For urging or aiding any individuals to vote or attempting to vote, as
20 allowed by law.

21 e. For exercising any lawful powers or duties as an election official or
22 enlisting another person to do the same.

23 For purposes of this subsection, a person shall be found to have threatened
24 another person if the person knew or reasonably should have known that his
25 or her actions would produce that effect.

26 (2) Knowingly challenges a person's right to vote on fraudulent or spurious
27 grounds.

28 (3) Engages in mass, indiscriminate, and groundless challenging of voters solely
29 for the purpose of preventing voters from voting or to delay the process of
30 voting or the lawful and orderly administration of an election.

31 (4) Fraudulently advises any person that the person is not eligible to vote or is not
32 registered to vote when in fact that person is eligible or registered to vote.

33 (c) Notwithstanding any other provision of law, an employer, whether a corporation or
34 natural person or any other person who employs, who shall, in paying its employees the salary
35 or wages due the employees, do any of the following shall be guilty of a Class H felony:

36 (1) Enclose the employees' pay in pay envelopes upon which or in which there is
37 written or printed the name of any candidate or any political mottoes, devices,
38 or arguments containing threats, express or implied, intended or calculated to
39 influence the political opinions or actions of the employees.

40 (2) In any way, express or implied, communicate that the employees' pay or
41 continued employment is conditioned on voting or not voting, or voting or not
42 voting for a specific candidate.

43 (d) Notwithstanding any other provision of law, any person who intimidates or coerces
44 or attempts to intimidate or coerce any person for any of the following is guilty of a Class A1
45 misdemeanor:

46 (1) Voting or attempting to vote.

47 (2) Voting or attempting to vote for or against a particular candidate.

48 (3) Urging or aiding any persons to vote or attempt to vote, as allowed by law.

49 (4) Exercising any lawful powers or duties as an election official or enlisting
50 another person for the purpose of doing the same.

For purposes of this subsection, a person shall be found to have intimidated or coerced another person if the person knew or reasonably should have known that his or her actions would produce that effect.

(e) This section applies to votes cast at in-person voting locations and early voting sites, absentee voting processes, and ballot return activities associated with vote by mail participation.

"§ 163-275.2. Right of action.

Any person aggrieved by a violation of G.S. 163-275.1 may bring an action for preventive relief, including an application in a district court for a permanent or temporary injunction, restraining order, or other order. In any action commenced pursuant to this section, the court, in its discretion, may allow the prevailing party reasonable attorneys' fees.

"§ 163-275.3. Restitution; Fund.

(a) In addition to any other fine or penalty imposed by this Article, the court may order any person convicted of violating this Article to pay a restitution fine, the amount of which shall be determined by the court and be commensurate with the seriousness of the offense. The moneys derived from the fine assessed pursuant to this subsection shall be deposited in the Voter Intimidation Restitution Fund created under subsection (b) of this section.

(b) The Voter Intimidation Restitution Fund (Fund) is hereby established in the State treasury. Upon appropriation by the General Assembly, moneys in the Fund shall be allocated to the State Board of Elections to be used in voter education campaigns addressing the specific crime committed by anyone convicted of violations of this Article. The funds shall also be used for the administrative costs associated with distribution of the Fund."

SECTION 2.(b) G.S. 163-274(a) reads as rewritten:

"(a) Class 2 Misdemeanors. – Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this subsection to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be unlawful to do any of the following:

...

(17) For any person to demand citizenship documentation from a voter other than what State law requires at any point during the voting process."

PART III. ELECTION OFFICIAL AND POLL WORKER INTIMIDATION

SECTION 3. Article 22 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-278.1. Intimidation, threats, or coercion of election workers; cause of action; penalties; immunity.

(a) Any person that intimidates, threatens, coerces, as those terms are defined in G.S. 163-275.1, or attempts to intimidate, threaten, or coerce an election worker with intent to impede, intimidate, or interfere with the election worker's official duties is liable in civil damages to the election worker for any injury or loss resulting from the intimidation, threats, or coercion. For purposes of this section, an election worker is any individual who is an election official, poll worker, or an election volunteer performing duties in connection with an election.

(b) Any person that violates subsection (a) of this section shall be fined not more than one hundred thousand dollars (\$100,000), imprisoned for not more than five years, or both.

(c) An election worker acting in good faith to prevent election interference or preserve ballot access in accordance with this section shall not incur liability."

PART IV. ADJUST CERTAIN EARLY VOTING HOURS

SECTION 4.(a) G.S. 163-166.35(d) reads as rewritten:

"(d) For all sites approved for early voting under this section, a county board of elections shall provide the following:

(1) Each early voting site across the county shall be open at that same location during the period required by G.S. 163-166.40(b).

- (2) If any early voting site across the county is opened on any day during the period required by G.S. 163-166.40(b), all early voting sites shall be open on that day.
- (3) On each weekday during the period required by G.S. 163-166.40(b), all early voting sites shall be open from 8:00 A.M. to 7:30 P.M.
- (4) ~~If the county board of elections opens early voting sites on Saturdays other than the last Saturday before the election during the period required by G.S. 163-166.40(b), then all early voting sites shall be open for the same number of hours uniformly throughout the county on those Saturdays.~~ On each Saturday before the election during the period required by G.S. 163-166.40(b), all early voting sites shall be open from 8:00 A.M. to 5:00 P.M.
- (5) ~~If the county board of elections opens early voting sites on Sundays during the period required by G.S. 163-166.40(b), then all early voting sites shall be open for the same number of hours uniformly throughout the county on those Sundays.~~ On each Sunday during the period required by G.S. 163-166.40(b), all early voting sites shall be open from 12:00 P.M. to 5:00 P.M.
- (6) ~~All early voting sites shall be open on the last Saturday before the election, for the hours required under G.S. 163-166.40(b) for that last Saturday."~~

SECTION 4.(b) G.S. 163-166.40(b) reads as rewritten:

"(b) Not earlier than the third Thursday before an election in which a voter seeks to vote and not later than ~~3:00 P.M.~~ 5:00 P.M. on the last Saturday before that election, the voter may appear in person only at the office of the county board of elections, except as provided in G.S. 163-166.35. A county board of elections shall conduct early voting on the last Saturday before the election from 8:00 A.M. until ~~3:00 P.M.~~ 5:00 P.M."

SECTION 4.(c) This section becomes effective January 1, 2027, and applies to elections held on or after that date.

PART V. DISQUALIFY ANY PUBLIC OFFICIAL WHO REFUSES TO CERTIFY ELECTION

SECTION 5. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 15C.

"Safeguard Fair Elections Act.

"§ 163-183. Short title.

This act shall be known as the "Safeguard Fair Elections Act."

"§ 163-183.1. Findings; purpose.

(a) The General Assembly makes the following findings:

- (1) Following the 2020 election, anti-democratic extremists tried to get election officials to lie about election results. In some cases, public officials either hesitated or outright refused to accept plainly truthful election results.
- (2) Scores of court cases and administrative challenges proved without doubt that the 2020 election was counted correctly and that the candidates who were certified as winners had fairly and honestly won.
- (3) Those same extremists have made it clear that they are preparing an election nullification strategy to implement in the near future, which is an outright subversion of the American democratic system.
- (4) Each public official, whether an elected official, a government employee, or a volunteer empowered to take official action, has a sacred responsibility to place loyalty to the Constitution, laws, and ethical principles above partisan politics.

(5) Efforts to subvert vote counting and the recognition of election winners are, by definition, destructive to our system of democracy and the rule of law. There can be no government "of, by and for the people" if officials are dishonest about election results.

(b) The purpose of this act is to protect the democratic system and rule of law.

"§ 163-183.2. Definitions.

For purposes of this Article, the following definitions apply:

(1) Clear and convincing evidence. – The evidence presented makes a fact highly probable or substantially more likely to be true than untrue.

(2) Official act. – A decision or action where a public official is acting for or on behalf of the State government or local government, or any branch of either government.

(3) Public official. – An individual legally authorized or permitted to execute laws or make decisions on behalf of any government, including any branch, subdivision, or agency of the State or any county, city, district, or other local government. "Public official" includes, but is not limited to, elected and appointed officials, government employees, and people who are officially selected or acknowledged as acting on behalf of the government, such as election judges and election poll workers.

"§ 163-183.3. Vote counting and election certification based on fact.

(a) No public official shall perform or communicate the intention to perform an official act in which that official, without clear and convincing evidence, refuses to certify the actual results or count of an election.

(b) If any public official performs or communicates the intention to perform an official act in violation of subsection (a) of this section, the performance or communication shall constitute an automatic resignation from office and any official act in violation of subsection (a) of this section considered null and void.

(c) A willful violation of subsection (a) of this section shall be a Class 1 misdemeanor, punishable by a fine of up to ten thousand dollars (\$10,000).

(d) This section shall be enforced in addition to any other existing civil and criminal penalties established under this Chapter."

PART VI. PROHIBITING THIRD-PARTY FORENSIC AUDIT

SECTION 6.(a) G.S. 163-182.12A reads as rewritten:

"§ 163-182.12A. Post-election audits.

(a) After conducting a post-election audit for each election as required by this Chapter, except for a general election, the State Board shall produce a report which summarizes the audit, including the rationale for and the findings of the audit. After conducting a post-election audit for a general election, the State Board shall produce a report which shall include all of the following:

(1) A summary of the types of post-election audits required by law and the requirements for conducting each of the audits.

(2) A summary of the results of each of the post-election audits described in subdivision (1) of this subsection.

(3) A detailed description of each of the post-election audits described in subdivision (1) of this subsection, including any issues that could have affected the outcome of the election and the manner in which those issues were resolved.

(4) A description of any systemic issues that were identified during the post-election audits and any recommendations on the manner in which those issues should be addressed to ensure election security and integrity.

- (5) The ways in which the public were allowed to observe and comment on the conduct of the post-election audits, as authorized by law.
- (6) Any other matters deemed appropriate by the State Board.
- (a1) When conducting post-election audits, the State Board shall implement best practices to ensure, at a minimum, each audit complies with the following:
- (1) Is conducted by nonpartisan officials with expertise in elections.
- (2) Is routine and conducted prior to State certification.
- (3) Is transparent and open to the public.
- (4) Preserves the integrity of election systems and voting equipment.
- (5) Preserves ballot secrecy and voter privacy.
- (6) Is conducted according to statistically sound methodology.
- (7) Requires that any State or county procedures governing audits be established before election day and before results are known.
- (a2) No public official shall provide funding for or participate in a post-election audit or review that fails to comply with the best practices required by this section.
- (b) Each report required by subsection (a) of this section shall be submitted to the Joint Legislative Elections Oversight Committee and the Joint Legislative Oversight Committee on General Government within 10 business days of the date the audit is completed."

SECTION 6.(b) Article 15A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-182.12B. Risk-limiting audits.

In addition to any other audits required under State or federal law, the State Board shall conduct a risk-limiting audit after the general election in each county in accordance with requirements established by the State Board. However, an audit conducted in accordance with this section shall not change the results of an election. For purposes of this section, a "risk-limiting audit" is a hand-to-eye recount of a randomly selected sample of ballots in a contest that provides strong statistical evidence that the machine-counted results are correct and is based on a "risk-limit"; the largest chance that an incorrect outcome of a contest could escape correction by the audit."

PART VII. PREVENT IMPEDIMENT/INTERFERENCE WITH ELECTION PROCESS

SECTION 7.(a) G.S. 163-45.1 reads as rewritten:

"§ 163-45.1. Observers.

...

(b1) Persons appointed as observers shall complete training before acting as an observer and complete additional training at least once every two years, as applicable. The State Board shall establish training standards and requirements for observers.

...

(d) The chief judge at each voting place may use reasonable methods to verify the identity of individuals appearing at the voting place to serve as an observer. The State Board ~~may~~ shall require an observer to wear an identification tag or badge to make voters and election officials aware of the observer's role in the voting place. The tag or badge shall include the observer's name, role, and partisan affiliation.

(e) No more than three observers from the same political party shall be in the voting enclosure at any time. Observers appointed to serve at a particular voting place may be relieved during the day after serving no less than four hours. Observers appointed to serve countywide or statewide may be relieved anytime throughout the day. Observers shall not appear on the ballot as a candidate or serve as an election official in the primary or election in which the observer is serving as an observer. ~~Observers shall take no oath of office.~~

...

(h) Observers shall sign a sworn oath that the observer shall not do any of the following inside the voting place:

- (1) Look at, photograph, videotape, or otherwise record the image of any voter's marked ballot.
- (2) Impede the ingress or egress of any voter into the voting place.
- (3) Inhibit or interfere with any election official in the performance of his or her duties, including interfering with the transport of sealed ballot boxes, election equipment, or election results to the county board of elections.
- (4) Engage in electioneering.
- (5) Make or receive phone calls while in the voting place.

...."

SECTION 7.(b) During the conduct of elections, the State Board of Elections, in collaboration with county boards of elections, shall do each of the following:

- (1) Ensure election administrators are adequately compensated equitably throughout the State to reduce attrition and loss of institutional knowledge.
- (2) Ensure clear and conspicuous notices are placed at voting locations establishing clear rights and responsibilities for voters, poll workers, and observers.
- (3) Develop a statewide, uniform system of reporting incidents of voter intimidation anonymously.

PART VIII. VOTER PROTECTION AND RELIANCE ACT

SECTION 8.(a) Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 15B.

"Voter Protection and Reliance Act.

"§ 163-182.50. Title; purpose.

(a) This Article shall be known and may be cited as the "Voter Protection and Reliance Act."

(b) The General Assembly finds that a voter relies on the election procedures that are in place and established when the voter casts the voter's ballot. Belated changes to voting procedures, after a voter has relied on those procedures while voting, violate the voter's good-faith reliance and right to vote. To that end, the purpose of this Article is to ensure challenges to the rules and practices governing elections are made well in advance of each election by (i) prohibiting the discounting of ballots cast in compliance with the laws established and understood at the time of an election and (ii) accelerating litigation filed shortly before a pending election or after an election is held.

"§ 163-182.51. Right to vote under prevailing law and procedures.

(a) Every citizen of this State has the right to cast a ballot and have their vote counted based on the laws and established election procedures in place on election day. No law or interpretation of law that was not effective, or election procedure that was not established, on election day shall operate to deny or abridge this right.

(b) No administrative body, court, or official may exclude a vote from canvass, fail to certify an election, withhold a certificate of election, or fail to seat a prevailing candidate by excluding votes based on a law, judicial ruling, or legal interpretation that was not in effect on election day or an election procedure that was not established by election day.

(c) In any civil action filed in a State court, a protest before the State Board or a county board of elections, or other proceeding, the adjudicator shall deem a law effective and an election procedure established when either of the following applies:

(1) It is a constitutional provision adopted, statute enacted, or regulation codified before election day and as it was administered in any directive or administrative memorandum on election day.

(2) It is a directive, administrative memorandum, including a "numbered memo," procedure, or established pattern or practice of the State Board or a county board of elections that was in place on election day.

(d) In applying the provisions of this section, the adjudicator shall construe facts and draw inferences in favor of finding that the election procedure was established, based on voter reliance and the availability of legislative or judicial recourse before election day. If election procedures were allegedly in conflict on election day, the adjudicator shall construe those procedures in favor of the voter based on an understanding of the procedures as relied on by that voter.

(e) In the event there is a change in election procedure during the absentee or early voting period or during election day, the adjudicator shall apply the established election procedure in effect at the time a given ballot was cast, an application was made for a provisional ballot, or an absentee ballot was submitted by the voter.

(f) Nothing in this section shall be construed to prevent any eligible voter from challenging the unlawful denial of the voter's right to register to vote, cast a ballot, or have the voter's ballot counted in any election.

"§ 163-182.52. Expedited procedures for litigation within certain time frame of an election.

(a) This section applies to (i) any covered action filed within 90 days before the earliest date absentee ballots may be mailed for an election or (ii) a covered action filed post-election that seeks to challenge the outcome of an election. For purposes of this section, "covered action" means any civil action filed in a State court, as well as a protest at the State Board or a county board of elections level, challenging the general applicability, meaning, interpretation, validity, or understanding of any established election procedure, as described in G.S. 163-182.51(c).

(b) Jurisdiction. – All covered actions instituted under this section shall be filed in the Superior Court of Wake County unless the action pertains to an established election procedure solely of a single county board of elections.

(c) When Three-Judge Panel Applies. – When a single superior court judge determines that a covered action falls within Rule 42, under the Rules of Civil Procedure, the judge shall order a transfer under Rule 42 immediately and the Chief Justice shall appoint a three-judge panel within five days of the Superior Court ordering the transfer.

(d) Expedited Procedures. – Upon filing a covered action under this section, the plaintiff shall serve the State Board or other appropriate election authority within 24 hours and the court shall hold an initial scheduling conference within five days of the filing. The court may shorten normal response deadlines and move the case to the front of its docket. Any appeals shall be heard on an expedited schedule."

SECTION 8.(b) G.S. 163-182.9(b) reads as rewritten:

"(b) How Protest May Be Filed. – The following principles shall apply to the filing of election protests with the county board of elections:

...

(5) No protest challenging a voter's registration shall be sustained to invalidate a cast ballot or prevent a voter from voting where the alleged error in an accepted registration is a technical or clerical error, such as an incomplete form, on which the voter detrimentally relied, unless the protester demonstrates that the voter was in fact ineligible to vote at the time of registration."

PART IX. VOTER INTIMIDATION ADVISORY COMMITTEE/UNIFORM PROCEDURES FOR COLLECTION OF COMPLAINTS AND TRAINING

SECTION 9.(a) G.S. 163-22 is amended by adding a new subsection to read:

"(u) The State Board shall create a standing, community-led advisory committee under the State Board's authority to monitor risks and recommend mitigation strategies regarding voter intimidation. The State Board shall establish the process and criteria for individuals selected to serve on the committee. In selecting members to serve on the committee, the State Board shall include members from community organizations, election administrators, disability access advocates, and language-access partners."

SECTION 9.(b) The State Board of Elections shall develop and implement each of the following:

- (1) A statewide, standardized process for the uniform collection, classification, and public reporting of intimidation complaints across local boards of elections.
- (2) Scenario-based voter intimidation prevention and de-escalation training that is required for election official and poll workers and addresses, at a minimum, each of the following:
 - a. Voter intimidation response protocols.
 - b. Observer interference.
 - c. Mass challenges, which for purposes of this subsection occur when one or more individuals challenge the voter eligibility of a large number of other individuals who the challenger or challengers do not know or frequently have never met.
 - d. Law enforcement interaction procedures.

PART X. CODIFY 90-DAY PROTECTION RULE REGARDING VOTER CHALLENGES/REQUIRE VOTER NOTICE OF ABSENTEE BALLOT CHALLENGES

SECTION 10.(a) G.S. 163-85 reads as rewritten:

"§ 163-85. Challenge procedure other than on day of primary or election.

(a) Right to Challenge; When Challenge May Be Made. – Any registered voter of the county may challenge the right of any person to register, remain registered or vote in such county. No such challenge may be made after ~~the twenty-fifth day~~ 90 days before each primary, general, or special ~~election~~ election, unless otherwise required by federal law.

(b) Challenges Shall Be Made to the County Board of Elections. – Each challenge shall be made separately, in writing, under oath and on forms prescribed by the State Board of Elections, and shall specify the reasons why the challenged voter is not entitled to register, remain registered, or vote. When a challenge is made, the board of elections shall cause the word "challenged" to be written in pencil on the registration records of the voter challenged. The challenge shall be signed by the challenger and shall set forth the challenger's address.

(c) Grounds for Challenge. – Such challenge may be made only for one or more of the following reasons:

- (1) That a person is not a resident of the State of North Carolina, or
- (2) That a person is not a resident of the county in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or
- (3) That a person is not a resident of the precinct in which the person is registered, provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days, or
- (4) That a person is not 18 years of age, or if the challenge is made within 60 days before a primary, that the person will not be 18 years of age by the next general election, or
- (5) That a person has been adjudged guilty of a felony and is ineligible to vote under G.S. 163-55(2), or
- (6) That a person is dead, or

(7) That a person is not a citizen of the United States, or

(8) With respect to municipal registration only, that a person is not a resident of the municipality in which the person is registered, or

(9) That the person is not who he or she represents himself or herself to be.

(d) Preliminary Hearing. – When a challenge is made, the county board of election shall schedule a preliminary hearing on the challenge, and shall take such testimony under oath and receive such other evidence proffered by the challenger as may be offered. The burden of proof shall be on the challenger, and if no testimony is presented, the board shall dismiss the challenge. If the challenger presents evidence and if the board finds that probable cause exists that the person challenged is not qualified to vote, then the board shall schedule a hearing on the challenge. Notices of the preliminary hearing shall be provided in the voter's language of record where available.

(e) Prima Facie Evidence That Voter No Longer Resides in Precinct. – The presentation of a letter mailed by returnable first-class mail to the voter at the address listed on the voter registration card and returned because the person does not live at the address shall constitute prima facie evidence that the person no longer resides in the precinct."

SECTION 10.(b) G.S. 163-89 reads as rewritten:

"§ 163-89. Procedures for challenging absentee ballots.

(a) Time for Challenge. – The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(1) may be challenged no later than 5:00 P.M. on the fifth business day after the primary or general election or county bond election. The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(2) may be challenged no later than 5:00 P.M. on the next business day following the deadline for receipt of such absentee ballots.

(b) Who May Challenge. – Any registered voter of the same county as the absentee voter may challenge that voter's absentee ballot.

(c) Form and Nature of Challenge. – Each challenged absentee ballot shall be challenged separately. The burden of proof shall be on the challenger. Each challenge shall be made in writing and, if they are available, shall be made on forms prescribed by the State Board of Elections. Each challenge shall specify the reasons why the ballot does not comply with the provisions of this Article or why the absentee voter is not legally entitled to vote in the particular primary or election. The challenge shall be signed by the challenger.

(d) To Whom Challenge Addressed; to Whom Challenge Delivered. – Each challenge shall be addressed to the county board of elections. It may be filed with the board at its offices or with the chief judge of the precinct in which the challenger and absentee voter are registered. If it is delivered to the chief judge, the chief judge shall personally deliver the challenge to the ~~chairman~~ chair of the county board of elections on the day of the county canvass.

(e) Hearing Procedure. – All challenges filed under this section shall be heard by the county board of elections on the day set for the canvass of the returns. All members of the board shall attend the canvass and all members shall be present for the hearing of challenges to absentee ballots.

Before the board hears a challenge to an absentee ballot, the ~~chairman~~ chair shall (i) mark the word "challenged" after the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee ~~voters~~ voters and (ii) provide written notice to the challenged voter that includes the basis for the challenge, the required response steps, and deadlines for resolution.

The ~~After meeting the notice and response deadlines required by this subsection, when the board is ready to proceed with a hearing on the challenge, the~~ board then shall hear the challenger's reasons for the challenge, and it shall make its decision without opening the container-return envelope or removing the ballots from it.

1 The board shall have authority to administer the necessary oaths or affirmations to all
2 witnesses brought before it to testify to the qualifications of the voter challenged or to the validity
3 or invalidity of the ballot.

4 If the challenge is sustained, the ~~chairman~~ chair shall mark the word "sustained" after the
5 word "challenged" following the voter's name in the register of absentee ballot applications and
6 ballots issued and in the pollbook of absentee voters; the voter's ballots shall not be counted; and
7 the container-return envelope shall not be opened but shall be marked "Challenge Sustained." All
8 envelopes so marked shall be preserved intact by the ~~chairman~~ chair for a period of six months
9 from canvass day or longer if any contest then is pending concerning the validity of any absentee
10 ballot.

11 If the challenge is overruled, the absentee ballots shall be removed from the container-return
12 envelopes and counted by the board of elections, and the board shall adjust the appropriate
13 abstracts of returns to show that the ballots have been counted and tallied in the manner provided
14 for unchallenged absentee ballots.

15 If the challenge was delivered to the board by the chief judge of the precinct and was
16 sustained, the board shall reopen the appropriate ballot boxes, remove such ballots, determine
17 how those ballots were voted, deduct such ballots from the returns, and adjust the appropriate
18 abstracts of returns.

19 Any voter whose ballots have been challenged may, either personally or through an
20 authorized representative, appear before the board at the hearing on the challenge and present
21 evidence as to the validity of the ballot."
22

23 **PART XI. ADDITIONAL PROTECTIONS FOR PERSONALLY IDENTIFIABLE** 24 **INFORMATION**

25 **SECTION 11.** G.S. 163-82.10(a1) reads as rewritten:

26 "(a1) Personal Identifying Information. – Full or partial social security numbers; dates of
27 birth; the identity of the public agency at which the voter registered under G.S. 163-82.20; any
28 email address submitted under this Article, Article 20, or Article 21A of this Chapter;
29 photographs for voter photo identification under G.S. 163-82.8A; photocopies of identification
30 for voting; and drivers license numbers, whether held by the State Board or a county board of
31 elections, are confidential and shall not be considered public records and subject to disclosure to
32 the general public under Chapter 132 of the General Statutes. Cumulative data based on those
33 items of information may be publicly disclosed as long as information about any individual
34 cannot be discerned from the disclosed data. The State Board or a county board of elections shall
35 not disclose any information described under this subsection pursuant to a request by the federal
36 government or a federal agency or federal department without a court order or an arrest warrant
37 signed by a judge. Disclosure of information in violation of this subsection shall not give rise to
38 a civil cause of action. This limitation of liability does not apply to the disclosure of information
39 in violation of this subsection as a result of gross negligence, wanton conduct, or intentional
40 wrongdoing that would otherwise be actionable."
41

42 **PART XII. CLARIFICATION/CANVASSING REQUIREMENTS**

43 **SECTION 12.** G.S. 163-182.5 reads as rewritten:

44 **"§ 163-182.5. Canvassing votes.**

45 (a) The Canvass. – As used in this Article, the term "canvass" means the entire process
46 of determining that the votes have been counted and tabulated correctly, culminating in the
47 authentication of the official election results. The board of elections conducting a canvass has
48 authority to send for papers and persons and to examine them and pass upon the legality of
49 disputed ballots.

50 (b) Canvassing by County Board of Elections. – The county board of elections shall meet
51 at 11:00 A.M. on the tenth day after every election to complete the canvass of votes cast and to

1 authenticate the count in every ballot item in the county by determining that the votes have been
2 counted and tabulated correctly. If, despite due diligence by election officials, the initial counting
3 of all the votes has not been completed by that time, the county board may hold the canvass
4 meeting a reasonable time thereafter. The canvass meeting shall be at the county board of
5 elections office, unless the county board, by unanimous vote of all its members, designates
6 another site within the county. The county board shall examine the returns from precincts, from
7 absentee official ballots, from the sample hand-to-eye paper ballot counts, and from provisional
8 official ballots and shall conduct the canvass.

9 (c) Canvassing by State Board of Elections. – After each general election, the State Board
10 of Elections shall meet at 11:00 A.M. on the Tuesday three weeks after election day to complete
11 the canvass of votes cast in all ballot items within the jurisdiction of the State Board of Elections
12 and to authenticate the count in every ballot item in the county by determining that the votes have
13 been counted and tabulated correctly. After each primary, the State Board shall fix the date of its
14 canvass meeting. If, by the time of its scheduled canvass meeting, the State Board has not
15 received the county canvasses, the State Board may adjourn for not more than 10 days to secure
16 the missing abstracts. In obtaining them, the State Board is authorized to secure the originals or
17 copies from the appropriate clerks of superior court or county boards of elections, at the expense
18 of the counties.

19 (d) Notwithstanding any provision of law to the contrary, throughout the canvassing
20 period, a county board of elections or the State Board, as appropriate, may verify voter eligibility
21 and count provisional ballots through its canvass meeting at 11:00 A.M. on the tenth day after
22 the election. If a county board of elections identifies a deficiency, a voter who has voted a
23 provisional ballot or an absentee ballot shall be allowed to correct such a deficiency through 5:00
24 P.M. on the day before the tenth day after the election."

25 26 **PART XIII. EFFECTIVE DATE**

27 **SECTION 13.** This act is effective when it becomes law and applies to elections
28 held on or after that date.