

## **SUBCHAPTER VII. ABSENTEE VOTING.**

### **Article 20.**

#### **Absentee Ballot.**

##### **§ 163-226. Who may vote an absentee ballot.**

(a) Who May Vote Absentee Ballot; Generally. – Any qualified voter of the State may vote by absentee ballot in a statewide primary, general, or special election on constitutional amendments, referenda or bond proposals, 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, in the manner provided in this Article.

(b) Annual Request by Person With Sickness or Physical Disability. – If the applicant reports that the voter has a sickness or physical disability that is expected to last the remainder of the calendar year, the voter may request to vote by mail-in absentee ballot for all of the primaries and elections held during the calendar year when the completed written request under G.S. 163-230.1 is received.

(c) Repealed by Session Laws 2019-136, s. 1, effective July 19, 2019, and applicable to fire district elections held on or after that date.

(d) The Term "Election". – As used in this Article, unless the context clearly requires otherwise, the term "election" includes a general, primary, second primary, runoff election, bond election, referendum, or special election.

(e) The Term "Verifiable Legal Guardian." – An individual appointed guardian under Chapter 35A of the General Statutes. For a corporation appointed as a guardian under that Chapter, the corporation may submit a list of 10 named individuals to the State Board of Elections who may act for that corporation under this Article.

(f) For the purpose of this Article, "near relative" means spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild. (1939, c. 159, s. 1; 1963, c. 457, s. 1; 1967, c. 775, s. 1; c. 952, s. 1; 1973, c. 536, s. 1; c. 1018; 1977, c. 469, s. 1; 1979, c. 140, s. 1; 1995 (Reg. Sess., 1996), c. 561, s. 1; c. 734, s. 5; 1999-455, s. 1; 2001-337, s. 1; 2001-507, s. 1; 2013-381, s. 4.5; 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2019-136, s. 1; 2019-239, ss. 1.2(a), 1.3(b).)

##### **§ 163-226.1. Absentee voting in primary.**

A qualified voter may vote by absentee ballot in a partisan primary provided the qualified voter is affiliated, at the time the qualified voter makes application for absentee ballots, with the political party in whose primary the qualified voter wishes to vote, except that an unaffiliated voter may vote in a party primary if permitted under G.S. 163-119. The official registration records of the county in which the voter is registered shall be proof of whether the qualified voter is affiliated with a political party and of the party, if any, with which the qualified voter is affiliated. (1977, c. 469, s. 1; 1999-455, s. 2; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

##### **§ 163-226.2. Absentee voting in municipal elections.**

Absentee voting by qualified voters residing in a municipality shall be in accordance with the authorization specified in G.S. 163-302. (1977, c. 469, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

##### **§ 163-226.3. Certain acts declared felonies.**

(a) Any person who, in connection with absentee voting in any election held in this State, violates any of the provisions of this section is guilty of a Class I felony. It shall be unlawful to do any of the following:

- (1) For any person except the voter's near relative or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance.
- (2) Repealed by Session Laws 2023-140, s. 35, effective January 1, 2024, and applicable to elections on or after that date.
- (3) For a voter who votes a ballot in accordance with Part 5 of Article 14A of this Chapter to vote that voter's ballot outside of the voting booth or private room provided to the voter for that purpose or to receive assistance except as provided in Article 14A of this Chapter.
- (4) For any owner, manager, director, employee, or other person, other than the voter's near relative or verifiable legal guardian, to (i) make a written request pursuant to G.S. 163-230.1 or (ii) sign an application or certificate as a witness, on behalf of a registered voter, who is a patient in any hospital, clinic, nursing home or rest home in this State or for any owner, manager, director, employee, or other person other than the voter's near relative or verifiable legal guardian, to mark the voter's absentee ballot or assist such a voter in marking an absentee ballot. This subdivision does not apply to members, employees, or volunteers of the county board of elections, if those members, employees, or volunteers are working as part of a multipartisan team trained and authorized by the county board of elections to assist voters with absentee ballots. Each county board of elections shall train and authorize such teams, pursuant to procedures which shall be adopted by the State Board. If neither the voter's near relative nor a verifiable legal guardian is available to assist the voter, and a multipartisan team is not available to assist the voter within seven calendar days of a telephonic request to the county board of elections, the voter may obtain such assistance from any person other than (i) an owner, manager, director, employee of the hospital, clinic, nursing home, or rest home in which the voter is a patient or resident; (ii) an individual who holds any elective office under the United States, this State, or any political subdivision of this State; (iii) an individual who is a candidate for nomination or election to such office; or (iv) an individual who holds any office in a State, congressional district, county, or precinct political party or organization, or who is a campaign manager or treasurer for any candidate or political party; provided that a delegate to a convention shall not be considered a party office. None of the persons listed in (i) through (iv) of this subdivision may sign the application or certificate as a witness for the patient.
- (5) For any person to take into that person's possession for delivery to a voter or for return to a county board of elections the absentee ballot of any voter, provided, however, that this prohibition shall not apply to a voter's near relative or the voter's verifiable legal guardian.

(6) Except as provided in subsections (1), (2), (3) and (4) of this section and G.S. 163-231(a), for any voter to permit another person to assist the voter in marking that voter's absentee ballot, to be in the voter's presence when a voter votes an absentee ballot, or to observe the voter mark that voter's absentee ballot.

(b) The State Board or a county board of elections, upon receipt of a sworn affidavit from any qualified voter of the State or the county, as the case may be, attesting to first-person knowledge of any violation of subsection (a) of this section, shall transmit that affidavit to the appropriate district attorney, who shall investigate and prosecute any person violating subsection (a).

(c) For the purposes of this section, a "multipartisan team" shall consist of at least two registered voters of the county. The two political parties having the highest number of affiliated voters in the State, as reflected by the registration statistics published by the State Board on January 1 of the current year, shall each be represented by at least one team member of the party's affiliation, as recommended by the members of that political party serving on the county board of elections. If the team consists of more than two members, voters who are unaffiliated or affiliated with other political parties recognized by the State may be team members. If a county board of elections finds an insufficient number of voters available to meet this requirement, the county board of elections, upon a unanimous vote of all of its sworn members, may appoint an unaffiliated team member to serve instead of a team member representing one of the two political parties having the highest number of affiliated voters in the State. (1979, c. 799, s. 4; 1983, c. 331, s. 2; 1985, c. 563, s. 4; 1987, c. 565, s. 7; c. 583, ss. 8, 10; 1995, c. 243, s. 1; 1999-455, s. 3; 2005-428, s. 5(b); 2007-391, s. 29(a); 2013-381, s. 4.6(a); 2014-111, s. 15(a); 2017-6, s. 3; 2018-144, s. 3.4(d); 2018-146, s. 3.1(a), (b); 2020-17, s. 2.5(a); 2023-140, s. 35.)

**§ 163-227. Repealed by Session Laws 1999-455, s. 4, effective January 1,**

**§ 163-227.1. Second primary; applications for absentee ballots for voting in second primary.**

A voter applying for an absentee ballot for a primary election who will be eligible to vote under this Article on the day of the primary and second primary shall be permitted by the county board of elections to indicate that fact on that voter's application and that voter shall automatically be issued an application and absentee ballot for the second primary if one is called. The county board of elections shall consider that indication a separate request for application for the second primary and, at the proper time, shall enter that voter's name in the absentee register along with the listing of other applicants for absentee ballots for the second primary.

In addition, a voter entitled to absentee ballots under the provisions of this Article who did not make application for the primary or who failed to apply for a second primary ballot at the time of application for a first primary ballot may make a written request for absentee ballots for a second primary not earlier than the day a second primary is called and not later than the date and time provided by G.S. 163-230.1.

All procedures with respect to absentee ballots in a second primary shall be the same as with respect to absentee ballots in a first primary except as otherwise provided by this section. (1973, c. 536, s. 1; 1977, c. 469, s. 1; 1981, c. 560, s. 1; 1985, c. 600, s. 3; 1999-455, s. 5; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

**§ 163-227.2: Recodified as G.S. 163-166.40 by Session Laws 2023-140, s. 1(a), effective January 1, 2024, and applicable to elections on or after that date.**

**§ 163-227.3. Recodified as G.S. 163-227.10 at the direction of the Revisor of Statutes.**

**§ 163-227.4. Repealed by Session Laws 2018-144, s. 3.1(j), effective December 19, 2018.**

**§ 163-227.5: Recodified as G.S. 163-166.45 by Session Laws 2023-140, s. 1(b), effective January 1, 2024, and applicable to elections on or after that date.**

**§ 163-227.6: Recodified as G.S. 163-166.35 by Session Laws 2023-140, s. 1(c), effective January 1, 2024, and applicable to elections on or after that date.**

**§ 163-227.7. Reserved for future codification.**

**§ 163-227.8. Reserved for future codification.**

**§ 163-227.9. Reserved for future codification.**

**§ 163-227.10. Date by which absentee ballots must be available for voting.**

(a) A board of elections shall provide absentee ballots of the kinds needed 60 days prior to the statewide general election in even-numbered years and 50 days prior to the date on which any other election shall be conducted, unless 45 days is authorized by the State Board under G.S. 163-22(k) or there shall exist an appeal before the State Board or the courts not concluded, in which case the board shall provide the ballots as quickly as possible upon the conclusion of such an appeal. Provided, in a presidential election year, the board of elections shall provide general election ballots no later than three days after nomination of the presidential and vice presidential candidates if that nomination occurs later than 63 days prior to the statewide general election and makes compliance with the 60-day deadline impossible. However, in the case of municipal elections, absentee ballots shall be made available no later than 30 days before an election. In every instance the board of elections shall exert every effort to provide absentee ballots, of the kinds needed by the date on which absentee voting is authorized to commence.

(b) The board of elections shall provide absentee ballots, of the kinds needed, as quickly as possible after the ballot information for a second primary has been determined.

(c) At least once per primary or election, each county board of elections and the State Board shall publish on its website or in any mailing sent to voters the date by which absentee ballots are available for voting. (1973, c. 1275; 1977, c. 469, s. 1; 1985 (Reg. Sess., 1986), c. 986, s. 2; 1987, c. 485, ss. 2, 5; c. 509, s. 9; 1989, c. 635, s. 5; 2001-353, s. 4; 2002-159, s. 55(i); 2009-537, s. 2; 2013-381, s. 17(a); 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2023-140, s. 35.)

**§ 163-228. Register of absentee requests, applications, and ballots issued; a public record.**

(a) With respect to each request for mail-in absentee ballots, the State Board shall approve an official register in which the county board of elections in each county of the State shall record the following information:

- (1) Name of voter for whom application and ballots are being requested, and, if applicable, the name and address of the voter's near relative or verifiable legal guardian who requested the application and ballots for the voter.
- (2) Number of assigned voter's application when issued.
- (3) Precinct in which the applicant is registered.
- (4) Address to which ballots are to be mailed.
- (5) Repealed by Session Laws 2009-537, s. 3, effective January 1, 2010, and applicable with respect to elections held on or after that date.
- (6) Date request for application for ballots is received by the county board of elections.
- (7) The voter's party affiliation.
- (8) The date the ballots were mailed or delivered to the voter.
- (9) Whatever additional information and official action may be required by this Article.

(a1) Recodified as G.S. 163-166.50 by Session Laws 2023-140, s. 1(e), effective January 1, 2024, and applicable to elections on or after that date.

(b) The State Board may provide for the official register required by this section to be kept by electronic data processing equipment.

(c) The official register required by this section shall be confidential and not a public record until the opening of the voting place in accordance with G.S. 163-166.25, at which time the official register shall constitute a public record.

(d) The State Board shall require the county board of elections to transmit information in the official register provided for in this section and the list required by G.S. 163-232 to the State Board. The State Board shall adopt rules to implement this subsection, including frequency of transmittal.

(e) Notwithstanding subsection (c) of this section, the State Board or a county board of elections shall inform the voter of the status of that voter's request for mail-in absentee ballots upon inquiry of the voter or the voter's near relative or verifiable legal guardian. (1939, c. 159, ss. 3, 9; 1945, c. 758, s. 8; 1953, c. 1114; 1963, c. 457, s. 3; 1965, c. 1208; 1967, c. 775, s. 1; c. 952, s. 4; 1973, c. 536, s. 1; 1977, c. 469, s. 1; 1991, c. 636, s. 21; 1999-455, s. 7; 2009-537, s. 3; 2017-6, s. 3; 2018-144, s. 3.4(h); 2018-146, ss. 3.1(a), (b), 4.9; 2019-239, s. 1.1(a); 2023-140, ss. 1(e), 35.)

#### **§ 163-229. Absentee ballots, applications on container-return envelopes, and instruction sheets.**

(a) Absentee Ballot Form. – In accordance with the provisions of G.S. 163-230.1, persons entitled to vote by absentee ballot shall be furnished with official ballots.

(b) Application on Container-Return Envelope. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary, other general election or county bond election, the county board of elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board, providing for all of the following:

- (1) The voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this Part.

- (2) A space for identification of the envelope with the voter and the voter's signature.
- (3) A space for the identification of the two persons witnessing the casting of the absentee ballot in accordance with G.S. 163-231, those persons' signatures, those persons' printed names, and those persons' addresses.
- (4) A space for the name and address of any person who, as permitted under G.S. 163-226.3(a), assisted the voter if the voter is unable to complete and sign the certification and that individual's signature.
- (5) A space for approval by the county board of elections.
- (6) A space to allow reporting of a change of name as provided by G.S. 163-82.16.
- (7) A prominent display of the unlawful acts under G.S. 163-226.3 and G.S. 163-275, except if there is not room on the envelope, the State Board may provide for that disclosure to be made on a separate piece of paper to be included along with the container-return envelope.
- (8) An area to attach additional documentation necessary to comply with the identification requirements in accordance with State Board rules, as provided in G.S. 163-230.1.
- (9) A bar code or other unique identifier, affixed by the county board of elections, to allow both the county board of elections and the voter to track the ballot following return of the voted ballot to the county board of elections by the voter.

The container-return envelope shall be printed in accordance with the instructions of the State Board, which shall prohibit the display of the voter's party affiliation on the outside of the container-return envelope.

(c) Instruction Sheets. – In time for use not later than 60 days before a statewide general election in an even-numbered year, and not later than 50 days before a statewide primary or general election or county bond election, the county board of elections shall prepare and print a sufficient number of sheets of instructions on how voters are to prepare absentee ballots and return them to the county board of elections. The instruction sheets shall include the means by which the voter's marked absentee ballot must be returned to the county board of elections and the date and time that the ballot must be received by the county board of elections. However, in the case of municipal elections, instruction sheets shall be made available no later than 30 days before an election. (1929, c. 164, s. 39; 1939, c. 159, ss. 3, 4; 1943, c. 751, s. 2; 1963, c. 457, ss. 3, 4; 1965, c. 1208; 1967, c. 775, s. 1; c. 851, s. 1; c. 952, s. 5; 1973, c. 536, s. 1; 1975, c. 844, s. 13; 1977, c. 469, s. 1; 1985, c. 562, ss. 3, 4; 1985 (Reg. Sess., 1986), c. 986, s. 2; 1987, c. 485, ss. 2, 5; c. 509, s. 9; c. 583, s. 3; 1989, c. 635, s. 5; 1995 (Reg. Sess., 1996), c. 561, s. 5; 1999-455, s. 8; 2009-537, s. 4; 2013-381, s. 4.1; 2017-6, s. 3; 2018-144, s. 1.2(d); 2018-146, s. 3.1(a), (b); 2019-239, s. 1.4; 2020-17, s. 3(a); 2023-140, s. 35.)

**§ 163-230: Repealed by Session Laws 1999-455, s. 9, effective January 1, 2000.**

**§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

(a) Written Request. – A qualified voter who is eligible to vote by absentee ballot under G.S. 163-226, or that voter's near relative or verifiable legal guardian, shall complete a request form for an absentee application and absentee ballots so that the county board receives that completed request form not later than 5:00 P.M. on the second Tuesday before the election. That completed written request form shall be in compliance with G.S. 163-230.2. The county board

shall enter in the register of absentee requests, applications, and ballots issued the information required in G.S. 163-228 as soon as each item of that information becomes available. Upon receiving the completed request form, the county board shall cause to be mailed to that voter a single package that includes all of the following:

- (1) The official ballots the voter is entitled to vote.
- (2) A container-return envelope for the ballots, printed in accordance with G.S. 163-229.
- (3) An instruction sheet.
- (4) A clear statement of the requirement for a photocopy of identification described in G.S. 163-166.16(a) or an affidavit as described in G.S. 163-166.16(d)(1), (d)(2), or (d)(3) with the returned ballot.

(a1) **Mailing of Application and Ballots.** – The ballots, envelope, and instructions shall be mailed to the voter by the county board's chair, member, officer, or employee as determined by the county board and entered in the register as provided by this Article.

(a2) **Publish Deadline for Written Request and Ballot.** – At least once per primary or election, each county board and the State Board shall publish on its website or in any mailing sent to voters the following information:

- (1) The date by which a completed request form as described in subsection (a) of this section must be received by a county board.
- (2) The means by which the voter's marked absentee ballot must be returned to the county board.
- (3) The date and time the voter's completed absentee ballot must be received by the county board in order to be counted.

(b) **Absence for Sickness or Physical Disability.** – Notwithstanding the provisions of subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in person on election day because of that voter's sickness or other physical disability, that voter or that voter's near relative or verifiable legal guardian may make the request for absentee ballots in person to the county board of the county in which the voter is registered after 5:00 P.M. on the second Tuesday before the election but not later than 5:00 P.M. on the last business day before the election. The county board shall treat that completed request form in the same manner as a request under subsection (a) of this section but may personally deliver the application and ballots to the voter or that voter's near relative or verifiable legal guardian, and shall enter in the register of absentee requests, applications, and ballots issued the information required in G.S. 163-228 as soon as each item of that information becomes available. The county board shall personally deliver to the requester in a single package:

- (1) The official ballots the voter is entitled to vote.
- (2) A container-return envelope for the ballots, printed in accordance with G.S. 163-229.
- (3) An instruction sheet.
- (4) A clear statement of the requirement for a photocopy of identification described in G.S. 163-166.16(a) or an affidavit as described in G.S. 163-166.16(d)(1), (d)(2), or (d)(3) with the returned application and voted ballots.

(c) **Delivery of Absentee Ballots and Container-Return Envelope to Applicant.** – When the county board receives a completed request form for applications and absentee ballots from the voter, or the near relative or the verifiable legal guardian of that voter, the county board shall promptly issue and transmit them to the voter in accordance with the following instructions:

- (1) On the top margin of each absentee ballot the applicant is entitled to vote, the chair, a member, officer, or employee of the county board shall write or type the words "Absentee Ballot No. \_\_\_\_" or an abbreviation approved by the State Board and insert in the blank space the number assigned the applicant's application in the register of absentee requests, applications, and absentee ballots issued. That person shall not write, type, or print any other matter upon the absentee ballots transmitted to the absentee voter. Alternatively, the county board may cause to be barcoded on the absentee ballot the voter's application number, if that barcoding system is approved by the State Board.
- (2) The chair, member, officer, or employee of the county board shall fold and place the absentee ballots (identified in accordance with the preceding instruction) in a container-return envelope and write or type in the appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b), the absentee voter's name, the absentee voter's application number, and the designation of the precinct in which the voter is registered. If the absentee ballot is barcoded under this section, the envelope may be barcoded rather than having the actual number appear. The person placing the absentee ballots in the envelopes shall leave the container-return envelope holding the absentee ballots unsealed.
- (3) The chair, member, officer, or employee of the county board shall then place the unsealed container-return envelope holding the absentee ballots together with printed instructions for voting and returning the absentee ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board: Provided, that in case of a request received after 5:00 P.M. on the second Tuesday before the election under the provisions of subsection (b) of this section, in lieu of transmitting the absentee ballots to the voter in person or by mail, the chair, member, officer, or employee of the county board may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the absentee ballots to a near relative or verifiable legal guardian of the voter.

The county board may receive completed written request forms for applications at any time prior to the election but shall not mail applications and absentee ballots to the voter or issue applications and absentee ballots in person earlier than 60 days prior to the statewide general election in an even-numbered year, or earlier than 50 days prior to any other election. No election official shall issue applications for absentee ballots except in compliance with this Article.

(d) **Voter to Complete.** – The application shall be completed and signed by the voter personally, the absentee ballots marked, the absentee ballots sealed in the container-return envelope, and the certificate completed as provided in G.S. 163-231.

(e) **Approval of Applications.** – At its next official meeting prior to election day after the return of the completed container-return envelope with the voter's absentee ballots, the county board shall determine whether the container-return envelope has been properly executed. If the county board determines that the container-return envelope has been properly executed, it shall approve the application and deposit the container-return envelope with other container-return envelopes for the envelope to be opened and the absentee ballots counted at the same time as all other container-return envelopes and absentee ballots.

(e1) **Curable Deficiencies.** – If a container-return envelope contains a curable deficiency, the county board shall promptly notify the voter of the deficiency and the manner in which the voter

may cure the deficiency. Curable deficiencies are deficiencies that can be cured with supplemental documentation or attestation provided by the voter, including when any of the following occurs:

- (1) The voter did not sign the voter certification as required by G.S. 163-231(a)(4).
- (2) The voter signed the application in the wrong place on the application.
- (3) The voter failed to include with the container-return envelope a photocopy of identification described in G.S. 163-166.16(a) or an affidavit as described in G.S. 163-166.16(d)(1), (d)(2), or (d)(3), as required by subsection (f1) of this section.

The identification of the two persons witnessing the casting of the absentee ballot in accordance with G.S. 163-231(a) is not a curable deficiency. Any container-return envelope with a curable deficiency that is transmitted to the county board shall be considered timely if cure documentation is received no later than 12:00 p.M. on the third business day after the election. Cure documentation may be transmitted via email to the county board if the deficiency is one described in subdivision (3) of this subsection. The notification of voters regarding curable deficiencies is an administrative task that may be performed by county board staff and is not required to be performed at an absentee meeting as provided for in subsection (f) of this section. The voter shall be notified of curable deficiencies by mail, and by telephone or email if the telephone number or email address was provided by the voter on the request form for absentee ballots.

(f) Required Meeting of County Board of Elections. – During the period commencing on the fifth Tuesday before an election, in which absentee ballots are authorized, the county board shall hold one or more public meetings each Tuesday at 5:00 P.M. for the purpose of action on applications for absentee ballots. At these meetings, the county board shall pass upon applications for absentee ballots.

If the county board changes the time of holding its meetings or provides for additional meetings in accordance with the terms of this subsection, notice of the change in hour and notice of the schedule of additional meetings, if any, shall be published in a newspaper circulated in the county at least 30 days prior to the election.

At the time the county board makes its decision on an application for absentee ballots, the county board shall enter in the appropriate column in the register of absentee requests, applications, and ballots issued opposite the name of the applicant a notation of whether the applicant's application was "Approved" or "Disapproved".

The decision of the county board on the validity of an application for absentee ballots shall be final subject only to such review as may be necessary in the event of an election contest. The county board shall constitute the proper official body to pass upon the validity of all applications for absentee ballots received in the county; this function shall not be performed by the chair or any other member of the county board individually.

(f1) [Identification or Affidavit. –] Each container-return envelope returned to the county board with application and voted ballots under this section shall be accompanied by a photocopy of identification described in G.S. 163-166.16(a) or an affidavit as described in G.S. 163-166.16(d)(1), (d)(2), or (d)(3).

(g) Rules. – The State Board, by rule or by instruction to the county boards of elections, shall establish procedures to provide appropriate safeguards in the implementation of this section. The State Board shall adopt rules to provide for the forms of identification that shall be included with returned application and voted absentee ballots. At a minimum, the rules shall include the following:

- (1) Acceptable photocopies of forms of readable identification, as described in G.S. 163-166.16(a).
- (2) A process for a voter without acceptable photocopies of forms of readable identification under subdivision (1) of this subsection to complete an alternative affidavit in accordance with G.S. 163-166.16(d)(1), (d)(2), or (d)(3) that includes inability to attach a physical copy of the voter's identification with the returned application and voted ballots as a reasonable impediment to compliance with the identification requirement, provided the reasonable impediment includes one of the following:
  - a. The number of the voter's North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.
  - b. The number of the voter's special identification card for nonoperators issued under G.S. 20-37.7.
  - c. The last four digits of the voter's social security number.

(h) Recodified as G.S. 163-226(f) by Session Laws 2019-239, s. 1.2(a), effective January 1, 2020, and applicable to elections conducted on or after that date. (1983, c. 304, s. 1; 1985, c. 759, ss. 5.1-5.5; 1991, c. 727, s. 6.3; 1993, c. 553, s. 67; 1995, c. 243, s. 1; 1999-455, s. 10; 2001-337, s. 3; 2002-159, s. 55(m); 2009-537, s. 5; 2013-381, s. 4.2; 2017-6, s. 3; 2018-144, s. 3.4(i); 2018-146, s. 3.1(a), (b); 2019-239, s. 1.2(a), (b); 2020-17, s. 4; 2023-139, s. 6.5; 2023-140, s. 35; 2024-57, s. 3A.4(f).)

### **§ 163-230.2. Method of requesting absentee ballots.**

(a) Valid Types of Written Requests. – A completed written request form for absentee ballots as required by G.S. 163-230.1 is valid only if it is on a form created by the State Board and signed by the voter requesting absentee ballots or that voter's near relative or verifiable legal guardian. The State Board shall make the blank request form available at its offices, online, and in each county board of elections office, and that blank request form may be reproduced. A voter may call the State Board or a county board of elections office and request that the blank request form be sent to the voter by mail, e-mail, or fax. The request form created by the State Board shall require at least the following information:

- (1) The name and address of the residence of the voter.
- (2) The name and address of the voter's near relative or verifiable legal guardian if that individual is making the request.
- (3) The address of the voter to which the application and absentee ballots are to be mailed if different from the residence address of the voter.
- (4) One of the following:
  - a. The number of the applicant's North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.
  - b. The number of the applicant's special identification card for nonoperators issued under G.S. 20-37.7.
  - c. The last four digits of the applicant's social security number.
- (5) The voter's date of birth.
- (6) The signature of the voter or of the voter's near relative or verifiable legal guardian if that individual is making the request.

- (7) A clear indicator of the date the election generating the request is to be held, except for annual calendar year requests in accordance with G.S. 163-226(b).
- (8) The telephone number and e-mail address of the voter; however, no request shall be denied for failure to include this information and the request shall state that this information is optional and would be used to contact the voter regarding any deficiencies in the returned executed absentee ballots.

(b) Request to Update Voter Registration. – A completed request form for absentee ballots shall be deemed a request to update the official record of voter registration for that voter and shall be confirmed in writing in accordance with G.S. 163-82.14(d).

(c) Return of Request. – The completed request form for absentee ballots shall be delivered to the county board of elections only by any of the following:

- (1) The voter.
- (2) The voter's near relative or verifiable legal guardian.
- (3) A member of a multipartisan team trained and authorized by the county board of elections pursuant to G.S. 163-226.3.

(d) Confirmation of Voter Registration. – Upon receiving a completed request form for absentee ballots, the county board shall confirm that voter's registration. If that voter is confirmed as a registered voter of the county, the absentee ballots and certification form shall be mailed to the voter, unless personally delivered in accordance with G.S. 163-230.1(b). If the voter's official record of voter registration conflicts with the completed request form for absentee ballots or cannot be confirmed, the voter shall be so notified. If the county board cannot resolve the differences, no application or absentee ballots shall be issued.

(e) Invalid Types of Written Requests. – If a county board of elections receives a request for absentee ballots that does not comply with this subsection or subsection (a) of this section, the board shall not issue an application and ballots under G.S. 163-230.1. A request for absentee ballots is not valid if any of the following apply:

- (1) The completed written request is not on a form created by the State Board.
- (2) The completed written request is completed, partially or in whole, or signed by anyone other than the voter, or the voter's near relative or verifiable legal guardian. A member of a multipartisan team trained and authorized by the county board of elections pursuant to G.S. 163-226.3 may assist in completion of the request.
- (3) The written request does not contain all of the information required by subsection (a) of this section.
- (4) The completed written request is returned to the county board by someone other than a person listed in subsection (c) of this section, the United States Postal Service, or a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2).

(e1) Assistance by Others. – If a voter is in need of assistance completing the written request form due to blindness, disability, or inability to read or write and there is not a near relative or legal guardian available to assist that voter, the voter may request some other person to give assistance, notwithstanding any other provision of this section. If another person gives assistance in completing the written request form, that person's name and address shall be disclosed on the written request form in addition to the information listed in subsection (a) of this section.

(f) Rules by State Board. – The State Board shall adopt rules for the enforcement of this section. (2002-159, s. 57(a); 2013-381, s. 4.3; 2017-6, s. 3; 2018-144, s. 1.2(e); 2018-146, s. 3.1(a), (b); 2019-239, s. 1.3(a); 2020-17, s. 5; 2023-140, s. 35.)

**§ 163-230.3. Online request for absentee ballots.**

(a) Notwithstanding G.S. 163-230.1 and G.S. 163-230.2, a qualified voter who is eligible to vote by absentee ballot under G.S. 163-226, or that voter's near relative or verifiable legal guardian, may submit a request for absentee ballots online using the procedures set forth in this section in lieu of the completed written request on a form established by the State Board. All other provisions in G.S. 163-230.1 and G.S. 163-230.2 shall apply.

(b) The State Board shall establish a secure Internet Web site to permit individuals described in subsection (a) of this section to submit an online request for absentee ballots. The Internet Web site must be able to track the IP address of anyone who accesses the Web site. The Web site must require that the voter or the voter's near relative or verifiable legal guardian provide all of the following information:

- (1) All information required for a valid written request for absentee ballots in G.S. 163-230.2.
- (2) An electronic signature, as defined in G.S. 66-312 of the Uniform Electronic Transaction Act, of the voter, or the voter's near relative or verifiable legal guardian, if requesting on the voter's behalf.

(c) Upon receipt of an online request for absentee ballots, the State Board shall submit the request to the county board of elections in which the voter resides. The county board of elections shall process the online request in the same manner as processing a completed written request for absentee ballots submitted under G.S. 163-230.1. (2020-17, s. 7(a).)

**§ 163-231. Voting absentee ballots and transmitting them to the county board of elections.**

(a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(c), the voter shall do all of the following:

- (1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's instruction.
- (2) Fold each ballot separately, or cause each of them to be folded in the voter's presence.
- (3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter's presence.
- (4) Make the application printed on the container-return envelope according to the provisions of G.S. 163-229(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).
- (5) Require those two persons in whose presence the voter marked that voter's ballots to sign and print their names on the application and certificate as witnesses and to indicate those persons' addresses. Failure to list a ZIP code does not invalidate the application and certificate. Failure to include a printed witness name does not invalidate the application and certificate if the identity of an individual can solely be ascertained by the witness's signature.
- (6) Do one of the following:

- a. Have the application notarized. The notary public may be the person in whose presence the voter marked that voter's ballot.
- b. Have the two persons in whose presence the voter marked that voter's ballots to certify that the voter is the registered voter submitting the marked ballots.

Alternatively to the prior paragraph of this subsection, any requirement for two witnesses shall be satisfied if witnessed by one notary public, who shall comply with all the other requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and include the word "Notary Public" below his or her signature.

The persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests assistance and that person is otherwise authorized by law to give assistance. When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots.

(b) **Transmitting Executed Absentee Ballots to County Board of Elections.** – The sealed container-return envelope in which executed absentee ballots have been placed shall be transmitted to the county board of elections who issued those ballots as follows:

- (1) All ballots issued under the provisions of this Article and Article 21A of this Chapter shall be transmitted by one of the following means:
  - a. Mail or commercial courier service, at the voter's expense, and received by the county board not later than 7:30 P.M. on the day of the statewide primary or general election or county bond election.
  - b. Delivered in person, by the voter or the voter's near relative or verifiable legal guardian, to the county board not later than 7:30 P.M. on the day of the statewide primary or general election or county bond election.
  - c. Electronically transmitted to the county board, if the ballot was issued under the provisions of Article 21A of this Chapter.
- (2) If ballots are received later than the hour stated in subdivision (1) of this subsection, those ballots shall not be accepted unless required by federal law or the ballots are received in accordance with Article 21A of this Chapter or the State Board or court order extended the closing time of the polls for every poll in the county in accordance with G.S. 163-166.25. If the State Board or court order so extended the closing time of the polls, the ballots shall be received by the closing time as extended by the State Board or court order in order to be counted.

(c) **Delivering Executed Absentee Ballots in Person.** – For purposes of this section, "Delivered in person" includes physically handing the voted absentee ballot to an election official at an early voting site under Part 5 of Article 14A of this Chapter during any time that early voting site is open for voting, but does not include depositing the voted absentee ballot in a drop box or other location designated for the return of voted absentee ballots. The voted absentee ballots delivered to the early voting site shall be kept securely and delivered by election officials at that early voting site to the county board of elections office for processing. (1939, c. 159, ss. 2, 5; 1941, c. 248; 1943, c. 736; c. 751, s. 1; 1945, c. 758, s. 5; 1963, c. 457, ss. 2, 5; 1967, c. 775, s. 1; 1971, c. 1247, s. 3; 1973, c. 536, s. 1; 1977, c. 469, s. 1; 1979, c. 799, s. 5; 1985, c. 562, ss. 1, 2; 1987, c. 583, ss. 1, 2; 1989 (Reg. Sess., 1990), c. 991, s. 4; 1999-455, s. 11; 2009-537, ss. 6, 8(a); 2011-182, s. 5;

2013-381, s. 4.4; 2014-111, s. 11; 2017-6, s. 3; 2018-144, s. 3.4(j); 2018-146, ss. 3.1(a), (b), 4.8; 2023-140, s. 35.)

**§ 163-232. Certified list of executed absentee ballots; distribution of list.**

(a) The county board of elections shall prepare, or cause to be prepared, a list in at least quadruplicate, of all absentee ballots returned to the county board of elections to be counted, which have been approved by the county board of elections, and which have been received as of 5:00 P.M. on the day before the election. At the end of the list, the chair shall execute the following certificate under oath:

"State of North Carolina

County of \_\_\_\_\_

I, \_\_\_\_\_, chair of the \_\_\_\_\_ County board of elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_, which have been approved by the county board of elections and which have been returned no later than 5:00 P.M. on the day before the election. I certify that the chair, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter, by mail or by commercial courier service or in person, except as provided by law, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(Signature of chair of  
county board of elections)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Witness my hand and official seal.

(Signature of officer  
administering oath)

(Title of officer)"

(b) No later than 10:00 A.M. on election day, the county board of elections shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately (i) submitted electronically in a manner approved by the State Board or (ii) deposited as "first-class" mail to the State Board. The board shall retain one copy in the board office for public inspection and the board shall cause two copies of the appropriate precinct list to be delivered to the chief judge of each precinct in the county. The county board of elections shall be authorized to call upon the sheriff of the county to distribute the list to the precincts. In addition the county board of elections shall, upon request, provide a copy of the complete list to the chair of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

The chief judge shall post one copy of the list immediately in a conspicuous location in the voting place and retain one copy until all challenges of absentee ballots have been heard by the county board of elections. Challenges shall be made to absentee ballots as provided in G.S. 163-96.

(c) After receipt of the list of absentee voters required by this section the chief judge shall call the name of each person recorded on the list and enter an "A" in the appropriate voting square on the voter's permanent registration record, or a similar entry on the computer list used at the polls.

If such person is already recorded as having voted in that election, the chief judge shall enter a challenge which shall be presented to the county board of elections for resolution by the board of elections prior to certification of results by the board.

(d) All lists required by this section shall be retained by the county board of elections for a period of 22 months after which they may then be destroyed. (1939, c. 159, s. 6; 1943, c. 751, s. 3; 1963, c. 457, s. 6; 1967, c. 775, s. 1; 1973, c. 536, s. 1; 1977, c. 469, s. 1; 1981, c. 155, s. 1; c. 305, s. 4; 1985, c. 600, s. 7; 1993 (Reg. Sess., 1994), c. 762, s. 54; 1999-455, s. 12; 1999-456, s. 59; 2015-103, s. 3(a); 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2023-140, s. 35.)

**§ 163-232.1. Certified list of executed absentee ballots received on or after election day; publication of list.**

(a) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all absentee ballots issued under this Article returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and have been received by the county board of elections not later than 7:30 P.M., or the time provided in G.S. 163-231(b), on the day of the statewide primary or general election or county bond election. The list shall be supplemented with new information each business day following the day of the election until the deadline for receipt of such absentee ballots. At the end of the list, the chair shall execute the following certificate under oath:

"State of North Carolina

County of \_\_\_\_\_

I, \_\_\_\_\_, chair of the \_\_\_\_\_ County Board of Elections, do hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the election to be conducted on the \_\_\_\_\_ day of \_\_\_\_\_, which have been approved by the county board of elections and have been received by the county board of elections not later than 7:30 P.M., or the time provided in G.S. 163-231(b), on the day of the statewide primary or general election or county bond election. I certify that the chair, member, officer, or employee of the board of elections has not delivered ballots for absentee voting to any person other than the voter, by mail or by commercial courier service or in person, except as provided by law, and have not mailed or delivered ballots when the request for the ballot was received after the deadline provided by law.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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(Signature of chair of  
county board of elections)

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Witness my hand and official seal.

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(Signature of officer  
administering oath)

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(Title of officer)"

(b) The county board of elections shall prepare, or cause to be prepared, a list in at least triplicate, of all military-overseas ballots issued under Article 21A of this Chapter and returned to the county board of elections to be counted, which have been approved by the county board of elections, have not been included on the certified list prepared pursuant to G.S. 163-232, and which

have been received by the county board of elections not later than 7:30 P.M., or the time provided in G.S. 163-231(b), on the day of the statewide primary or general election or county bond election. The list shall be supplemented with new information each business day following the day of the statewide primary or general election or county bond election until the deadline for receipt of such absentee ballots. At the end of the list, the chair shall execute the following certificate under oath:

"State of North Carolina

County of \_\_\_\_\_

I, \_\_\_, chair of the \_\_\_ County Board of Elections, do hereby certify that the foregoing is a list of all executed military-overseas ballots to be voted in the election to be conducted on the \_\_\_ day of \_\_\_, \_\_\_, which have been approved by the county board of elections, and which have been received by the county board of elections not later than 7:30 P.M., or the time provided in G.S. 163-231(b), on the day of the statewide primary or general election or county bond election. I further certify that I have issued ballots to no other persons than those listed herein and further that I have not delivered military-overseas ballots to persons other than those listed herein; that this list constitutes the only precinct registration of covered voters whose names have not heretofore been entered on the regular registration of the appropriate precinct.

This the \_\_\_ day of \_\_\_, \_\_\_

---

(Signature of chair of  
county board of elections)

Sworn to and subscribed before me this \_\_\_ day of \_\_\_, \_\_\_.

Witness my hand and official seal.

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(Signature of officer  
administering oath)

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(Title of officer)"

(c) The board shall post one copy of the most current version of each list in the board office in a conspicuous location for public inspection and shall retain one copy until all challenges of absentee ballots have been heard by the county board of elections. The county board of elections shall cause one copy of each of the final lists of executed absentee ballots required under subsection (a) and subsection (b) of this section to be (i) submitted electronically in a manner approved by the State Board of Elections or (ii) deposited as "first-class" mail to the State Board of Elections. The final lists shall be electronically submitted or mailed no later than 10:00 a.m. of the next business day following the deadline for receipt of such absentee ballots. Challenges shall be made to absentee ballots as provided in G.S. 163-89. In addition the county board of elections shall, upon request, provide a copy of each of the lists to the chair of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

(d) All lists required by this section shall be retained by the county board of elections for a period of 22 months after which they may then be destroyed. (2009-537, s. 8(b); 2011-182, s. 6; 2015-103, s. 3(b); 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2023-140, s. 35.)

## § 163-232.2. Ballot reporting.

(a) Each county board of elections shall report the following to the State Board during each day of the early voting period:

- (1) The number of mail-in absentee ballots that have been spoiled due to the voter voting in person at an early voting site after requesting a mail-in absentee ballot.
- (2) The number of outstanding mail-in absentee ballots, including the total number of mail-in absentee ballots sent to date and the total number of mail-in absentee ballots received to date.

(b) Each county board of elections shall report the following to the State Board on the day after the day of the election:

- (1) The number of mail-in absentee ballots that have been counted.
- (2) The number of outstanding mail-in absentee ballots, including the total number of mail-in absentee ballots sent to date and the total number of mail-in absentee ballots received to date.
- (3) The number of provisional ballots cast.

(c) The reports required by this section shall be completed in the manner specified by the State Board. The State Board shall publish each report received by a county board of elections pursuant to this section on its website each day. Each list shall be made publicly available and shall be published in a readable and usable format. (2023-140, s. 35.)

### **§ 163-233. Applications for absentee ballots; how retained.**

(a) The county board of elections shall retain, in a safe place, the original of all applications made for absentee ballots, which shall be available to inspection by the State Board or to any person upon the directive of the State Board. Any copies of any photographic identification associated with the absentee ballots shall not be a public record.

(b) The county board of elections shall create a list of applications made for absentee ballots received by the county board, which shall be updated daily from the date the county board begins to mail application and ballots through the date of canvass. Such list shall be a public record.

(c) All applications for absentee ballots shall be retained by the county board of elections for a period of 22 months after the corresponding election or as otherwise specified in federal law, whichever is greater. (1939, c. 159, s. 7; 1943, c. 751, s. 4; 1963, c. 457, s. 7; 1967, c. 775, s. 1; 1973, c. 536, s. 1; c. 1075, s. 5; 1977, c. 469, s. 1; 1999-455, s. 13; 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2019-239, s. 1.1(b); 2023-140, s. 35.)

#### **§ 163-233.1. Withdrawal of absentee ballots not allowed.**

No person shall be permitted to withdraw an absentee ballot after such ballot has been mailed to or returned to the county board of elections. (1973, c. 536, s. 1; 1977, c. 469, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

### **§ 163-234. Counting absentee ballots by county board.**

All absentee ballots returned to the county board in the container-return envelopes shall be retained by the county board to be counted by the county board as follows:

- (1) Only those absentee ballots returned to the county board in a properly executed container-return envelope and received pursuant to G.S. 163-231 shall be counted. Absentee ballots not received pursuant to all requirements in G.S. 163-231 shall not be deemed to be valid and shall not be counted. An absentee ballot returned in an executed container-return envelope containing a deficiency listed in G.S. 163-230.1(e) shall be counted if documentation curing

the deficiency is timely received by the county board in accordance with the requirements of G.S. 163-230.1(e).

(2) The county board shall meet at 5:00 P.M. on election day in the county board office or other public location in the county courthouse for the purpose of counting all absentee ballots except those which have been challenged before 5:00 P.M. on election day and those received pursuant to G.S. 163-231(b)(2). Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, so long as the elector does not in any manner interfere with the election officials in the discharge of their duties. The count of these absentee ballots shall be continuous until completed, and the members shall not separate or leave the counting place except for unavoidable necessity. The county board may begin counting absentee ballots issued under Article 21A of this Chapter between the hours of 9:00 A.M. and 5:00 P.M. and may begin counting all absentee ballots between the hours of 2:00 P.M. and 5:00 P.M. upon the adoption of a resolution at least two weeks prior to the election in which the hour and place of counting absentee ballots shall be stated. A copy of the resolution shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. Notice may additionally be made on a radio or television station or both, but the notice shall be in addition to the newspaper and other required notice. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity, except that if the count has been completed prior to the time the polls close, it shall be suspended until that time pending receipt of any additional ballots. Nothing in this section prohibits a county board from taking preparatory steps for the count earlier than the times specified in this section, as long as the preparatory steps do not reveal to any individual not engaged in the actual count election results before the times specified in this subdivision for the count to begin. By way of illustration and not limitation, a preparatory step for the count would be the entry of tally cards from direct record electronic voting units into a computer for processing. The county board shall not announce the result of the count before 7:30 P.M.

(3) Notwithstanding subdivision (2) of this section, a county board may, at each meeting at which it approves absentee ballot applications pursuant to G.S. 163-230.1(e) and (f), remove those absentee ballots from their envelopes and have them read by an optical scanning machine, without printing the totals on the scanner. The county board shall complete the counting of these absentee ballots at the times provided in subdivision (2) of this section. The State Board shall provide instructions to county boards for executing this procedure, and the instructions shall be designed to ensure the accuracy of the count, the participation of county board members of both parties, and the secrecy of the results before election day. This subdivision applies only in counties that use optical scan devices to count absentee ballots.

(4) The counting of absentee ballots shall not commence until a majority and at least one county board member of each political party represented on the county board is present and that fact is publicly declared and entered in the official minutes of the county board.

(5) The county board may employ such assistants as deemed necessary to count the absentee ballots, but each county board member present shall be responsible for and observe and supervise the opening and tallying of the absentee ballots.

(6) As each ballot envelope is opened, the county board shall cause to be entered into a pollbook designated "Pollbook of Absentee Voters" the name of the absentee voter, or if the pollbook is computer-generated, the county board shall check off the name. Preserving secrecy, the absentee ballots shall be placed in the appropriate ballot boxes, at least one of which shall be provided for each type of ballot.

After all absentee ballots have been placed in the boxes, the counting process shall begin.

If a challenge transmitted to the county board on canvass day by a chief judge is sustained, the absentee ballots challenged and sustained shall be withdrawn from the appropriate boxes, as provided in G.S. 163-89(e).

As soon as the absentee ballots have been counted and the names of the absentee voters entered in the pollbook as required in this subdivision, the county board members and assistants employed to count the absentee ballots shall each sign the pollbook immediately beneath the last absentee voter's name entered in the pollbook. The county board is responsible for the safekeeping of the pollbook of absentee voters.

(7) Upon completion of the counting process the county board members shall cause the results of the tally to be entered on the absentee abstract prescribed by the State Board. The abstract shall be signed by the members of the county board in attendance and the original mailed immediately to the State Board.

(8) One copy of the absentee abstract shall be retained by the county board and the totals appearing on the absentee abstract shall be added to the final totals of all votes cast in the county for each office as determined on the official canvass.

(9) In the event a political party does not have a member of the county board present at the meeting to count absentee ballots due to illness or other cause of the member, the counting shall not commence until the county party chair of the absent member, or a member of the party's county executive committee, is in attendance. The person shall act as an official witness to the counting and shall include his or her printed name and signature on the absentee ballot abstract, along with the name of who designated him or her to attend.

(10) The county board shall retain all container-return envelopes and absentee ballots, in a safe place, for at least 22 months, and longer if any contest is pending concerning the validity of any ballot.

(11) The county board shall meet after the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(2) upon the adoption of a resolution pursuant to subdivision (2) of this section. The county board shall comply with all other requirements of this section and G.S. 163-230.1 for the counting of these absentee ballots.

(12) No later than 5:00 P.M. on the third business day after the election, the county board shall announce the tally of all absentee ballots, except those subject to a challenge or those cast in accordance with Article 21A of this Chapter. (1939, c. 159, ss. 8, 9; 1945, c. 758, s. 8; 1953, c. 1114; 1963, c. 547, s. 8; 1967, c. 775, s.

1; c. 851, s. 2; 1973, c. 536, s. 1; 1975, c. 798, s. 3; 1977, c. 469, s. 1; c. 626, s. 1; 1989, c. 93, s. 7; 1993 (Reg. Sess., 1994), c. 762, s. 55; 1995, c. 243, s. 1; 1999-455, s. 14; 2005-159, s. 1; 2006-262, s. 1; 2009-537, s. 8(d); 2011-182, s. 7; 2017-6, s. 3; 2018-144, s. 3.4(k); 2018-146, s. 3.1(a), (b); 2020-69, s. 5.6; 2023-140, s. 35; 2024-57, s. 3A.4(g).)

### **§ 163-235: Repealed by Session Laws 1973, c. 536, s. 5.**

### **§ 163-236. Violations by county board of elections.**

The county board of elections shall be sole custodian of blank applications for absentee ballots, official ballots, and container-return envelopes for absentee ballots. The board shall issue and deliver blank applications for absentee ballots in strict accordance with the provisions of G.S. 163-230.1. The issuance of ballots to persons whose requests for absentee ballots have been received by the county board of elections under the provisions of G.S. 163-230.1 is the responsibility and duty of the county board of elections.

It shall be the duty of the county board of elections to keep current all records required by this Article and to make promptly all reports required by this Article. If that duty has been assigned to the chair, member, officer, or employee of the board of elections, that person shall carry out the duty.

The willful violation of this section shall constitute a Class 2 misdemeanor. (1939, c. 159, s. 14; 1963, c. 457, s. 10; 1967, c. 775, s. 1; 1977, c. 469, s. 1; 1987, c. 565, s. 9; 1993, c. 539, s. 1105; 1994, Ex. Sess., c. 24, s. 14(c); 1999-455, s. 15; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

### **§ 163-237. Certain violations of absentee ballot law made criminal offenses.**

(a) False Statements under Oath Made Class 1 Misdemeanor. – If any person shall willfully and falsely make any affidavit or statement, under oath, which affidavit or statement under oath, is required to be made by the provisions of this Article, that person shall be guilty of a Class 1 misdemeanor.

(b) False Statements Not under Oath Made Class 1 Misdemeanor. – Except as provided by G.S. 163-275(16), if any person, for the purpose of obtaining or voting any official ballot under the provisions of this Article, shall willfully sign any printed or written false statement which does not purport to be under oath, or which, if it purports to be under oath, was not duly sworn to, that person shall be guilty of a Class 1 misdemeanor.

(c) Candidate Witnessing Absentee Ballots of Nonrelative Made Class 1 Misdemeanor. – A person is guilty of a Class 1 misdemeanor if that person acts as a witness under G.S. 163-231(a) in any primary or election in which the person is a candidate for nomination or election, unless the voter is the candidate's near relative as defined in G.S. 163-226(f).

(d) Fraud in Connection with Absentee Vote; Forgery. – Any person attempting to aid and abet fraud in connection with any absentee vote cast or to be cast, under the provisions of this Article, shall be guilty of a misdemeanor. Attempting to vote by fraudulently signing the name of a regularly qualified voter is a Class G felony.

(d1) Sell or Attempt to Sell Completed Absentee Ballot. – Any person who sells or attempts to sell, or purchases or agrees to purchase, a completed written request, a completed application for absentee ballots, or voted absentee ballots, shall be guilty of a Class I felony.

(d2) Destruction of Absentee Ballot. – Any person who intentionally, with the intent of obstructing a vote by a registered voter, fails to deliver or intentionally destroys a completed

written request, a completed application for absentee ballots, or voted absentee ballots, shall be guilty of a Class G felony.

(d3) Copies or Retention of Identifying Information. – Any person, other than the voter or near relative or verifiable legal guardian of that voter, who copies or otherwise retains the request for absentee ballots, a completed application for absentee ballots, or any identifying information, as defined in G.S. 14-113.20, disclosed in a request or application, shall be guilty of a Class G felony.

(d4) Compensation Based on Requests. – Any person who compensates another, or who accepts compensation, based on the number of returned written requests for absentee ballots under G.S. 163-230.2, shall be guilty of a Class I felony.

(d5) Intent to Unlawfully Influence. – Any person who commits, attempts to commit, or conspires to commit a crime identified in G.S. 163-82.6(b), 163-226.3(a), 163-274, 163-275, or this section with the intent to unlawfully influence or interfere with a primary or election, or to otherwise unlawfully gain, shall be guilty of a Class F felony.

(d6) Disclosure of Register of Absentee Ballot Requests. – Notwithstanding G.S. 132-3(a), any person who steals, releases, or possesses the official register of absentee requests for mail-in absentee ballots as provided in G.S. 163-228 prior to the opening of the voting place in accordance with G.S. 163-166.25, for a purpose other than the conduct of business at the county board of elections, shall be guilty of a Class G felony.

(d7) Sending of Unrequested Absentee Ballot. – Any member serving on the State Board or on any county board of elections, or any employee of the State Board or a county board of elections, who knowingly sends or delivers an absentee ballot to any person who has not requested an absentee ballot in accordance with the requirements of Chapter 163 of the General Statutes shall be guilty of a Class I felony.

(e) Violations Not Otherwise Provided for Made Class 1 Misdemeanors. – If any person shall willfully violate any of the provisions of this Article, or willfully fail to comply with any of the provisions thereof, for which no other punishment is herein provided, that person shall be guilty of a Class 1 misdemeanor. (1929, c. 164, s. 40; 1939, c. 159, ss. 12, 13, 15; 1967, c. 775, s. 1; 1977, c. 469, s. 1; 1985, c. 562, s. 6; 1987, c. 565, s. 8; 1993, c. 539, ss. 1106, 1324; 1994, Ex. Sess., c. 24, s. 14(c); 1999-455, s. 22; 2014-111, s. 15(b); 2017-6, s. 3; 2018-146, s. 3.1(a), (b); 2019-239, s. 1.5(a); 2020-17, s. 8(a); 2023-140, s. 35.)

### **§ 163-238. Reports of violations to district attorneys.**

It shall be the duty of the State Board of Elections to report to the district attorney of the appropriate prosecutorial district, any violation of this Article, or the failure of any person charged with a duty under its provisions to comply with and perform that duty, and it shall be the duty of the district attorney to cause such a person to be prosecuted therefor. (1939, c. 159, s. 16; 1967, c. 775, s. 1; 1977, c. 469, s. 1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

### **§ 163-239. Article 21A relating to absentee voting by military and overseas voters not applicable.**

Except as otherwise provided therein, Article 21A of this Chapter shall not apply to or modify the provisions of this Article. (1963, c. 457, s. 11; 1967, c. 775, s. 1; 1977, c. 469, s. 1; 2011-182, s. 8; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

### **§§ 163-240 through 163-240.5: Expired July 1, 1972.**

**§ 163-241: Reserved for future codification purposes.**

**§ 163-242: Reserved for future codification purposes.**

**§ 163-243: Reserved for future codification purposes.**

**§ 163-244: Reserved for future codification purposes.**