

Part 5. Early Voting.

§ 163-166.35. Sites and hours for early voting.

(a) A county board of elections by unanimous vote of all its members may provide for one or more sites in that county for ballots to be applied for and cast under this Part. Except for individuals appointed to early voting sites pursuant to subsection (b) of this section, every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board as part of a Plan for Implementation approved by both the county board of elections and by the State Board which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. A county board of elections may propose in its Plan for Implementation not to offer early voting at the county board of elections office; the State Board may approve that proposal in a Plan for Implementation only if the Plan for Implementation includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan for Implementation as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan for Implementation, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for Implementation for that county. The State Board, in that plan, shall take into consideration whether the Plan for Implementation disproportionately favors any party, racial or ethnic group, or candidate.

(b) For each early voting site other than the county board of elections office, precinct officials shall be appointed by the county board of elections for each primary or election. The chair of each political party in the county shall recommend individuals who are otherwise qualified to serve as precinct officials at early voting sites. If such recommendations are received by the county board of elections no later than the fifth business day preceding the date on which appointments are to be made, the county board of elections shall make appointments from the list of recommendations. In making the appointments pursuant to this subsection, precinct officials shall be appointed according to all of the following:

- (1) A chief judge and judges shall be appointed to each early voting site for each day of early voting in the same manner as allocated to each precinct in the county as provided in G.S. 163-41 where possible; provided, however, that a chief judge shall be appointed to each early voting site for each day of early voting.
- (2) Assistants shall be appointed to each early voting site in the same manner as allocated to each precinct in the county as provided in G.S. 163-42 where possible.
- (3) The provisions of G.S. 163-41.1, 163-41.2, and 163-42.1 apply to early voting sites.
- (4) Multiple chief judges, judges, and assistants may be appointed to serve at each early voting site so that chief judges, judges, and assistants may serve for partial shifts throughout each day of early voting or serve for less than the full number of days of early voting.

(c) The State Board shall not approve, either in a Plan for Implementation approved unanimously by a county board of elections or in an alternative Plan for Implementation proposed by a member or members of that board, an early voting site in a building that the county board of elections is not entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State Board finds that other equally suitable sites were not available and that the use of

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the sites chosen will not disproportionately favor any party, racial or ethnic group, or candidate. In providing the site or sites for early voting under this Part, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of early voting under this Part. The request shall clearly identify the building, or any specific portion thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for early voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct early voting under this Part. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board.

(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.
- (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.
- (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.

(e) Notwithstanding subsection (d) of this section, a county board of elections by unanimous vote of all its members may propose a Plan for Implementation providing for the number of sites set out below in that county for ballots to be cast with days and hours that vary from the county board of elections, or its alternate, and other additional early voting sites in that county. If the county board of elections is unable to reach unanimity in favor of a Plan for Implementation, a member or members of the county board of elections may petition the State Board to adopt a plan for the county and the State Board may adopt a Plan for Implementation for that county. However, any Plan for Implementation approved under this subsection shall provide for uniform location, days, and hours for that one site throughout the period required by G.S. 163-166.40(b). This subsection applies only to a county that meets any of the following:

- (1) One site in a county that includes a barrier island, which barrier island meets all of the following conditions:
 - a. It has permanent inhabitation of residents residing in an unincorporated area.
 - b. It is bounded on the east by the Atlantic Ocean and on the west by a coastal sound.

- c. It contains either a National Wildlife Refuge or a portion of a National Seashore.
 - d. It has no bridge access to the mainland of the county and is only accessible by marine vessel.
- (2) Up to two sites in a county that is bounded by the largest sound on the East Coast and the county seat is located at the intersection of two rivers, which divide the county.

(f) Notwithstanding G.S. 163-166.40 and subdivisions (d)(2) and (d)(3) of this section, a county board of elections by unanimous vote of all its members may propose a Plan for Implementation providing for sites in that county for ballots cast during early voting to be applied for and cast in elections for all entities conducted in odd-numbered years. The proposed Plan for Implementation shall specify the hours of operation for the county board of elections for an election conducted in that county for that odd-numbered year. If the county board of elections is unable to reach unanimity in favor of a Plan for Implementation for that odd-numbered year, a member or members of the county board of elections may petition the State Board to adopt a Plan for Implementation for the county, and the State Board may adopt a Plan for Implementation for that county. However, throughout the period required by G.S. 163-166.40(b), any Plan for Implementation approved under this subsection shall provide for a minimum of regular business hours consistent with daily hours presently observed by the county board of elections for the county board of elections, or its alternate, and for uniform locations, days, and hours for all other additional early voting sites in that county. (1973, c. 536, s. 1; 1975, c. 844, s. 12; 1977, c. 469, s. 1; c. 626, s. 1; 1979, c. 107, s. 14; c. 799, ss. 1-3; 1981, c. 305, s. 2; 1985, c. 600, s. 4; 1987, c. 583, s. 4; 1989, c. 520; 1989 (Reg. Sess., 1990), c. 991, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 53; 1995, c. 243, s. 1; c. 509, ss. 117, 118; 1995 (Reg. Sess., 1996), c. 561, s. 4; 1997-510, s. 2; 1999-455, s. 6; 2000-136, s. 2; 2001-319, s. 5(a)-(c); 2001-337, s. 2; 2001-353, s. 9; 2003-278, s. 11; 2005-428, ss. 5(a), 6(a), 7; 2007-253, s. 3; 2007-391, s. 34(a); 2009-541, s. 23; 2013-381, ss. 2.7, 16.5, 25.1, 25.2, 25.3, 30.7; 2014-111, s. 3; 2015-103, ss. 6(b), 8(b), (c); 2017-6, s. 3; 2018-112, s. 2; 2018-129, ss. 1(b), 2; 2018-144, s. 3.4(g); 2018-146, s. 3.1(a), (b); 2019-22, ss. 7, 7.5(a), (b); 2019-239, s. 2(b); recodified from N.C. Gen. Stat. 163-227.6 by 2023-140, ss. 1(c), 27(c).)