

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL 392

Short Title: Safeguard Fair Elections. (Public)

Sponsors: Senators Chaudhuri, Murdock, and Smith (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 25, 2025

A BILL TO BE ENTITLED
AN ACT TO PROVIDE INCREASED PROTECTIONS FOR VOTERS AND ELECTIONS
OFFICIALS AGAINST VARIOUS FORMS OF INTERFERENCE WITH AN ELECTION
AND TO APPROPRIATE FUNDS FOR CERTAIN PURPOSES.

The General Assembly of North Carolina enacts:

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

SECTION 1.1. Article 22 of Chapter 163 of the General Statutes is amended by adding the following new sections to read:

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

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

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

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

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

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

(1) Threatens or attempts to threaten any person:

a. For voting or attempting to vote.

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

c. For registering to vote.

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

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

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

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



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

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

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

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

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

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

(1) Voting or attempting to vote.

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

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

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

For purposes of this section, 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.

"§ 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."

PART II. ELECTION OFFICIAL AND POLL WORKER INTIMIDATION

SECTION 2.1. Article 22 of Chapter 163 of the General Statutes reads as rewritten:

"Article 22.

"Corrupt Practices and Other Offenses Against the Elective Franchise.

"Part 1. Criminal Penalties for Voter Interference.

...

"§ 163-278. Duty of investigating and prosecuting violations of this Article.

...

(e) In addition to the penalties described under this Article, the State Board and the district attorneys are authorized to investigate, prosecute, and seek increased penalties for a person that intimidates, threatens, or coerces an election worker, as defined in G.S. 163-275.1, engaged in performing official duties.

"Part 2. Election Administrator and Poll Worker Intimidation.

"§ 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 III. DISQUALIFY ANY PUBLIC OFFICIAL WHO REFUSES TO CERTIFY ELECTION

SECTION 3.1. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 15B.

"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) 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.

(2) 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.

(3) Substantial evidence. – Any relevant evidence that a reasonable person might accept as adequate to support a conclusion.

"§ 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 substantial 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."

SECTION 3.2. This Part is effective when it becomes law and applies to elections held on or after that date.

PART IV. PROHIBITING THIRD-PARTY FORENSIC AUDIT

SECTION 4.1. 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 4.2. 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 V. PREVENT IMPEDIMENT/INTERFERENCE WITH ELECTION PROCESS

SECTION 5.1. G.S. 163-45.1 reads as rewritten:

"§ 163-45.1. Observers.

(a) For purposes of this section, "observer" is defined as an individual appointed pursuant to this section to observe the voting process at a voting place.

(b) Observers may be appointed in accordance with the following:

- (1) The chair of each political party in the county may designate two registered voters of the county to serve as observers at each voting place in that county in which the political party has a candidate appearing on the ballot.
- (2) The chair of each political party in the county may designate up to 10 registered voters of the county to serve at any voting place in the county in which the political party has a candidate appearing on the ballot.
- (3) The chair of each political party in the State may designate up to 100 registered voters of the State to serve at any voting place in the State in which the political party has a candidate appearing on the ballot.
- (4) An unaffiliated candidate or the unaffiliated candidate's campaign manager may designate two observers to serve at each voting place in which that unaffiliated candidate appears on the ballot.

(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.

(c) The list of individuals appointed pursuant to this section shall be submitted electronically or in writing by noon on the business day before each observer is scheduled to serve. Individuals appointed to serve at a particular voting place or countywide shall be submitted to the director of the county board of elections for that county. Individuals appointed to serve statewide shall be submitted to the Executive Director of the State Board, who shall submit a copy to each affected county board of elections. Before each voting place opens for voting, the county board of elections shall provide a copy of the list of appointed observers for each voting

place to the chief judge for that respective voting place, including any countywide or statewide 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.~~

(f) The county board of elections or a chief judge of a voting place shall only challenge the appointment of an observer pursuant to this section for good cause, which shall include evidence that the observer could impact the conduct of the election.

(g) Election officials shall not prohibit an observer from doing any of the following, provided that the observer does not interfere with the privacy of any voter or the conduct of the election:

- (1) Taking notes in the voting place, including using an electronic device to take notes.
- (2) Listening to conversations between a voter and election official that take place in the voting place, provided the conversation is related to election administration.
- (3) Moving about the voting place, including the designated area for curbside voting.
- (4) Leaving and reentering the voting enclosure.
- (5) Communicating via phone outside of the voting enclosure.
- (6) Witnessing any opening and closing procedures at the voting place.

(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.

(i) An observer may take photographs inside the voting place before the voting begins and after voting has concluded, provided that the taking of photographs does not impair any election official in executing opening and closing procedures or compromise the security of ballots, election equipment, or election results. The State Board shall adopt rules to implement this subsection.

(j) A chief judge may remove an observer who engages in prohibited behavior under this section. A chief judge may also remove an observer for good cause, which shall include evidence that the observer could impact the conduct of the election. Whenever possible, the chief judge shall first issue a verbal or written warning to the observer. The warning must include the time and nature of the offense, and the chief judge must provide the observer a reasonable opportunity to correct the behavior. If the chief judge determines the observer should be removed, the chief judge must immediately notify the director of the county board of elections. The director of the

county board of elections must immediately notify the appointing authority so that a replacement observer can be appointed. Nothing in this section prohibits a chief judge from reporting an alleged violation of State or federal law to the appropriate authority.

(k) The State Board shall develop a uniform process for all county boards of elections and the State Board to implement for all of the following:

- (1) The filing and hearing of challenges of the appointment of an observer pursuant to subsection (f) of this section.
- (2) The hearing of appeals on challenges of the appointment of an observer.
- (3) The hearing of appeals on the removal of an observer from the voting place pursuant to subsection (j) of this section.

(l) An observer may obtain copies of the list of persons who have voted at each voting place during the times the voting place is open for voting. Counties using an "authorization to vote document" instead of pollbooks to indicate which persons have voted are in compliance with this requirement if they allow observers to inspect election records so that the observer can create a list of who has voted at each voting place. The State Board shall determine the times at which these lists may be obtained. However, observers must be able to obtain copies of the list at least three times each day with at least one hour between obtaining the copies."

SECTION 5.2. 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 VI. PROTECTING ELECTION OFFICIALS' PERSONALLY IDENTIFIABLE INFORMATION IN PUBLIC RECORDS

SECTION 6.1. G.S. 132-1.2 is amended by adding a new subdivision to read:

"(11) Reveals the personally identifiable information of precinct election officials and the immediate family members of precinct election officials protected under G.S. 163-49."

SECTION 6.2. Article 5 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-49. Protecting precinct election officials' personally identifiable information in public records."

(a) Notwithstanding any provision of law to the contrary, a precinct official may file written notice with the State Board requesting that the precinct official and the precinct official's immediate family, if applicable, be placed on a list prohibiting disclosure of personally identifiable information in public records when the precinct official deems the official or the official's immediate family is at risk of intimidation, threat, or coercion in response to official election duties. For purposes of this section, "personally identifiable information" means any of the following:

- (1) A person's home address, home telephone number, personal mobile telephone number, pager number, or personal email address.
- (2) A photograph of a person.
- (3) Directions to a person's home.
- (4) A photograph or description of a person's home, vehicle, or vehicle license plate.

(b) The State Board shall develop a process and establish criteria for precinct officials requesting nondisclosure of their personally identifiable information pursuant to this section. In developing the process, the State Board shall provide a means to notify the appropriate county boards of elections and other entities of the request."

PART VII. ALLOW JUDICIAL REVIEW IN CERTAIN CONTESTED RACES

SECTION 7.1. G.S. 163-182.13A(k) reads as rewritten:

"(k) General Assembly Determination Not Reviewable. – The Notwithstanding subsection (j) of this section, the decision of the General Assembly in determining the contest of the election pursuant to this section may not be reviewed by the General Court of Justice. If judicial review is granted pursuant to this subsection, the court shall issue findings of fact in making its determination regarding whether the contestee is eligible and qualified or, if the contest is as to the conduct or results of the election, which candidate received the highest number of votes."

PART VIII. SECURITY TRAINING FUNDS

SECTION 8.1. There is appropriated from the General Fund to the State Auditor, pursuant to Section 3A.2 of S.L. 2024-57, for the State Board of Elections the sum of two hundred fifty thousand dollars (\$250,000) in recurring funds for each year of the 2025-2027 fiscal biennium to provide biennial security training for election officials and their immediate family members, as defined in G.S. 14-43.17. Security training shall include, at a minimum, each of the following:

- (1) Best practices for using social media and other forms of online engagement and maintaining online privacy.
- (2) Home security program and maintenance.
- (3) Understanding removal programs and requirements for election officials' personally identifiable information in accordance with Part VI of this act.
- (4) Any other security training deemed relevant.

PART IX. NEW THREAT MANAGEMENT CAPABILITY FUNDS

SECTION 9.1. There is appropriated from the General Fund to the State Auditor, pursuant to Section 3A.2 of S.L. 2024-57, for the State Board of Elections the sum of two million dollars (\$2,000,000) in nonrecurring funds for the 2025-2026 fiscal year to establish, in coordination with the Department of Public Safety, as appropriate, a new threat management capability for monitoring all-source information that shall do the following:

- (1) Provide a threat monitoring and analysis capability for the protection of election officials and their immediate family members, as applicable.
- (2) Coordinate social media monitoring and threat assessments.
- (3) Proactively manage the monitoring of websites for election officials' personally identifiable information and report violations to the appropriate law enforcement authorities.
- (4) Maintain files of escalating behaviors and work in conjunction with the appropriate law enforcement to counteract overt acts of aggression.
- (5) Maintain a database of each election official to catalogue complaints, including the name and other relevant personal information of the individual or group of individuals engaging in direct or indirect threatening behavior.
- (6) Coordinate complaints by election officials of all sources and other online threats, whether direct or indirect, with law enforcement partners.

PART X. SEVERABILITY

SECTION 10.1. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect

1 without the invalid provisions or application and, to this end, the provisions of this act are
2 severable.
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4 **PART XI. EFFECTIVE DATE**

5 **SECTION 11.1.** Parts VIII and IX of this act become effective July 1, 2025. Except
6 as otherwise provided, the remainder of this act is effective when it becomes law and applies to
7 elections held on or after that date.