Election Law Index

This *Election Law Index* is an electronic resource maintained by the N.C. State Board of Elections. Its content is provided for general informational purposes and does not constitute legal advice. The agency does not warrant that the content is comprehensive or current. Due to often rapid changes in election laws, this resource may not contain the most recent statutory changes, despite the agency's best efforts.

Federal statutes in this Index are linked to <u>Cornell University Law School's Legal Information Institute</u>, a nonprofit group that maintains a text directory of federal laws. The official online source of federal law is the <u>U.S. Government Printing Office</u>. Users may <u>search for federal laws by citation</u>. State statutes and citations to the N.C. Administrative Code are linked to the websites maintained by the <u>North Carolina General Assembly</u> or the <u>North Carolina Office of Administrative Hearings</u>. However, the online text version of state statutes are often not updated until several months after any revisions are enacted.

Please direct any comments, questions, or corrections to legal@ncsbe.gov.

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ABC (Alcoholic Beverage Commission) Election

Ballot propositions that must be used	
	<u>GS 18B-602</u>
Beautification district ABC elections	<u>GS 18B-600(g)</u>
Determination of election: Majority vote of any question is valid	<u>GS 18B-602</u>
County ABC election	GG 10D (01 G)
Called after either a petition of voters or request of county commissioners	<u>GS 18B-601(b)</u>
County may hold mixed beverage election only if it already has ABC	GS 18B-600(b)
store (or holding ABC store election at same time)	
Effect on city's alcoholic beverage laws	GS 18B-604(b)(c)
Generally	GS 18B-601(b)
Election date: During the next regularly scheduled election, as allowed	GS 18B-601(f)
Election procedure: Same as a referendum	GS 18B-601(a)
Form of ballots	GS 18B-602
Frequency of ABC election on same issue: 3 years	GS 18B-604(a)
Local act ABC elections	GS 18B-605
Malt beverage and unfortified wine election allowed only on certain	GS 18B-600(c)
conditions	
Municipal ABC election	
ABC store election	GS 18 B-600(d), 18B-
	602(g)
Called after either petition of voters or request of city council	GS 18B-601(c)
City located in more than one county	GS 18B-600(e4)
Effect on county's alcohol laws: Election does not affect law on	GS 18B-604(d)
alcohol sales in county area outside of municipality	<u> </u>
City ABC elections (ABC store, malt beverage, unfortified wine and	GS 18B-600(c), (d),
mixed beverage) allowed only on certain conditions	(e)
City may hold mixed beverage election only if it already has ABC	GS 18B-600(e)
store (or holding ABC store election at same time)	<u> </u>
Small city mixed beverage elections allowed only on certain	GS 18B-600(e1)
conditions	<u> </u>
Small resort town mixed beverage election (limited to certain	GS 18B-600(e5)
conditions)	<u> </u>
Small town mixed beverage election (limited to certain conditions)	GS 18B-600(e3)
Ski resort ABC elections (limited to certain conditions)	GS 18B-600(e2)
Township ABC election (limited to certain conditions)	GS 18B-600(f)
Notice of election: same as any other election	GS 18B-601(h)
Observers: Proponents and opponents each allowed to appoint 2	GS 18B-601(i)
	(modified by S.L.
	2023-140)
Permits allowed; how issued as controlled by election result	GS 18B-603
Petition calling for an ABC election	GS 18B-601(e)
Prohibition by election of previously-lawful alcoholic beverage sales	GS 18B-604(f)
Registration of voters: Same as any other election	GS 18B-601(g)
Request for election must set out which kind of propositions are to be voted	GS 18B-601(d)
upon	
Subsequent elections for malt beverages or unfortified wine: Effect on	GS 18B-602(d), (f)
Subsequent elections for mail beverages of unfortuned wine. Effect off	
previously approved sales	

Absentee Voting

Absentee ballot	
Absentee ballot application (on container-return envelope)	GS 163-229
Annual request for absentee ballot by sick or disabled person	GS 163-226(b)
Application on container-return envelope; when required to be	GS 163-229(b)
available for voters	(modified by <u>S.L.</u>
	<u>2023-140</u>)
CBE to approve/disapprove applications at special Tuesday meetings	GS 163-230.1(e), (f)
prior to election	(modified by <u>S.L.</u>
	2023-140)

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See table for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Date when absentee ballots must be made available (depends on the type of election; special requirements for military-overseas voters) Delivery of requested absentee ballot and container-return envelope to voter Delivery of requested absentee ballot and container-return envelope to voter List of absentee ballots not included on certified list prepared pursuant to G.S. 163-232 and received by 7:30 p.m. on Election Day Municipal, special district and certain other partial-county elections: Absentee ballots must be available 30 days prior to election Absentee ballots must be available 30 days prior to election Retention of absentee ballots (and container-return envelopes by CBE: 22 months (or longer if a pending contest exists concerning the validity of the ballots) Retention of absentee ballot list: 22 months Retention of absentee ballots: To be provided as quickly as possible Simultaneous issuance of absentee ballot with application Transmitting executed ballot to CBE: Timely if received by mail, commercial courier service, or by in-person delivery by 7:30 p.m. on Election Day; ballot can also be delivered to an early voting site Voter must mark absentee ballot (in certain situations, voter may receive assistance beyond request) Voter must complete and sign application (in certain situations, voter may receive assistance upon request) Withdrawal of submitted absentee ballot not allowed Assistance with absentee voting CBE is responsible for conducting absentee voting Candidate prohibited from serving as witness (if not a near relative of the voter)	2023- lified
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Candidate prohibited from serving as witness (if not a near relative of GS 163-237(c)	
· · · · · · · · · · · · · · · · · · ·	
the voter)	
Certain acts prohibited GS 163-226.3(a) (modified by S I	
(modified by <u>S.L.</u>	-
Certification of executed absentee ballots by CBE: List of absentee voters Certification of executed absentee ballots by CBE: List of absentee voters Certification of executed absentee ballots by CBE: List of absentee voters	lified
delivered to each precinct Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence bands by CBE: List of absence voters Continuation of executed absence voters Continuation of ex	
258.26	, 103-
Challenges to absentee ballot GS 163-89 (modif	fied
by S.L. 2023-140)	
Counting absentee ballot	
Abstract prepared of absentee vote tally GS 163-234(7)	
(modified by <u>S.L.</u>	
140)	2023-
Ballots timely returned are counted GS 163-234(1)	2023-
(modified by <u>S.L.</u>	2023-
<u>140</u>)	
Board members must supervise, but may use assistants GS 163-234(5)	
Counting of absentee ballot received on Election Day GS 163-234(2)	
(modified by <u>S.L.</u>	2023-
140)	2023-
Early count of absentee ballots on Election Day only authorized by GS 163-234(2)	2023-
resolution (modified by <u>S.L.</u>	2023-
140)	2023-
Majority of CBE members and a representative of each party must be	2023-
Party chair or officer must observe and attest count if none of the board GS 163-234(9)	2023-

^{*}Statute affected by permanent injunction in 2016 in *NAACP v. McCrory*. See <u>table</u> for current law in effect.

**Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

	/ 1'C' 11 GY 2022
members of that party are present	(modified by <u>S.L. 2023-</u> 140)
Pollbook of absentee voters	GS 163-234(6)
1 offbook of absence voters	(modified by <u>S.L. 2023-</u>
	140)
Procedure	GS 163-234(6)
Trocodino	(modified by <u>S.L. 2023-</u>
	140)
Scanning of absentee ballots allowed prior to counting	GS 163-234(3)
The state of the s	(modified by S.L. 2023-
	140)
Time to start count is 5 p.m. Election Day unless resolution is passed to	GS 163-234(2)
start earlier	(modified by S.L. 2023-
	140)
Crimes related to absentee voting	
Aiding and abetting fraud in connection with absentee voting:	<u>GS 163-237(d)</u>
Misdemeanor	
Absentee ballot felonies (includes forms of improper assistance to	<u>GS 163-226.3</u>
voter)	(modified by <u>S.L.</u>
	<u>2023-140</u>)
Candidate serving as witness for voter (if not a near relative)	<u>GS 163-237(c)</u>
CBE violations (custody and issuance of materials): Class 2	<u>GS 163-236</u>
misdemeanor	
Exception to general prohibition against assisting voters for trained	GS 163-226.3(a)(4)
assistance team	(modified by <u>S.L.</u>
	2023-140)
False statement not under oath: Class 2 misdemeanor	GS 163-237(b)
False statement under oath: Class 2 misdemeanor	<u>GS 163-237(a)</u>
Forgery connected to absentee voting: Class I felony	<u>GS 163-237(d)</u>
Other violations of absentee voting law: Class 2 misdemeanor	<u>GS 163-237(e)</u>
SBE's duty to report violation to district attorney	<u>GS 163-238</u>
Cure process for absentee deficiencies	<u>GS 163-230.1(e)</u>
	(modified by <u>S.L.</u>
	<u>2023-139</u> and <u>S.L.</u>
	<u>2023-140</u>)
Deadline to return absentee ballot: Timely if received by mail, commercial	<u>GS 163-231(b)</u>
courier service, or by in-person delivery by 7:30 p.m. on Election Day;	(modified by <u>S.L.</u>
ballot can also be delivered to an early voting site (see special rules for	<u>2023-140</u>)
military-overseas voters)	CC 162 226
Generally, allowed for primaries, elections and runoffs (with some	<u>GS 163-226</u>
exceptions, including some municipal elections) Instruction sheet: Must be available by specified date	CC 162 220(a)
instruction sheet. Wast be available by specified date	GS 163-229(c)
	(modified by <u>S.L.</u>
List of returned absentes hellots to be counted must be cont to CDE by CDE	2023-140) GS 163 232 (modified
List of returned absentee ballots to be counted must be sent to SBE by CBE	GS 163-232 (modified
Military everyons absented veting	by <u>S.L. 2023-140</u>)
Military-overseas absentee voting	See Military-Overseas
Multiportion aggistance teams available to appell aggistance teams	Voter
Multipartisan assistance teams available to provide assistance to voters at certain facilities	8 NCAC Ch. 16
Municipal election: Absentee and early voting to be authorized by	CS 163 200 (modified
municipality	GS 163-302 (modified
"Near relative" defined for absentee voting purposes	by <u>S.L. 2023-140</u>) GS 163 230 1(b)
Pollbook of absentee voters	GS 163-230.1(h)
r onbook of absence voters	GS 163-234(6) (modified by S.L. 2023)
	(modified by <u>S.L. 2023-</u>
Drimary absentes voting allowed	140) GS 163 226 1
Primary absentee voting allowed Records retention of absentee voting materials	<u>GS 163-226.1</u>
Records retention of absentee voting materials Retention of absentee ballot lists: 22 months	CS 162 222 (modified
Recention of auscince valiot fists. 22 months	GS 163-232 (modified by S.L. 2023-140)
Retention of absentee ballot requests, ballots, and container-return	† •
envelopes: 22 months (or longer if a pending contest exists concerning	GS 163-234(10) (modified by S.L. 2022)
the validity of the ballots)	(modified by <u>S.L. 2023-</u>
· · · · · · · · · · · · · · · · · · ·	140)
Register of absentee requests, applications and ballots issued	GS 163-228 (modified
Depositing absented totals by service and service	by <u>S.L. 2023-140</u>)
Reporting absentee totals by voting precinct	GS 163-132.5G
	(modified by <u>S.L.</u>
	2023-140)

^{*}Statute affected by permanent injunction in 2016 in *NAACP v. McCrory*. See <u>table</u> for current law in effect.

**Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Reporting of absentee ballots during early voting period	GS 163-232.2 (added
	by <u>S.L. 2023-140</u>)
Request for absentee ballot	
Absentee ballot for a Primary: Voter can opt to automatically request an	<u>GS 163-227.1</u>
absentee ballot for the Second Primary	
Annual request (for all elections in a calendar year) can be made by	<u>GS 163-226(b)</u>
person with sickness or physical disability	
Deadline, generally: Must be received by 5:00 p.m. on the last Tuesday	<u>GS 163-230.1</u>
before Election Day	(modified by <u>S.L.</u>
	<u>2023-140</u> and <u>S.L.</u>
	<u>2023-139</u>)
Must be on SBE's request form, which is freely available	<u>GS 163-230.2</u>
	(modified by S.L.
	<u>2023-140</u>), <u>163-230.1</u>
	(modified by S.L.
	<u>2023-140</u> and <u>S.L.</u>
	<u>2023-139</u>)
Request on behalf of voter who becomes unexpectedly sick or disabled:	GS 163-230.1(b)
Can be made by voter, near relative or legal guardian up until 5:00 p.m.	
on the day before Election Day	
Second primary absentee procedure same as first primary's	<u>GS 163-227.1</u>
Voter must personally complete and sign ballot application and mark the	GS 163-230.1(d)
ballot (unless assisted as authorized by law)	
Voting absentee ballot in front of two witnesses or a notary	GS 163-231(a), 163-
	226.3(a)(4) (modified
	by <u>S.L. 2023-140</u>),
	<u>163-229(b)</u> (modified
	by <u>S.L. 2023-140</u>),
	10B-30(d)
Who may vote absentee: Any qualified voter	GS 163-226

Abstract

"Abstract" defined	<u>GS 163-182(1)</u>
Abstract: Prepared by CBE using form provided by SBE	GS 163-182.6(a)
	(modified by <u>S.L. 2023-</u>
	<u>140</u> and <u>S.L. 2023-139</u>)
"Composite abstract" defined	<u>GS 163-182(3)</u>
Composite abstract: Prepared by SBE	GS 163-182.6(b)
	(modified by S.L. 2023-
	<u>139</u>)
Forms: Prescribed by SBE	GS 163-182.6(d)
Municipal abstract: Due to SBE within 9 days after election	<u>GS 163-300</u>
Races for which CBE prepares abstract	GS 163-182.4(a), (c)(2)
	(modified by <u>S.L. 2023-</u>
	<u>140</u>)
Races for which SBE prepares composite abstract	GS 163-182.4(b), (c)(2)
Secretary of State to keep the certified copies of abstracts	GS 163-182.6(c)

Accessibility & Voters with Special Needs

A	E-11 Aii-1-
Accessibility law, generally	Federal Americans with
	Disabilities Act: <u>42</u>
	<u>USC 12101 et seq.</u> ;
	State Persons with
	Disabilities Protection
	Act:
	<u>GS Ch. 168A</u>
Assistance: See <u>Assistance to Voters</u>	
Curbside voting	GS 163-166.9;
	8 NCAC 10B.0108,
	<u>8.0103</u>
SBE to create rules for accessibility	<u>GS 163-131</u>
Voter in nursing home, rest home, hospital, etc.	GS 163-226.3(a)(4)
	(modified by S.L. 2023-
	<u>140</u>)
Voter who is blind	GS 163-166.8(a)(2)d

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See <u>table</u> for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Voter who cannot read (including English reading proficiency)	GS 163-166.8(a)(2)c
Voter with a physical disability	GS 163-166.8(a)(2)a, b
Voting Accessibility for Elderly and Handicapped Act	52 USC 20101 et seq.

Advertising & Media: See also Campaign Reporting

Basic requirements for political advertising	<u>GS 163-278.39</u>
"Broadcasting station" defined	<u>GS 163-278.6(5)</u>
"Candidate" defined for advertisement enforcement purposes	GS 163-278.38Z(2)
Council of State limited in use of state-funded media pre-election	<u>GS 163-278.16A</u>
"Communications media" defined	<u>GS 163-278.6(11)</u>
Definitions	GS 163-278.38Z
Disclosures	
Basic disclosure requirements for all political advertisements	<u>GS 163-278.39</u>
Disclosure as to media does not apply to individuals	<u>GS 163-278.39C</u>
(1) spending less than \$1,000, or (2) in a referendum race	
Print advertisement disclosure	GS 163-278.39(a)(3), (4)
Television advertisements: Requirement of photo	GS 163-278.39(b)
Equal opportunity for candidates (under the FCC)	47 USC 315(a); 47 CFR
	73.1940 et seq., 76.205 et
	seq.
"Full-Screen" defined	GS 163-278.38Z(4)
Joint sponsors: All sponsors must be identified	<u>GS 163-278.39(a)</u>
Legends and authorizations	<u>GS 163-278.39</u>
"Media" defined	<u>GS 163-278.6(11)</u>
Media expenditures must be by check	<u>GS 163-278.8(c)</u>
Media must charge normal rates for political advertisements	GS 163-278.18(a)
Normal commercial charges for political advertising	<u>GS 163-278.18</u>
"Print media" defined	<u>GS 163-278.38Z(7)</u>
Signs	
CBE must notify filing candidates of signage (littering) law	<u>GS 163-33.3</u>
SBE must notify filing candidates of signage (littering) law	GS 163-22.3
Planned communities (homeowners associations) limiting the right to	<u>GS 47F-3-121</u>
display political signs on private property	
Political signs allowed on DOT right-of-way (highways)	<u>GS 136-32</u>
Political signs not allowed on electric company fixtures	<u>GS 14-156</u>
Signs are protected from being damaged or taken down	<u>GS 14-384</u>
Size requirement for print advertisements	<u>GS 163-278.39(b)</u>
Written authority required for political media purchase and records of such	GS 163-278.17
must be maintained by the media	

Age Requirement

Candidate (by the day of the election)		
Any elected office (other than below): Age 21 or older	N.C. Const. Art. VI,	
	<u>§ 6</u>	
Governor and Lieutenant Governor: Age 30 or older	N.C. Const. Art. III,	
	<u>§ 2</u>	
State Senator: Age 25 or older	N.C. Const. Art. II,	
	<u>§§ 6, 7</u>	
U.S. President: Age 35 or older	<u>U.S. Const. Art. II, § 1</u>	
U.S. Representative: Age 25 or older	U.S. Const. Art. I,	
	<u>§ 2</u>	
U.S. Senator: Age 30 or older	U.S. Const. Art. I,	
	<u>§ 3</u>	
Student Election Assistant: 17 years of age or older	<u>GS 163-42.1</u>	
Voter: See also <u>Registration to Vote</u> (and <u>Preregistration</u> subsection)		
Voting at election: Age 18 or older (see note below regarding how early	GS 163-55*(a)(1); N.C.	
17-year-olds turning 18 may register)	Const. Art. VI, § 1	
Voting at primary: Age 18 or older by the general election	<u>GS 163-59*</u>	

Annexation

Annexed voter activation	<u>GS 163-288.1</u>
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^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See table for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in *Cooper v. Berger* on Nov. 30, 2023.

Generally	GS Chapter 160A
	<u>Art. 4A</u>
Petition for annexation (goes to municipality, not CBE)	<u>GS 160A-31</u>
Referendum prior to involuntary annexation: Can only be held at the	GS 160A 58.55, 160A-
same time as municipal general election	<u>58.64</u>

Assistance to Voter: See also Voting, Curbside voting

Absentee voting: Certain acts prohibited	GS 163-226.3(a)
Tresence voting. Certain acts promoted	(modified by S.L. 2023-
	140 and by court case, see
	Numbered Memo 2022-
	<u>11</u>)
Access to voting enclosure	GS 163-166.3(a)(6)
Assistance to voter: Procedure and rules	<u>GS 163-166.8(b)</u> ;
	8 NCAC 10B.0107
Authorized person assisting may be in voting enclosure	GS 163-166.3(a)(6)
Demonstration of voting system available to voters upon request	8 NCAC 10B.0102(j),
	4.0305
Early voting: Same rules as on Election Day	GS 163-166.40
	(recodified and modified
	by <u>S.L. 2023-140</u>), <u>163-</u>
	226.3(a)(3) (modified by
	<u>S.L. 2023-140</u>)
Facilities (hospital, clinic, nursing home, rest home): Assistance by	GS 163-226.3(a), (a)(4)
facility employees with absentee voting prohibited; generally,	(modified by S.L. 2023-
assistance can only be provided by near relative or legal guardian	140 and by court case, see
of voter; multipartisan assistance team, or MAT, may provide	Numbered Memo 2022-
assistance	<u>11</u>)
In-person voting: Assistance to be provided only upon the voter's request	GS 163-166.8 (modified
	by <u>S.L. 2023-140</u>);
	8 NCAC 10B.0107
Log required listing individuals who provided assistance	GS 163-166.8(d) (added
	by <u>S.L. 2023-140</u>)
Multipartisan assistance teams available to assist absentee voters at	8 NCAC Ch. 16
certain facilities	
Precinct judges may provide only technical voting information	8 NCAC 10B.0103(g)
Who may assist voters	GS 163-166.8 (modified
	by <u>S.L. 2023-140</u>)

B.

Ballot

Arrangement (order on the ballot)	
Order of candidates for primary and general elections: Alphabetical or	<u>GS 163-165.6(c)</u>
reverse alphabetical by last name of candidate, which order shall be	
determined by random drawing by SBE	
Order of candidates for municipal elections: Strict alphabetical	<u>GS 163-299(c)</u>
Order of ballot items	<u>GS 163-165.6;</u>
	8 NCAC 6B.0103
"Ballot" defined	<u>GS 163-165(1)</u>
Ballot and electronic records of ballots are confidential	<u>GS 163-165.1(e)</u>
Ballot items	
Defined	<u>GS 163-165(2)</u>
Jurisdiction of CBE	GS 163-182.4(a)
	(modified by S.L. 2023-
	<u>140</u>)
Jurisdiction of SBE	<u>GS 163-182.4(b)</u>
"Ballot style" defined	<u>GS 163-165(3)</u>
Certification of official ballots and instructions by SBE	GS 163-165.3(a)
Chief judge's responsibilities while at precinct's polling place	<u>GS 163-182.3</u>
Contents required of official ballots	<u>GS 163-165.5</u>
Counting ballots: See also Write-In	

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See table for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in *Cooper v. Berger* on Nov. 30, 2023.

Absentee ballot counting	GS 163-234 (modified by S.L. 2023-140)
Ballot with technical problems: Count vote and determine voter intent whenever possible	GS 163-182.1(a)(1) through (5)
Hand-to-eye audit count controls over machine count	GS 163-182.1(b), 163-182.2(a)(6)
Initial counting of ballots at precinct's polling place	GS 163-182.2 (modified by S.L. 2023-140)
Municipal ballot, special district ballot counts: Same rules	GS 163-304
Overvote	GS 163-182.1(a)(4)
Polling place precinct counting procedure (after polls close)	GS 163-166.10, 163-182.1(b); 8 NCAC 10B.0105
Post-election audits: report must be sent to legislature	163-182.12A (modified by <u>S.L.</u> 2023-134)
Preliminary report of vote produced by precinct officials	GS 163-182.2(a)(5)
Principals and rules for counting	GS 163-182.1; 8 NCAC 6B.0105
Provisional ballot counting	GS 163-182.2(a)(4)*
Public may witness, but not interfere	GS 163-182.2(a)(3)
Sample audit count required	GS 163-182.1(b)(1), 163-182.2(b)(2) (modified by <u>S.L. 2023-140</u>)
Witnesses to counting: Shall not participate	GS 163-182.2(a)(3)
Challenged ballot (after challenge is sustained)	GS 163-88.1 (modified by S.L. 2023-140)
CBE may combine ballot items (with SBE approval)	<u>GS 163-165.5B</u>
Contents of official ballots	<u>GS 163-165.5</u>
CBE to prepare official ballots and instructions	<u>GS 163-165.3(b)</u>
Distributing ballots to voters at voting enclosure	<u>GS 163-166.7(b)</u>
Failure to complete voting (if voter leaves without finishing)	8 NCAC 10B.0104(f)
Instructions	
Instructions to be on ballot	GS 163-165.5(a)(6)
Model instructions prepared by SBE	GS 163-165.3(a)(2)
Late change in ballot	GS 163-165.3(c); 8 NCAC 6B.0104
"Official ballot" defined	<u>GS 163-165(5)</u>
Official ballots required for all voting	<u>GS 163-165.1(b)</u>
Preparation of ballots	<u>GS 163-165.3</u>
Prompt transmission of ballots to CBE from voting place	GS 163-182.2(b)(4); 8 NCAC 10B.0105(m)
Proofreading of ballot by SBE	GS 163-165.3(a)(5)
Sample ballot	
CBE to produce and post at poll; required by HAVA	<u>GS 163-165.2(a)</u> , 163-166.7A
Document resembling official ballot must contain disclaimer	GS 163-165.2(b)
Generally	GS 163-165.2
Spoiled ballot to be returned and marked as spoiled	GS 163-166.7(c)(4); 8 NCAC 10B.0104(b)
Standards for official ballots	GS 163-165.4
Straight-party voting not allowed	GS 163-165.6(f)
Write-in vote provisions	GS 163-165.5(a)(5),
The in voic provisions	163-165.6(g)

Board of Education: See School Board & School Board Election

Bond Referendum

Local bond referendum	
Challenge to results of bond referendum: 30-day deadline	<u>GS 159-62</u>
Generally (Local Government Bond Act)	GS 159-43 through
	<u>159-79</u>
Petition for referendum on bond issue	<u>GS 159-60</u>
Purposes allowed for bond	<u>GS 159-48</u>
Referendum ballot, canvass, notice and procedure	<u>GS 159-61</u>

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See table for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in *Cooper v. Berger* on Nov. 30, 2023.

Referendum required under certain conditions	<u>GS 159-49</u>
State bond referendum: Generally, must be approved by voters	NC Const. Art. V
	<u>Sec. 3</u>

Budget (County)

Adoption of budget by Board of Commissioners: No later than July 1 of	<u>GS 159-13</u>
fiscal year	
Budget and budget message due to Board of Commissioners by June 1	<u>GS 159-11</u>
of fiscal year	
Budget requests due to county by April 30 of fiscal year (or earlier date	<u>GS 159-10</u>
fixed by budget officer)	
County Board of Commissioners duty to fund elections office	<u>GS 163-37</u> (modified by
	<u>S.L. 2023-140</u>)
Interim budget: If adoption is delayed after July 1 of fiscal year	<u>GS 159-16</u>

Buffer Zone Around Polling Place: See Electioneering on Election Day

C.

Campaign Reporting: For more detail, refer to SBE's Campaign Finance Manual

Account of candidate, committee may be inspected by SBE	<u>GS 163-278.8(b)</u>
Administration and policy to be set by SBE	<u>GS 163-278.21</u>
Affiliated party committee, council of state	<u>GS 163-278.8C</u>
Affiliated party committee, legislative	<u>GS 163-278.8B</u>
Anonymous contributions prohibited. Intentional violations where	GS 163-278.14(a)
contributions total more than ten thousand dollars (\$10,000) are	GS 163-278.27(c)
punishable as a Class I felony	
Audit of reports must occur within 4 months	<u>GS 163-278.24</u>
Best efforts must be used to obtain contributor information	GS 163-278.11(d)
	<u>08 NCAC 21 .0101</u>
"Board" defined, SBE or CBE depending on elected office	<u>GS 163-278.6(3)</u>
Building funds for political party headquarters	<u>GS 163-278.19B</u>
"Business entity" defined	<u>GS 163-278.6(7)</u>
"Candidate" defined	<u>GS 163-278.6(9)</u>
Candidate or candidate committee use of contributions	<u>GS 163-278.16B</u>
Contributions and limits	
"Contribution" defined	GS 163-278.6(13)
C + 11 + 1 + 1 + 1 + 1 + 1 + 1 + 1 + 1 +	
Contributions in excess of \$50 must be made by check, draft, money	GS 163-278.14(b)
order, credit card charge, debit, or other noncash method	GG 162 270 12()
Contribution limit per election to a candidate or a political committee. Adjusted January 1st of odd-numbered calendar years	<u>GS 163-278.13(a)</u>
·	GG 162 270 12(1)
Contribution limit exception: contribution limit does not apply to	GS 163-278.13(d)
contributions from the candidate or candidate's spouse to the candidate committee	
Contribution limit exception: contribution limit does not apply to State,	GS 163-278.13(h)
district or county executive committees of political parties officially	<u>OS 103-278.13(II)</u>
recognized under G.S. 163-96.	
Contributions made in the name of another are prohibited. Intentional	GS 163-278.14(b)
violations where contributions total more than ten thousand dollars	GS 163-278.27(c)
(\$10,000) are punishable as a Class I felony	<u> </u>
"Coordinated expenditure" defined	GS 163-278.6(21)
Corporation	
"Corporation" defined	GS 163-278.6(24)
Corporate contributions and contributions from business entities, labor	GS 163-278.19(a)
unions, professional associations and insurance companies to	GS 163-278.15
candidates or political committees are prohibited	
Corporate contributions and contributions from business entities, labor	<u>GS 163-278.19A</u>
unions, professional associations and insurance companies to	
referendum committees are allowed	
County boards of elections to preserve reports	<u>GS 163-278.37</u>
Disclosure legend – basic disclosure requirements for all political	<u>GS 163-278.39</u>
advertisements	

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See <u>table</u> for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

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Duties of SBE Executive Director	GS 163-278.23
	(modified by <u>S.L. 2023-</u>
D. C. CODE	<u>134</u>)
Duties of SBE	GS 163-278.22
"Election" defined	GS 163-278.6(30)
"Election" defined for the purpose of contribution limits	G.S. 163-278.13(e)
	CC 162 270 6(0')
"Electioneering communication" defined	GS 163-278.6(8j)
	GS 163-278.6(43)
Electioneering communication reporting	GS 163-278.12C
	08 NCAC 21 .0104
Electronic filing	GS 163-278.9(i)
Evidence of to "gram outine" on "formacine" a condidate	08 NCAC 21 .0106 GS 163-278.14A
Evidence as to "supporting" or "opposing" a candidate	<u>US 103-278.14A</u>
Expenditure "Expenditure" defined	CC 162 270 6(51)
	GS 163-278.6(51) GS 163-278.8(d)
Expenditures in excess of \$50 must be made by verifiable form of payment	<u>GS 103-278.8(u)</u>
Expenditures for media must be made by verifiable form of payment	GS 163-278.8(c)
Federal campaign finance is regulated by federal law and the Federal	GS 163-278.5; 2 USC
Elections Commission (FEC), not North Carolina law and the SBE/CBE	<u>Ch. 14</u> ; <u>Title 11 CFR</u>
Federal political committees that register with the State Board of elections	GS 163-278.7A
may contribute to North Carolina candidates and political committees	OB 103-270./A
Federal political committee reporting	08 NCAC 21 .0105
Forms to be provided by SBE	GS 163-278.22(1) & (9)
Inactive candidate or committee	GS 163-278.10
"Independent expenditure" defined	GS 163-278.6(53)
Independent Expenditure Filer reporting requirements	GS 163-278.12
independent Expenditure Pher reporting requirements	08 NCAC 21 .0102
Independent expenditure-only political committee	GS 163-278.13(j)
Investigation of campaign finance violations	GS 163-278.22(7)
Judge and candidate for judge, restrictions under the Judicial Code of	NC Judicial Code of
Conduct	Conduct, Canon 7
Legal expense fund	
Legal capelise fullu	
	GS 163-278 301
Creation	GS 163-278.301 GS 163-278.300
Creation Definitions	<u>GS 163-278.300</u>
Creation Definitions Limitations on donations	GS 163-278.300 GS 163-278.316
Creation Definitions Limitations on donations Organizational report	GS 163-278.300 GS 163-278.316 GS 163-278.309
Creation Definitions Limitations on donations Organizational report Quarterly report	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310
Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320
Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses Reports to be filed with SBE	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320 GS 163-278.308
Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320 GS 163-278.308 GS 163-278.306
Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses Reports to be filed with SBE Treasure to keep detailed accounts	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320 GS 163-278.308 GS 163-278.306 GS 163-278.307
Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses Reports to be filed with SBE Treasure to keep detailed accounts Violation of legal expense fund law: Class 1 misdemeanor	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320 GS 163-278.308 GS 163-278.306 GS 163-278.307 GS 163-278.301(g)
Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses Reports to be filed with SBE Treasure to keep detailed accounts Violation of legal expense fund law: Class 1 misdemeanor Legislative session contribution limits for certain candidates	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320 GS 163-278.308 GS 163-278.306 GS 163-278.307
Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses Reports to be filed with SBE Treasure to keep detailed accounts Violation of legal expense fund law: Class 1 misdemeanor Legislative session contribution limits for certain candidates Loan	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320 GS 163-278.308 GS 163-278.306 GS 163-278.307 GS 163-278.301(g) GS 163-278.13B
Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses Reports to be filed with SBE Treasure to keep detailed accounts Violation of legal expense fund law: Class 1 misdemeanor Legislative session contribution limits for certain candidates Loan Detailed accounts to be kept by the treasurer	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320 GS 163-278.308 GS 163-278.306 GS 163-278.307 GS 163-278.301(g) GS 163-278.13B
Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses Reports to be filed with SBE Treasure to keep detailed accounts Violation of legal expense fund law: Class 1 misdemeanor Legislative session contribution limits for certain candidates Loan Detailed accounts to be kept by the treasurer Proceeds of loans made in the ordinary course of business by financial	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320 GS 163-278.308 GS 163-278.306 GS 163-278.307 GS 163-278.301(g) GS 163-278.13B
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Creation Definitions Limitations on donations Organizational report Quarterly report Permitted uses Reports to be filed with SBE Treasure to keep detailed accounts Violation of legal expense fund law: Class 1 misdemeanor Legislative session contribution limits for certain candidates Loan Detailed accounts to be kept by the treasurer Proceeds of loans made in the ordinary course of business by financial institutions may be used for contributions Acceptance of loans made by a financial institution in the ordinary course of business Reporting loan proceeds Lobbyists banned from making contributions to certain candidates Noncompliance process for political and referendum committees Penalties, criminal Intentional violations are a Class 2 misdemeanor	GS 163-278.300 GS 163-278.316 GS 163-278.309 GS 163-278.310 GS 163-278.320 GS 163-278.308 GS 163-278.306 GS 163-278.307 GS 163-278.301(g) GS 163-278.13B GS 163-278.15(b) GS 163-278.15(b) GS 163-278.13C 08 NCAC 21 .0201 GS 163-278.27 GS 163-278.27(a)
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^{*}Statute affected by permanent injunction in 2016 in *NAACP v. McCrory*. See <u>table</u> for current law in effect.

**Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

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Special Contributor reporting GS 163-278.12 08 NCAC 21.0103 Threshold of \$1,000 for financial reports of certain candidates Treasurer "Treasurer" defined Appointment Duty to keep detailed accounts Limitations on activity until treasurer appointed and certified GS 163-278.10 GS 163-278.6(95) GS 163-278.7 GS 163-278.8 GS 163-278.8	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate	(modified by S.L. 2023- 134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40D GS 163-278.40D GS 163-278.40E GS 163-278.40H
Threshold of \$1,000 for financial reports of certain candidates Treasurer "Treasurer" defined Appointment Duty to keep detailed accounts Limitations on activity until treasurer appointed and certified O8 NCAC 21.0103 GS 163-278.10 GS 163-278.6(95) GS 163-278.7 GS 163-278.8 GS 163-278.8	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not	(modified by S.L. 2023- 134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40D GS 163-278.40D GS 163-278.40E GS 163-278.40H
Threshold of \$1,000 for financial reports of certain candidates Treasurer "Treasurer" defined Appointment Duty to keep detailed accounts Limitations on activity until treasurer appointed and certified GS 163-278.10 GS 163-278.6(95) GS 163-278.7 GS 163-278.8 GS 163-278.8	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan	(modified by S.L. 2023- 134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40D GS 163-278.40D GS 163-278.40E GS 163-278.40H GS 163-278.8A
Treasurer "Treasurer" defined Appointment Duty to keep detailed accounts Limitations on activity until treasurer appointed and certified GS 163-278.6(95) GS 163-278.7 GS 163-278.8 GS 163-278.8	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan	(modified by S.L. 2023- 134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40D GS 163-278.40E GS 163-278.40H GS 163-278.8A
"Treasurer" defined Appointment Duty to keep detailed accounts Limitations on activity until treasurer appointed and certified G.S. 163-278.6(95) GS 163-278.7 GS 163-278.8 GS 163-278.8 GS 163-278.16	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan Special Contributor reporting	(modified by S.L. 2023- 134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40C GS 163-278.40D GS 163-278.40E GS 163-278.40H GS 163-278.8A GS 163-278.84 GS 163-278.12 08 NCAC 21 .0103
Appointment GS 163-278.7 Duty to keep detailed accounts GS 163-278.8 Limitations on activity until treasurer appointed and certified GS 163-278.16	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan Special Contributor reporting Threshold of \$1,000 for financial reports of certain candidates	(modified by S.L. 2023- 134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40C GS 163-278.40D GS 163-278.40E GS 163-278.40H GS 163-278.8A GS 163-278.84 GS 163-278.12 08 NCAC 21 .0103
Duty to keep detailed accounts Limitations on activity until treasurer appointed and certified GS 163-278.8 GS 163-278.16	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan Special Contributor reporting Threshold of \$1,000 for financial reports of certain candidates Treasurer	(modified by S.L. 2023- 134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40D GS 163-278.40D GS 163-278.40E GS 163-278.40H GS 163-278.8A GS 163-278.12 08 NCAC 21 .0103 GS 163-278.10
Limitations on activity until treasurer appointed and certified GS 163-278.16	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan Special Contributor reporting Threshold of \$1,000 for financial reports of certain candidates Treasurer "Treasurer" defined	(modified by S.L. 2023-134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40D GS 163-278.40D GS 163-278.40E GS 163-278.40H GS 163-278.8A GS 163-278.8A GS 163-278.12 08 NCAC 21 .0103 GS 163-278.10 G.S. 163-278.10
	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan Special Contributor reporting Threshold of \$1,000 for financial reports of certain candidates Treasurer "Treasurer" defined Appointment	(modified by S.L. 2023- 134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40D GS 163-278.40E GS 163-278.40H GS 163-278.8A GS 163-278.8A GS 163-278.12 08 NCAC 21 .0103 GS 163-278.10 GS 163-278.10
Loody 15t Testricted from Serving as treasurer US 120C-304	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan Special Contributor reporting Threshold of \$1,000 for financial reports of certain candidates Treasurer "Treasurer" defined Appointment Duty to keep detailed accounts	(modified by S.L. 2023- 134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40D GS 163-278.40E GS 163-278.40H GS 163-278.8A GS 163-278.8A GS 163-278.12 08 NCAC 21.0103 GS 163-278.10 GS 163-278.10 GS 163-278.87 GS 163-278.8
	Reports, municipal Definitions: "Board" and "city" General reporting law to apply, with some exceptions Contents of each report shall be current within seven days prior to the date the report is due Organizational report Partisan election reporting Nonpartisan election and runoff reporting Nonpartisan primary and election reporting Nonpartisan plurality reporting Notice of report due from CBE to candidate Sale of goods and services by political party executive committees are not contributions if done pursuant to an exempt sales plan Special Contributor reporting Threshold of \$1,000 for financial reports of certain candidates Treasurer "Treasurer" defined Appointment Duty to keep detailed accounts Limitations on activity until treasurer appointed and certified	(modified by S.L. 2023-134) GS 163-278.24 GS 163-278.40 GS 163-278.40I GS 163-278.40G GS 163-278.40B GS 163-278.40B GS 163-278.40D GS 163-278.40E GS 163-278.40E GS 163-278.40H GS 163-278.8A GS 163-278.8A GS 163-278.12 08 NCAC 21 .0103 GS 163-278.10 GS 163-278.10 GS 163-278.10

^{*}Statute affected by permanent injunction in 2016 in *NAACP v. McCrory*. See <u>table</u> for current law in effect.

**Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Removal	<u>GS 163-278.7(d)</u>
Required training, conducted by SBE	GS 163-278.7(e), (f)
Written opinions: SBE Executive Director may issue, upon request	GS 163-278.23
	(modified by <u>S.L. 2023-</u>
	<u>134</u>)

Candidate: See also Offices and Public Officer

	CS 1(2 227()
Absentee voting: Candidate prohibited from serving as witness for	<u>GS 163-237(c)</u>
another voter (if not a near relative of the voter) Appointment of new party nominees by parties	GS 163-114
Candidate filing	<u>US 103-114</u>
Certification of notice of candidacy	GS 163-108
County certification of registration and party affiliation	GS 163-106.5
CBE must cross-check registration information of candidates	GS 163-106.5
· · · · · · · · · · · · · · · · · · ·	
Eligibility to file	GS 163-106.1
Filing fees	GS 163-107
Filing for more than one elected office at a time prohibited	<u>GS 163-106.6</u>
(with some limited exceptions) If 2 vacancies exist for U.S. Senator, the candidate must designate	CC 162 106 2
which vacancy he or she is running for	<u>GS 163-106.3</u>
Inspection of candidate qualifications; cancellation of petition for	CC 162 106 5
failure to meet statutory qualifications	GS 163-106.5,
randic to meet statutory quantications	163-122(d), 163-123(g)
Notice and filing of candidacy	GS 163-106
Petition in lieu of paying filing fee to run for office	GS 163-107.1
Required pledge to not run as a write-in candidate if the candidate loses the primary	<u>GS 163-106</u>
	GS 139-6
Soil and Water Conservation District Board Supervisor Timing of filing, even-numbered year elections (Soil and Water	
Conservation District Board Supervisor and some other local offices	<u>GS 163-106.2</u>
may have different filing periods based upon specific local	
authority)	
Withdrawal of candidacy: Deadline is the end of the third business	GS 163-106.4
day before the close of the candidate filing period	<u> </u>
Challenge to a candidacy (by a challenger)	GS 163-127.1 through
Chamenge to a candidately (e) a chamengery	163-127.6;
	163-127.2;
	163-127.3;
	163-127.4;
	<u>163-127.5</u>
Death of candidate	See <u>Death</u>
Declared party nominee without primary	GS 163-110
Equal opportunity for candidates (under the FCC)	47 USC 315(a);
	47 CFR 73.1940 et
	seq., 76.205 et seq.
Municipal or special district candidates and nominees	GS 163-294.1(b)
Name	
Nickname: Allowed on ballot under certain conditions	GS 163-106,
	163-165.5(a)(3)
Title: Generally not allowed (Mr./Miss/Mrs./Ms. is allowed)	GS 163-165.5(a)(3)
Name must be checked before ballot is printed	GS 163-165.5(a)(3)
Party primary	
Nomination declared when unopposed in primary	<u>GS 163-110</u>
Party affiliation required for at least 90 days	GS 163-106.1
Party chair shall submit list of presidential candidates to be	GS 163-213.4
placed on presidential preference primary ballot	<u> </u>
Unaffiliated candidate	
Filing fee requirements apply	GS 163-122(e)
Loser of a primary contest not eligible to run as an unaffiliated	GS 163-122(a)
candidate in the same election	<u>55 105-122(a)</u>
Petition-nominating requirements	GS 163-122
Unaffiliated candidate in partisan municipal race	GS 163-296
Unaffiliated candidate in partisal municipal race Unaffiliated presidential candidate	
Charrinated presidential candidate	<u>GS 163-1</u> , <u>163-122</u> , 163-209
Withdrawal of candidacy	103 207
Withdrawal of candidacy	

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**Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Generally: Only allowed up until the third business day before the close of the filing period.	GS 163-106.4
Party nominees may withdraw up until absentee voting begins for the General Election	<u>GS 163-113</u>

Canvass

All voting data, including provisional and absentee, must be reported by Voting Precinct	GS 163-132.5G (modified by <u>S.L. 2023-</u> 140)
Date and time for CBE canvass	GS 163-182.5(b)
Date and time for SBE canvass	<u>GS 163-182.5(c)</u>
Defined	<u>GS 163-182.5(a)</u>
Municipal canvass of votes	<u>GS 163-299(g)</u>
Races for which CBE canvasses	GS 163-182.4(a), (c)(1) (modified by <u>S.L. 2023-140</u>)
Races for which SBE canvasses	<u>GS 163-182.4(b), (c)(1)</u>

Certificate of Election

"Certificate of election" defined	<u>GS 163-182(2)</u>
Issued by CBE or SBE 6 days after canvass	GS 163-182.15(a), (b)
Protest can delay issuance	<u>GS 163-182.15(a), (b)</u>
Races for which CBE prepares certificates of election	<u>GS 163-182.4(a), (c)(3)</u>
	(modified by S.L. 2023-
	<u>140)</u>
Races for which SBE prepares certificates of election	GS 163-182.4(b),
	<u>(c)(3)</u>
Report to legislature required if revisions made to elections records after	GS 163-182.15(b1)
certification	(added by S.L. 2023-140)
Required campaign reporting statements must be filed prior to successful	GS 163-278.25,
candidate is declared nominee, or certified as elected (but failure to grant	<u>163-278.26</u>
certification shall not affect candidate's title to an office); denial can be	
appealed	
Secretary of State to keep copies of certification of election	GS 163-182.15(c)
	(modified by S.L. 2023-
	<u>139)</u>
Secretary of State to send Governor certification of election of	<u>GS 163-182.16</u>
congressmen, justices, judges, and district attorneys	

Challenge to Candidacy

Generally	GS 163, Art. 11B
Definitions	<u>GS 163-127.1</u>
When and how challenges are made	<u>GS 163-127.2</u>
Panel on Hearing	<u>GS 163-127.3</u> ,
	<u>GS 163-127.4</u>
Burden of proof: Preponderance of the evidence	<u>GS 163-127.5</u>
Appeals	<u>GS 163-127.6</u>

Challenge to Voter (see Voter Challenge Procedures Guide)

Absentee ballot challenge	<u>GS 163-89</u> (modified by
	<u>S.L. 2023-140</u>)
Answer to challenge relating to voter's conviction record cannot be used	GS 163-90
in criminal prosecution	
Appeal of challenge ruling by CBE: Can be made to Superior Court	GS 163-90.2(c)
	(modified by S.L. 2023-
	<u>140</u>)
Burden of proof: Must be substantiated by affirmative proof	<u>GS 163-90.1</u>
CBE action after a decision is made regarding a challenge	GS 163-90.2 (modified
	by <u>S.L. 2023-140</u>)
False sworn testimony in a challenge is a Class I felony	<u>GS 163-90.3</u>
Generally	GS 163, Art. 8
	(modified by <u>S.L. 2023-</u>
	<u>140</u>)

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Municipal election voter challenge	<u>GS 163-289</u>
On Election Day and at early voting	
Challenge ballots (voter can request a ballot even if challenge	<u>GS 163-88.1</u> (modified
sustained; must write name on challenged ballot)	by <u>S.L. 2023-140</u>), <u>8</u>
	NCAC 10B .0103(c)
Challenge allowed; can be made by voter of same county	GS 163-87 (modified by
	<u>S.L. 2023-140</u>)
Hearing	GS 163-88 (modified by
	<u>S.L. 2023-140</u>)
Registration challenge	
Hearing (if challenge survives preliminary hearing)	<u>GS 163-86</u>
Procedure (including preliminary hearing)	<u>GS 163-85</u>
Time of challenge; registration records open to any registered voter of	<u>GS 163-84</u>
the state	

<u>Civil Penalties:</u> See <u>Campaign Reporting</u> (under "Fines, penalties and legal remedies")

Clerk of (Superior) Court

Appoints replacement county commissioner if Board of Commissioners fail to replace within 60 days	<u>GS 153A-27</u>
General law as to clerks	GS 7A-100 et. seq.
Filling vacancy in nomination of clerk of superior court	<u>GS 163-115(a)</u>
Must provide certified election returns upon request and payment	GS 163-274(12)
Receives certain election certifications from CBE	GS 163-182.17(c)(8)

College Student: See Residence

Confidentiality & Public Record

Address of voter may be confidential with court order, or with	<u>GS 163-82.10(d);</u>
participation with the state's Address Confidentiality Program	<u>Chapter 15C</u>
Confidential voter information: Driver's license number, Social Security	GS 163-82.10
number (full or partial), birthdate (but not age), signatures on	(modified by S.L. 2023-
registration records (but signatures may be viewed), e-mail address of	<u>139</u>), <u>163-82.10B</u>
military-overseas absentee voter, photographs for voter photo ID cards	
County employee personnel records	<u>GS 153A-98</u>
Criminal investigations	GS 132-1.4 (modified by
	<u>S.L. 2023-34</u> and <u>S.L.</u>
	<u>2023-86</u>)
DMV records: Personal information is protected from unauthorized	<u>18 USC 2721</u>
release and use	
Public records laws, generally	GS 132-1 through 132-
	<u>10</u> ; note <u>GS 132-1.4</u> is
	modified by <u>S.L. 2023-34</u>
	and <u>S.L. 2023-86</u>
Voted ballots are confidential	<u>GS 163-165.1(e)</u>

Congress (U.S.): See also **Federal Elections**

Certificate of election to be sent from Secretary of State to Governor; commission of election to be issued by Governor (for U.S. Representatives)	GS 163-182.16(1)
Federal law as to election of U.S. Senators and Representatives	2 USC 1 et. seq.
Congressional district	•
Apportionment plans severable if a court holds a part invalid	<u>GS 163-201.1</u>
Described	GS 163-201 (modified by S.L. 2023-145)
Election of U.S. Representatives if number of districts has changed and reapportionment has not been concluded	GS 163-202
U.S. Representative: Qualifications, term, vacancy, etc.	<u>U.S. Const. Art. I,</u> §§ 2, 4, GS 163-13
U.S. Senator: Qualifications, term, vacancy, etc.	<u>U.S. Const. Art. I,</u> §§ 3, 4; 17 th Amend, GS 163-12.

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Special election	<u>2 USC 8</u> ; <u>GS 163-13</u> ,
Vacancy in office (mid-term)	
U.S. Representative (special election)	<u>GS 163-13, 2 USC 8</u>
U.S. Senator (filled by the Governor, terms and conditions)	<u>GS 163-12</u>

Constitutional Amendment (North Carolina Constitution)

Constitutional amendments publication to be prepared by	GS Ch. 147 Art. 4A
Legislative Services Officer. A copy shall be sent to each county	(modified by <u>S.L. 2023-</u>
board of elections.	<u>134</u>)
Caption on ballot	G.S. 163-165.6(h)

Constitutional (North Carolina) Provisions

	NGG
Ballot required in election	N.C. Const. Art. VI § 5
Candidate must be 21 years old at time of election	N.C. Const. Art. VI § 6
Continuation in office: Office-holder stays in position until successor is chosen, qualified (unless a statute directs otherwise)	N.C. Const. Art. VI § 10
Dual office-holding: Disallowed except as allowed by statute	N.C. Const. Art. VI, § 9; GS 128-1.1
Elections shall be free, frequent	N.C. Const. Art. I, §§ 10, 9
Executive branch (Governor, Lt. Governor, Council of State, cabinet)	
Deciding contested Council of State races (by joint ballot of both	N.C. Const. Art. VI,
houses of the General Assembly)	§ 5; GS 163-182.13A
Elections held every 4 years; terms of office shall be every 4 years from January 1	N.C. Const. Art. III, §§ 2, 7
Governor and Lt. Governor limited to 2 consecutive terms of office	N.C. Const. Art. III, § 2
Qualifications of Governor and Lt. Governor: 30 years old, 5 years as	N.C. Const. Art. III,
U.S. citizen and 2 years as N.C. resident immediately prior to election	<u>§ 2</u>
Felon (with active sentences) disqualified as voter and office-holder	N.C. Const. Art. VI, §§ 2(3), 8
Judicial branch	
District attorneys elected every 4 years and have 4-year terms of Office	N.C. Const. Art. IV, § 18
Justices and judges (other than district court judges) elected every 8 years and have 8-year terms of office	N.C. Const. Art. IV, § 16
Vacancies filled by the Governor (terms and conditions)	N.C. Const. Art. IV, § 19, GS 7A-142, GS 163-8, GS 163-9, GS 163-10, GS 163-11, GS 163-12
Legislative branch (state senators and representatives)	
Deciding contested legislative races	N.C. Const. Art. II, § 20; GS 120-10.1 through 120-10.14
Legislative elections held every 2 years; terms begin on January 1 after each election	N.C. Const. Art. II, §§ 8, 9, 2, 4
Number of state representatives set at 120	N.C. Const. Art. II, § 4
Number of state senators set at 50	N.C. Const. Art. II, § 2
Qualifications for state representative: Residence in district for 1 year prior to election	N.C. Const. Art. II, § 7
Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election	N.C. Const. Art. II, § 6
State representative district	N.C. Const. Art. II, § 5
State senate district	N.C. Const. Art. II § 3
Whole county requirement in redistricting (counties may need to be divided in order to comply with federal law)	N.C. Const. Art. II, §§ 3, 5
No property qualification required for voters	N.C. Const. Art. I, § 11
	<u>X 11</u>

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Oath required of elected and appointive officeholder	N.C. Const. Art. VI, § 7
Officeholder disqualification (first requirement has been judicially invalidated)	N.C. Const. Art. VI, § 8
Qualifications for voter: Age (18 years old) and U.S. citizenship	N.C. Const. Art. VI, § 1
Registration required to vote	<u>N.C. Const. Art. VI,</u> § 3
Residency requirement of voters is 30 days in electoral district	N.C. Const. Art. VI, § 2(1)
Sheriff eligibility: Cannot have been convicted of a felony	N.C. Const. Art. VII, § 2

Constitutional (U.S.) Provisions

Citizenship	14 th Amend.
Discrimination against voter	15 th Amend.
Election of President	U.S. Const. Art. II,
	<u>§ 1</u> ; 12 th Amend.
Election of U.S. Representative	U.S. Const. Art. I,
	<u>§§ 2, 4</u>
Election of U.S. Senator	U.S. Const. Art. I,
	§§ 3, 4; 17 th Amend.
Poll tax abolished	24 th Amend.
Voting age: 18 years old or older	26 th Amend.
Women voting	19 th Amend.

Contested Election: See also Election Protest

Deciding contested legislative races	N.C. Const. Art. II,
	§ 20; GS 120-10.1
	through 120-10.14
Deciding contested Council of State races (by joint ballot of both houses	N.C. Const. Art. VI,
of the General Assembly)	§ 5; GS 163-182.13A

<u>Contribution:</u> See <u>Campaign Reporting</u>, under <u>Contributions and limits</u>

Corporation: See Campaign Reporting, under Corporation

Council of State

Contribution limitations during legislative sessions	<u>GS 163-278.13B</u>
Council limited in use of state-funded media prior to election	<u>GS 163-278.16A</u>
Deciding contested Council of State race	N.C. Const. Art. VI § 5; GS 163-182.13A
Election: Held every four years	N.C. Const. Art. III, §§ 7, 8
Term of office: Four years from January 1	N.C. Const. Art. III, § 7(1); GS 163-1
Vacancy	N.C. Const. Art. III, § 7(3)

County Boards of Elections

Absentee ballots and materials: CBE is the sole custodian	GS 163-236
Appointments, eligibility, and terms of office	GS 163-22(c), GS 163-30 (modified by S.L. 2023-139**)
Canvass date and time for CBE	<u>GS 163-182.5(b)</u>
Chair	
Elected at first meeting	GS 16-30(c1) (modified by <u>S.L.</u> 2023-139**)
Failure of CBE chair to perform duty	GS 163-274(a)(11)

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See table for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in *Cooper v. Berger* on Nov. 30, 2023.

Mastings May be called by about on three members	CS 162 21
Meeting: May be called by chair or three members	GS 163-31
Vacancy: process for filling depends on when it occurs	<u>GS 16-30(c1)</u>
	(modified by <u>S.L.</u>
***	<u>2023-139**</u>)
Voting systems responsibilities	<u>GS 163-33.2; 8</u>
	NCAC 04 .0305(b)
	4.0306(a)
Charges brought against CBE members by voters; power of SBE to	8 NCAC 3.0101
remove CBE members	through 3.0106; GS
	<u>163-22(c)</u>
Compensation of CBE members	<u>GS 163-32</u>
Consideration of election protest by CBE	<u>GS 163-182.10</u>
Criminal record checks required for county directors	<u>GS 163-27.2</u> (modified
of elections and current and prospective employees	by <u>S.L. 2023-134;</u> <u>S.L.</u>
of county boards of elections	2023-139**; and S.L.
	<u>2023-140</u>); <u>GS 163-37.1</u>
	(modified by <u>S.L. 2023-</u>
	139**)
Duty to register voters	<u>GS 163-82.1(b)</u>
Duties and powers	<u>GS 163-33</u>
	(modified by <u>S.L.</u>
	<u>2023-140</u>),
	<u>163-182.17(c),163-</u>
	<u>166.1</u>
Funding of CBE operations; restrictions on private	<u>GS 163-33(18)</u>
monetary donations or in-kind contributions.	(modified by <u>S.L.</u>
	<u>2023-140</u>),
	<u>GS 163-37</u>
	(modified by <u>S.L.</u>
	<u>2023-140</u>)
Meeting	
Absence: If no members of either the Republican or Democratic party	<u>GS 163-234(9)</u>
are present for a meeting in which absentee ballots are counted, that	(modified by <u>S.L. 2023-</u>
party's county chair must observe	140)
Maintaining order in meeting	<u>GS 163-34</u>
Open meetings law	GS 143-318.9 through
	<u>143-318.17</u>
Times, quorum (3 members), minutes	<u>GS 163-31</u>
Oath: Who can administer oath of office	<u>GS 11-7.1</u>
Office: Open at hours consistent with hours observed by other county	<u>GS 163-36; 8 NCAC 5</u>
offices; modified full-time office	<u>.0111</u>
Officers:	
Secretary: elected at first meeting	<u>GS 163-31</u>
Chair: elected at first meeting. Process for filling vacancy depends	<u>GS 16-30(c1)</u> (modified
on when it occurs.	by <u>S.L. 2023-139**</u>)
Power to fix CBE director's compensation	GS 163-32
Relative of CBE member running in election: Forces board member to	GS 163-30(b)
resign	
Restriction on political activity by CBE members	<u>GS 163-30</u> (modified
	by <u>S.L. 2023-139</u>), <u>163-</u>
	<u>38, 163-39, 163-40</u>
Retain campaign reporting records as directed by SBE	<u>GS 163-278.37</u>
Secretary: Elected at first meeting	<u>GS 163-31</u>
Training of CBE members	GS 163-82.24
Voting system must be approved by CBE prior to purchase by county	GS 163-165.8
commissioners	
Commissioners	
Voting system testing, examination, and other duties required of CBE	<u>GS 163-165.9;</u>
	GS 163-165.9; 8 NCAC 4.0306(a),

County Commissioner

Appointive office qualification: May be set by commissioners	<u>GS 153A-25</u>
County commission organization	
Combination of 2- and 4-year terms	<u>GS 153A-59</u>

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Effective date of alternation	<u>GS 153A-62</u>
Election changing commission structure	<u>GS 153A-61</u> , <u>153A-62</u>
Four types of optional structure	GS 153A-58(2)
Resolution to change structure	<u>GS 153A-60</u> , <u>153A-63</u>
Duty to fund county elections office	GS 163-37 (modified by
	S.L. 2023-140)
Electoral districts; map or written description	<u>GS 153A-20</u>
Oath of office	<u>GS 153A-26</u>
Redistricting county commissioner districts	<u>GS 153A-22</u>
Standards for county appointive office	<u>GS 153A-25</u>
Vacancy	
In certain counties	<u>GS 153A-27.1</u>
In most counties (those not covered by GS 153A-27.1)	GS 153A-27
Filling vacancy by election (only in certain cases)	GS 163-115(d)
Voting system purchase role (must first be approved by CBE)	<u>GS 163-165.8</u>

<u>County Director of Elections:</u> See <u>Director of Elections (County)</u>

County Industrial Development Tax

Ballot form required	<u>GS 158-18</u>
CBE to run election	<u>GS 158-17</u>
Election called by board of county commissioners	<u>GS 158-16</u>
Limited to certain counties	<u>GS 158-24</u>

County Property Tax

Election procedure to levy taxes	GS 153A-149(d)
Election procedure to raise tax rate	<u>GS 153A-149(e)</u>
Purposes for which tax may be levied	<u>GS 153A-149(b)</u>
Levy for a new purpose: Requires referendum approval	GS 153A-149(d)

Court of Appeals Judge: See Judge

Crimes Relating to Elections

Compelling self-incriminating produces immunity	<u>GS 163-277</u>
Cost of campaign reporting violation investigation may be awarded to	GS 163-278.27(f)
SBE as a condition of probation	
Disorderly conduct at voting or registration place: Can be arrested	<u>GS 163-48</u>
Felonies (Class I unless otherwise noted)	
Absentee ballot fraud	<u>GS 163-226.3</u> (modified
	by <u>S.L. 2023-140</u>)
Altering or destroying election ballots and documents	<u>GS 163-275(9)</u>
Assaulting election official	<u>GS 163-275(10)</u>
Buying and selling office	<u>GS 14-228</u>
Buying or selling votes	<u>GS 163-275(2)</u>
Certifying false information in campaign reporting statement	<u>GS 163-278.32</u> ,
considered to be perjury	<u>163-278.27(b)</u>
Election official receiving money or promise of office	GS 163-275(12)
from a candidate	
Registration fraud (including knowingly being	GS 163-275(14), (1),
registered in more than one precinct)	<u>(7)</u>
False absentee ballot certificate	<u>GS 163-275(16)</u>
False documents used register to vote	<u>GS 163-275(13)</u>
False entry or return by election official	<u>GS 163-275(8), (9)</u>
Falsely taking voter's oath	<u>GS 163-275(6)</u>
Felon unlawfully voting (as of December 1, 2023, requires knowledge	<u>GS 163-275(5)</u>
that citizenship had not been restored)	(modified by <u>S.L. 2023-</u>
	<u>140</u>)
Fraud by an election official or board member	<u>GS 163-275(3)</u>
Knowingly registering a non-citizen to vote	<u>GS 163-275(18)</u>
Illegally voting	<u>GS 163-275(7)</u>
Intimidating election official	<u>GS 163-275(11)</u>
Misleading voters on law with intent to discourage voting	<u>GS 163-275(17)</u>
Swearing falsely as to any election matter	<u>GS 163-275(4)</u>
Voting more than once in an election	<u>GS 163-275(7)</u>
*Statute official by norman ant injunction in 2016 in NAACD McCram, See table for	

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See table for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in *Cooper v. Berger* on Nov. 30, 2023.

Voting systems vendors failing to notify SBE as required or	<u>GS 163-165.9A</u>
keeping software in escrow (Class G)	
Misdemeanors (Class 2 unless otherwise noted)	
Absentee ballot violation by CBE	GS 163-236
Acting as elected officer prior to taking oath (Class 1)	GS 14-229
Acting as precinct judge without authority	GS 163-274(a)(3)
Affixing or printing identifier on absentee ballot request form, if	163-274(b)(3)(1)
done by other than CBE or SBE	(modified by <u>S.L. 2023-</u>
done by other than CBE of SBE	140)
Aiding voter with marking ballot (other than ways allowed)	GS 163-273(a)(7)
Altering election record	GS 163-274(a)(2)
Betting on election result	GS 163-274(a)(6)
Campaign reporting violations, generally	GS 163-278.27(a)
Changing information on a voter registration form	GS 163-82.6(b)(3)
Clerk of court failing to provide certified election return	<u>GS 163-274(a)(12)</u>
Coercing a person into marking a party affiliation	GS 163-82.6(b)(4)
Coercion of state employee to support or contribute to a candidate:	GS 126-14
By another state employee or official	
Coercion of state employee to support or contribute to a candidate:	GS 126-14.1
By any person	
County officer willfully failing to discharge duties (Class 1)	GS 14-230
Disclose knowingly how another person voted (Class 1)	GS 163-165.1(e),
2 isotose into wingi, no w unother person votes (Cines 1)	163-274(b)(1) (modified
	by <u>S.L. 2023-140</u>)
Disruption of official meeting	GS 143-318.17
Election crime misdemeanor presumed to be Class 2	GS 163-272.1
-	
Employer threatening employee on account of vote	GS 163-274(a)(7)
Failure of CBE chair to perform duty	GS 163-274(a)(11)
Failure of precinct judge or board member to perform duty	<u>GS 163-274(a)(1)</u>
Failure of good faith effort in delegation of duty to deliver	GS 163-82.6(b)(1)
completed voter registration application forms	
Forging or lying as to change of address	<u>GS 163-274(a)(14)</u>
Giving or promising political office for political support	GS 163-274(a)(10)
Impersonating chief judge, judge, or precinct official	GS 163-274(b)(2)
	(modified by S.L. 2023-
	<u>140</u>)
Inducing voter to show ballot marks before depositing ballot	GS 163-273(a)(6)
Interference with election, including boisterous conduct	GS 163-274(a)(4), (5)
Intimidation of voters by state or local officials	GS 163-271
Legal expense fund law violations (Class 1)	GS 163-278.301(g)
Misleading blind or illiterate voter	GS 163-274(a)(13)
Offer a voter registration form with party affiliation premarked, if	GS 163-82.6(b)(5)
premarking not requested Poving a power providing veter registration assistance, if nov is	CC 162 274(a)(15)
Paying a person providing voter registration assistance, if pay is	GS 163-274(a)(15)
based on the number of registration forms submitted	CC 162 274(a)(9)
Publishing anonymous derogatory material about a candidate	GS 163-274(a)(8)
Publishing false derogatory material about a candidate	GS 163-274(a)(9)
Salary kickback for office appointment or retention (Class 1)	<u>GS 128-4</u>
Sale of completed voter registration application forms; requiring	<u>GS 163-82.6(b)(2)</u>
payment for delivery	
Signing that name of another to a petition	<u>GS 163-221</u>
Signs are protected from being damaged or taken down	<u>GS 14-384</u>
Voter allowing another to see the voter's ballot	GS 163-273(a)(1)
Voter not leaving the voting booth	GS 163-273(a)(5)
Voter removing ballot from voting enclosure	GS 163-273(a)(2)
Records from criminal investigations may not be public records	GS 132-1.4 (modified by
Records from erinimal investigations may not be public records	S.L. 2023-34 and S.L.
	<u>3.L. 2023-34</u> and <u>3.L.</u> <u>2023-86</u>)
D 1 . C 11' CC' . 1	
Removal of hilblic officials from office because of alaction crime	
Removal of public officials from office because of election crime	GS 163-276 (modified
SBE and district attorneys to investigate election crimes	GS 163-278 (modified by S.L. 2023-140)

Curbside Voting: See **Voting**

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D.

Death

Death of candidate for party nomination	
Within 30 days after close of filing	GS 163-112(a), (b), (c)
More than 30 days after close of filing	GS 163-112(b), (d)
Death of candidate in municipal or special district election	
Death of winning candidate on or after Election Day but before	GS 163-294.1(c)
taking office: Creates a vacancy	
Deceased candidate remains on ballot if there is not sufficient time	GS 163-294.1, <u>163-</u>
to reopen filing and/or print new ballots (if the deceased candidate	294.4
wins election, a vacancy is created)	
Filing reopens if the death leaves the same or a smaller number of	GS 163-294.4
candidates than there are open seats for the office (and there is	
sufficient time for a new filing period)	
Vacancy of municipal or special district officeholder: Filled by	GS 163-294.1(d),
governing body	<u>160A-63</u>
Death of voter	
CBE to have forms to remove deceased voters from lists, available	GS 163-33(14), 90-
to near relatives, personal representatives of the voter's estate, and	210.25C
funeral service licensees	
Removal of deceased voters from voter list	GS 163-82.14(b)
	(modified by <u>S.L. 2023-</u>
	<u>140</u>)

Director of Elections (County)

Appointment	<u>GS 163-35(b)</u>
Compensation	<u>GS 163-35(c)</u>
Duties	<u>GS 163-35(b), (d)</u>
Eligibility and restrictions on political activity	GS 163-35(a), 163-38
	through 163-40.1;
	<u>163-39, 163-40</u>
Suspension	<u>GS 163-35.1(c)</u>
Termination	<u>GS 163-35.1</u>
Training and certification	<u>GS 163-35(e)</u> ,
	<u>163-82.24</u>
Vacancy in office	GS 163-35(a), (b1)
	(modified by S.L. 2023-
	139**)

District Attorney

Commission of election issued to new electees by Governor	<u>GS 163-182.16(2)</u>
District attorney consultation prior to assessment of civil penalty	<u>GS 163-278.34(f)</u>
Investigation of SBE or CBE involving criminal elements: Results to be	<u>GS 163-278.27(e)</u> ,
reported to district attorney	<u>163-278.22(8)</u>
Prosecuting and receiving reports of election crimes	<u>GS 163-278</u> (modified
	by <u>S.L. 2023-140</u>)
Requirement to hold District Attorney office: Must be authorized to	N.C. Const. Art. IV,
practice law in North Carolina courts	<u>§ 18</u>
Term: elected every 4 years; 4-year term of office	N.C. Const. Art. IV,
	<u>§ 18</u>
Vacant filled by Governor (subject to certain terms and conditions)	N.C. Const. Art. IV
	<u>§ 19</u>

District Court Judge: See Judge

Division of Motor Vehicles (DMV)

Coordination of DMV data with SBE data	GS 163-82.19(c),
	<u>163-82.12(3), (7), (8)</u>
Personal information in DMV records is protected from unauthorized	<u>18 USC 2721</u>
release and use	

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E.

Early Voting

A 11'4' 1 '4 () 11 1 '4 () DE 1	00.162.166.25
Additional site(s) allowed with SBE approval	GS 163-166.35
	(recodified and modified
	by <u>S.L. 2023-140</u>)
Alternative site to CBE office allowed with SBE approval	GS 163-166.35
	(recodified and modified
	by <u>S.L. 2023-140</u>)
Assistance allowed: Same rules as on Election Day	GS 163-
·	166.40(e)
	(recodified and
	modified by
	_
	S.L. 2023-140)
Buffer zone: Generally, same rules as Election Day	GS 163-166.4(e)
	(modified by <u>S.L. 2023-</u>
	<u>140</u>)
Challenges of voter allowed	GS 163-166.35
	(recodified and modified
	by <u>S.L. 2023-140</u>)
Dates and times allowed	GS 163-166.35
	(recodified and modified
	by <u>S.L. 2023-140</u>)
Definition of "early voting"	GS 163-165(5g) (added
2 Similar of Surf Found	by <u>S.L. 2023-140</u>)
Held at CBE office (or site "in lieu of" CBE office) and other additional	GS 163-166.35; 163-
sites if properly approved by SBE	166.40; 163-166.45
	(recodified and modified
	by <u>S.L. 2023-140</u>)
Private area to vote required (voting booth or private room)	GS 163-166.35
	(recodified and modified
	by <u>S.L. 2023-140</u>)
Procedure	GS 163-166.35; 163-
	166.40; 163-166.45
	(recodified and modified
	by <u>S.L. 2023-140</u>)
Retrievable ballot voting system	163-166.45 (recodified
The many curious forming of source	and modified by S.L.
	2023-140)
Same-day registration and voting at early voting	GS 163-82.6B (added by
Same-day registration and voting at earry voting	S.L. 2023-140; see
	Numbered Memo 2023-05
	for additional changes
	made per court order)
Site(s) must be in tax-supported building (but exception allows	GS 163-166.35
privately-owned site if public building is not available)	(recodified and modified
	by <u>S.L. 2023-140</u>)
Voter with an unreported move	<u>163-166.11</u> (modified by
•	S.L. 2023-140)
When ballots are counted: If electronic, when polls close; If paper	GS 163-234(6) (modified
ballots, with absentee ballots	by S.L. 2023-140)
ourous, with absolute burious	0 J <u>D.L. 2023 170</u>)

Election

Defined	<u>GS 163-165(4)</u>
Defined for purposes of campaign reporting (does not include local or	GS 163-278.6(30)
statewide referendums)	
Determining result (see <u>Election Return</u>)	GS 163-182.15(d)
Notice of election: Generally, 45 days (20 days before advance	<u>GS 163-33(8)</u> ;
registration is closed); exception for bond special elections	<u>163-287</u>

Election Assistance Commission (EAC)

Please refer to the EAC website at $\underline{\mbox{www.eac.gov}}$

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Certification of voting systems	52 USC 20971
Established by HAVA	52 USC 20921 et seq.

Election Assistant: See **Precinct Official, Election Assistant**

Election Dates & Hours

Closing hour to be announced at 6:30 a.m.	8 NCAC 10B.0102(k)
General elections	<u>GS 163-1(c)</u>
Hours of voting; closing time can only be extended by SBE	GS 163-166.25
	(recodified by <u>S.L. 2023-</u>
	<u>140</u>)
Notice of election dates and hours	<u>GS 163-33(8)</u>
In general	<u>GS 163-1</u>
Primaries	<u>GS 163-1(b)</u>
Same timepiece to be used to determine opening and closing time	8 NCAC 10B.0105(b)

Election District

Election district of voters GS 163-55(b)
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Election Protest

Authority over protests: Belongs to SBE	<u>GS 163-182.12</u>
Appeal of CBE decision to SBE; form	<u>GS 163-182.11</u> ;
	8 NCAC 2.0112
Appeal of SBE decision involving General Assembly or Executive	GS 163-182.14(c)
Branch offices: Right of appeal to General Assembly	
Appeal of SBE decision to Superior Court: Must be within 10 days	<u>GS 163-182.14(b)</u>
Attorney fees of appeal: Cannot be awarded against SBE	GS 163-182.14(d)
Certification of election: 10 days after SBE decision unless stayed	GS 163-182.14(b),
by court order	<u>163-182.15(b)(1)</u>
Consideration of protest by CBE	
Conduct of hearing	<u>GS 163-182.10(c)</u>
Findings of fact and conclusion of law	GS 163-182.10(d)
Notice of hearing	GS 163-182.10(b)
Preliminary hearing	GS 163-182.10(a)
Rules as to CBE's consideration of protest	8 NCAC 2.0110;
	GS 163-182.10(e)
Consideration of appeal by SBE	<u>GS 163-182.11(b)</u>
Defined	<u>GS 163-182(4)</u>
Filing an election protest	
Deadline for filing protest: If concerning vote tabulation or count,	GS 163-182.9(b)(4)
generally by county canvass, otherwise, by 5:00 p.m. on the second	
business day following county canvass	
Forms provided by SBE	8 NCAC 2.0111;
	<u>GS 163-182.9</u>
Who may file protest: Any eligible registered voter or candidate	<u>GS 163-182.9(a)</u>
New election: Can be ordered only be SBE	GS 163-182.13
	(modified by <u>S.L. 2023-</u>
	139);
Presidential elections and vacancies	8 NCAC 2.0113
	3 USC Chapter 1
Recasting of votes (only as authorized by SBE)	GS 163-182.12
Timing: Protest to be stayed until after Election Day if ballots have	GS 163-182.9(b)(4)d.1.
been printed	

Election Return

Abstracts	
"Abstract" defined	<u>GS 163-182(1)</u>
"Composite abstract" defined	<u>GS 163-182(3)</u>
Composite abstract prepared by SBE	GS 163-182.6(b) (modified by S.L. 2023- 139)
CBE to prepare abstract using form provided by SBE	GS 163-182.6(a) (modified by <u>S.L. 2023-</u>

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	<u>140</u> and <u>S.L. 2023-139</u>)
Form to be prescribed by SBE	GS 163-182.6(d)
Municipal abstract: Due from CBE within 9 days of election	<u>GS 163-300</u>
Secretary of State to keep copies of certified abstracts	GS 163-182.6(c)
Certificate of election	
Certification of election after SBE election protest decision:	GS 163-182.14(b),
Issued 10 days after decision unless stayed by court order	163-182.15(b)(1)
"Certificate of election" defined	GS 163-182(2)
Issued by the board with jurisdiction (CBE or SBE) 6 days after canvass (unless protest filed)	GS 163-182.15(a), (b)
Municipal certificate of election issued by CBE chair	<u>GS 163-301</u>
Protest delays the certification by CBE or SBE	GS 163-182.15(a), (b)
Secretary Of State to keep copies of certification of election	GS 163-182.15(c) (modified by <u>S.L. 2023-139</u>)
Secretary Of State to send to Governor certificate of election of	GS 163-182.16
congressmen, justices, judges and district attorneys	
Races for which CBE prepares abstract and certificate of election	GS 163-182.4(a),
	(c)(2), (c)(3)
Races for which SBE prepares abstract and certificate of election	GS 163-182.4(b), (c)(2)
	<u>, (c)(3)</u>
Reported by Voting Precinct	<u>163-132.5G</u> (modified by
	<u>S.L. 2023-140</u>),
	163-132.1C

Election Supplies

"Chain of custody" of supplies: Items must either remain in the polling	8 NCAC 10B.0106(c),
place or in the custody of the chief judge or designee	10B.0105(o)
Collection of supplies at closing	8 NCAC 10B.0105(n)
Not to be removed from precincts during voting	8 NCAC 10B.0103(a)
To be immediately returned after the election	8 NCAC 10B.0106(a)
Verification at voting place prior to opening, by chief judge and the	8 NCAC 10B.0102(f)
cooperation of at least one official of the other political party	

Electioneering Communications: See Campaign Reporting

Electioneering on Election Day

Buffer zone		
Buffer zone and area for election-related activity	<u>GS 163-166.4</u> (modified	
	by <u>S.L. 2023-140</u>)	
CBE must provide buffer zone information 30 days prior	GS 163-166.4(c)	
	(modified by <u>S.L. 2023-</u>	
	<u>140</u>)	
Early voting sites also have buffer zone requirement	<u>GS 163-166.4(d)</u>	
Presumed to be 50 feet, and never less than 25 feet	<u>GS 163-166.4(a)</u>	
Limited access to voting enclosure	<u>GS 163-166.3</u> (modified	
	by <u>S.L. 2023-140</u>)	
Special agreement about electioneering (non-public building)	GS 163-166.4(b)	

Electoral College

<u>GS 163-210</u> (modified
by <u>S.L. 2023-140</u>)
<u>GS 163-210</u> (modified
by <u>S.L. 2023-140</u>)
<u>GS 163-211</u>
<u>GS 163-212</u>
GS 163-210 (modified
by <u>S.L. 2023-140</u>)
<u>GS 163-209</u>
<u>GS 163-213</u> (modified
by <u>S.L. 2023-140</u>)
<u>GS 163-210</u> (modified
by <u>S.L. 2023-140</u>)
GS 163-209

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Ethical Behavior

A - 4: 1 4 - 1 - fC 4 - 1: 4 - 1: 4 - 1 C1 1	CC 14 220
Acting as elected officer prior to taking oath: Punishable as a Class 1 misdemeanor and grounds for ejection from office	<u>GS 14-229</u>
	GS 163-274(a)(6)
Betting on election result (Class 2 misdemeanor)	GS 14-228
Buying or selling office (Class I felony)	
Buying or selling vote (Class I felony)	GS Voter163-275(2)
Charges brought against CBE members by voters	8 NCAC 3.0101 through
C'1 1 1'2' - 1 2' - '1	3.0106 GS 160A-169
City employee political activity	<u>US 100A-109</u>
County employee political activity	GS 153A-99(a)
Activity allowed Contribution cannot be required as a condition of employment	
No "on duty" county employee may interfere or affect election	GS 153A-99(d) GS 153A-99(c)(1)
No "on duty" solicitation of political contributions	GS 153A-99(c)(1) GS 153A-99(c)(2)
	GS 153A-99(c)(2) GS 153A-99(e)
No use of county funds or property for political purpose Restrictions on political activity of CBE director	GS 163-35(a)
	GS 14-230
County officer: Willful failure of duties (Class 1 misdemeanor)	GS 163-275(12)
Election official receiving money, reward, or promise of office	<u>GS 103-273(12)</u>
from a candidate (Class I felony)	CC 162 274(-)(10)
Giving or promising political office for political support (Class 2	<u>GS 163-274(a)(10)</u>
misdemeanor)	GG 162 271
Intimidation by state employee for voting (Class 2 misdemeanor)	<u>GS 163-271</u>
Improper inducements for votes by legislator: Grounds to expel	<u>GS 120-8</u>
Misleading blind or illiterate voter (Class 2 misdemeanor)	<u>GS 163-274(a)(13)</u>
Model code of ethics dealing with voting system vendors	<u>Link</u>
Post-Release Supervision and Parole Commission: Prohibited	<u>GS 148-52.1</u>
political activities	
Precinct judge cannot serve if a close relative of a candidate	<u>GS 163-41.1(b)</u>
Precinct judge to be fair and impartial	<u>GS 163-47(a)</u> (modified
	by <u>S.L. 2023-140</u>)
Precinct official protected from being punished by employer for	<u>GS 163-41.2</u>
missing work because of election duties (if notice was given)	
Publishing anonymous derogatory material (Class 2 misdemeanor)	<u>GS 163-274(a)(8)</u>
Publishing false derogatory material (Class 2 misdemeanor)	GS 163-274(a)(9)
Relatives serving together as precinct judges prohibited	<u>GS 163-41.1(a)</u>
Restriction on political activity of SBE and CBE members and any	GS 163-38 through 163-
employees	<u>40; 163-39</u>
State employee political activity	
Appropriate political activity defined	GS 126-13
Coercion of state employee to support or contribute to a candidate: By	GS 126-14
a state employee/official (Class 2 misdemeanor)	
Coercion of state employee to support or contribute to a candidate: By	<u>GS 126-14.1</u>
any person (Class 2 misdemeanor)	
Judge: Political activity	NC Judicial Code of
	Conduct, Cannon 7
Threats or discharge by employer on account of voting (Class 2	GS 163-274(a)(7)
misdemeanor)	

Executive Director of SBE

Appointment and term of office (two years, beginning May 15 of the year	GS 163-27 (modified by
after each even-year election)	S.L. 2023-139**)
Approves county requests for out-of-precinct voting places	<u>GS 163-130.1</u>
Approves county requests for temporary 2-precinct voting places	<u>GS 163-130.2</u>
Chief state election official (including for NVRA purposes)	<u>GS 163-82.2</u>
Duties as to campaign reporting: (1) Notify as to errors and missed	GS 163-278.23
deadlines, (2) Provide advisory opinions upon request	(modified by <u>S.L. 2023-</u>
	<u>134</u>)
Emergency powers	<u>GS 163-27.1</u> (modified
	by <u>S.L. 2023-139</u>)
Generally	<u>GS 163-26</u>
Suspending CBE director (or deciding on CBE's petition to terminate,	GS 163-35.1
with appeal rights to the SBE)	
Vacancy	<u>GS 163-27(b)</u> (modified
	by <u>S.L. 2023-139**</u>)

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**Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

F.

Fax

Military-overseas absentee voting: Electronic delivery of ballot to voter	GS 163-258.9(b)
(including fax)	
Voter registration application form and changes to voter's information:	GS 163-82.6(e)
Fax (or e-mail) acceptable, but must be followed up by original hard	
copy form delivered to CBE office	

Federal Election: See also Campaign Reporting, under Federal elections

Equal opportunity for candidates (under the FCC)	47 USC 315(a);
	47 CFR 73.1940 et
	seq., 76.205 et seq.

Federal Law

Americans with Disabilities Act	42 USC 12101 et seq.
Hatch Act (federal law limiting the political activities of government employees)	
State and local employee	5 USC 1501 through
	<u>1508</u>
Federal employee	<u>5 USC 7323</u>
Help America Vote Act of 2002 (HAVA): See Help America Vote Act	52 USC 21081 et seq.;
(HAVA) for more details	<u>GS 163-82.27</u>
National Voter Registration Act of 1993 (NVRA): See <u>Registration to</u> Vote under Voter registration locations other than CBE office	52 USC 20501 et seq.
Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA): See <u>Absentee Voting</u> , under <u>Military-overseas absentee voting</u>	52 USC 20301 et seq.
Voting Accessibility for Elderly and Handicapped Act	<u>52 USC 20101 et seq.</u>
Voting Rights Act	<u>52 USC 10101 et seq.</u>

Felon

Convicted felon, while serving their sentence, disqualified as a	N.C. Const. Art. VI, §		
voter and office-holder	2(3), 8; 163-55*(a)(2)		
Felon unlawfully voting: Class I felony (as of December 1, 2023, requires			
knowledge that citizenship had not been restored)	(modified by <u>S.L. 2023-</u>		
	140)		
List of convicted felons who lost their voting rights for an election	GS 163-82.14(c)		
	(modified by S.L. 2023-		
	<u>140</u>)		
Restoration of voting rights	Restoration of voting rights		
Automatic restoration upon completion of felony sentence	<u>GS 13-1</u>		
Certification or order of restoration	<u>GS 13-2</u>		
If the felon becomes eligible to vote after registration closes, the felon	GS 163-82.6(f)		
can register on Election Day			
Information to be provided on rights at the time of discharge	<u>GS 163-82.20A</u>		
Pardon restoring citizenship	GS 13-3, 13-4,		
	13-1(2)		
Program to educate felons whose rights are restored	GS 163-82.20A		

Filing for Office

Cancellation of candidacy if failing to meet requirements	GS 163-106.5
Certification of notice of candidacy	<u>GS 163-108</u>
Checking name of candidate	GS 163-165.5(a)(3)
County certification of registration and affiliation	<u>GS 163-106.5</u>
County checks registration of county candidates	GS 163-106.5
Disclosure of felony conviction	<u>GS 163-106</u>
Eligibility to file	<u>GS 163-106.1</u>

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Filing fees	
Amounts	GS 163-107(a)
Generally	GS 163-107
Petition in lieu of paying filing fee to run for office	<u>GS 163-107.1</u>
Refund	GS 163-107(b)
Required of unaffiliated candidates	GS 163-122(e)
Filing for more than 1 elected office at a time prohibited (except as to	GS 163-106.6
presidential and vice presidential bids)	
Municipal filing	
Extension allowed in nonpartisan race where none have filed	<u>GS 163-294.4(a)</u>
Filing for more than 1 municipal office at a time prohibited	<u>GS 163-294.2(f)</u>
Filing Reopens when death takes 1 of only 2 candidates	<u>GS 163-294.4(b)</u>
Nonpartisan municipal election	<u>GS 163-294.2</u>
Partisan municipal election	<u>GS 163-291</u>
Withdrawal of candidacy in nonpartisan municipal election	<u>GS 163-294.2(d)</u>
Nomination declared when unopposed in primary	<u>GS 163-110</u>
Notice and filing of candidacy	<u>GS 163-106</u>
Party affiliation required for at least 90 days to run in primary	<u>GS 163-106.1</u>
Pledge to not run if candidate loses primary	<u>GS 163-106</u>
Signage (littering) law	
CBE must notify filing candidates of signage (littering) law	<u>GS 163-33.3</u>
SBE must notify filing candidates of signage (littering) law	<u>GS 163-22.3</u>
Vacancy must be noted in running for certain offices	<u>GS 163-106.3</u>
Withdrawal of candidacy (except for municipal offices)	<u>GS 163-106.4</u> ,
	<u>163-113</u>

Fire District (Rural Fire Protection District)

Abolishing a fire district: By election, called upon petition of 15% of	GS 69-25.10
residents (petition checked by county tax office)	
Ballot	GS 69-25.3
Costs of election	<u>GS 69-25.2</u>
Election date set by county commissioners and CBE	GS 69-25.2
Election to form a district called upon petition of 35% of residents	GS 69-25.1
(petition checked by county tax office, not election office)	
Generally	GS Ch. 69, Art. 3A

Form

Campaign reporting forms: To be provided by SBE	GS 163-278.22(1), (9)
Voter registration form	
Contents	<u>GS 163-82.4</u>
Developed by the SBE; purposes	GS 163-82.3*(a)
Interstate (federal) forms	GS 163-82.3*(b)

G.

Governor

Commission of election: Issued to congress members, justices, judges,	<u>GS 163-182.16</u>
and district attorneys by governor	
Election duties of governor summarized	<u>GS 163-182.17(f)</u>
Elections held every 4 years	N.C. Const. Art. III, §§
	<u>2(1), 7</u>
Governor to proclaim electors, notify U.S. archivist	<u>GS 163-210</u> (modified
	by <u>S.L. 2023-140</u>)
Qualifications of governor and lt. governor: 30 years old, 5 years as U.S.	N.C. Const. Art. III,
citizen, 2 years as N.C. resident prior to election	<u>§ 2</u>
Terms: 4 years starting on January 1; limited to 2 consecutive terms of	N.C. Const. Art. III, §§
office	<u>2(1), 7</u>

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H.

Help America Vote Act (HAVA)

Complaint procedure	<u>GS 163-91</u>
Compliance	
Statewide computerized database compliance	GS 163-82.11(c)
Voting system compliance	GS 163-165.7(a)(2)
Funding established	GS 147-69.2(a)(17d)
Statutory authority	52 USC 21081 et seq.;
	<u>GS 163-82.27</u>

I.

Incorporation (Municipal)

Absentee and early voting allowed in incorporation election	GS 163-302(a) (modified
Absentee ballot procedure in incorporation election	by <u>S.L. 2023-140</u>) <u>GS 163-302(b)</u>
riosentee sunot procedure in incorporation election	(modified by <u>S.L. 2023-</u>
	<u>140</u>)
Costs of incorporation election: Paid by new municipality if approved by	<u>GS 163-288.3</u>
voters, by county if disapproved by voters	
Procedure and petition for municipal incorporation	<u>GS 120-163</u>

Independent Expenditure: See Campaign Reporting under Expenditure

J.

Joint Legislative Elections Oversight Committee

Creation, membership, purpose, powers, organization	GS 120-70.140 through
	120-70.143

Judge: See also <u>Precinct Chief Judge of Election</u>, <u>Precinct Judge of Election</u> under <u>Precinct Official</u>

Age limit for service	
As judge or justice of the appellate division of the General Court of	GS 7A-5 (added by S.L.
Justice: 76 years old	<u>2023-134</u>)
As superior court judge: 72 years old	GS 7A-40.1 (added by
	S.L. 2023-134)
As district court judge: 72 years old	GS 7A-140.1 (added by
	S.L. 2023-134)
Commission of election: Issued to new electees by governor	GS 163-182.16(2)
Court of appeals judge	
Term of office of 8 years, beginning in January after election	N.C. Const. Art. IV
	<u>§ 16</u>
Vacancy (see also vacancy, generally in this section)	<u>GS 163-9</u>
District court judge	
Chief judge named by chief justice of state Supreme Court	<u>GS 7A-141</u>
Districts	GS 7A-133
Term of office: 4 years, beginning in January after election	<u>GS 7A-140</u>
Vacancy:	GS 7A-142, GS 163-9,
 Filled by governor, upon due consideration of local bar 	
nominations, to serve until January 1 following the next	
election for General Assembly held more than 60 days after	
the vacancy occurs.	
Filing	
Political activity of judge or candidate for judge	NC Judicial Code of
	Conduct, Canon 7
Requirement for all elected judge and justice officeholders: Must be	N.C. Const. Art. IV,

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authorized to practice law in North Carolina courts	<u>§ 22</u>
Superior court judge	
Districts	<u>GS 7A-41</u>
Term of office: 8 years, beginning in January after election	N.C. Const. Art. IV,
	<u>§ 16</u>
Vacancy (see also vacancy, generally in this section)	<u>GS 163-9(b)</u>
Supreme court justice	
Term of office: 8 years, beginning in January after election	N.C. Const. Art. IV,
	<u>§ 16</u>
Vacancy, generally	GS 163-9; N.C. Const.
	Art. IV, § 19

L.

Legal Expense Fund: See Campaign Reporting, under Legal Expense Fund

Legislator (State)

Contesting a legislative election or candidate	GS 120-10.1 through 120.10.14
Contribution limitations during legislative session	<u>GS 163-278.13B</u>
Term of office: 2 years, beginning on January after election (elections	N.C. Const. Art. II
held every even-numbered year)	<u>§§ 8, 9</u>
Misconduct during election: Grounds for expulsion	<u>GS 120-8</u>
Representative (state)	
Number of representatives set at 120	N.C. Const. Art. II
	<u>§ 4</u>
Qualifications: Residence in district for 1 year prior to election	N.C. Const. Art. II
	<u>§ 7</u>
Representative district	N.C. Const. Art. II
	<u>§ 5</u>
Senators (state)	
Number of senators set at 50	N.C. Const. Art. II
	<u>§ 2</u>
Qualifications: 25 years old, citizen of state for 2 years, residence in	N.C. Const. Art. II
district for 1 year prior to election	<u>§ 6</u>
Senate district	N.C. Const. Art. II
	<u>§ 3</u>
Vacancy: Eligibility for appointment to fill vacancies	<u>GS 163-11(e)</u>

List Maintenance (of Registered Voters)

Annual report required by CBEs and SBE	GS 163-82.14(f)
	(modified by S.L.
	<u>2023-140</u>)
Change of address	GS 163-82.14(d)
	(modified by <u>S.L.</u>
	<u>2023-140</u>)
CBE's duty upon receiving conviction report	GS 163-82.14(c)(3)
	(modified by S.L.
	<u>2023-140</u>)
Collaboration with other states	GS 163-82.14(a1)
	(modified by <u>S.L.</u>
	<u>2023-140</u>)
Deceased voters	GS 163-82.14(b)
	(modified by <u>S.L.</u>
	<u>2023-140</u>)
Felons	GS 163-82.14(c)
	(modified by <u>S.L.</u>
	<u>2023-140</u>)
Noncitizens	GS 163-82.14(c1)
	(added by <u>S.L. 2023-</u>
	<u>140</u>)
Removed voter (removed as part of list maintenance procedures) shall be	<u>GS 163-82.14(d)(3)</u>

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reinstated if the voter confirms he has not moved out of county and has	(modified by <u>S.L.</u>
maintained residence continuously in the county	<u>2023-140</u>)
SBE has same authority as CBE to perform list maintenance	GS 163-82.14(e)
	(modified by <u>S.L.</u>
	<u>2023-140</u>)
SBE and county boards shall conduct list maintenance	GS 163-82.14(a)
	(modified by S.L.
	<u>2023-140</u>)
U.S. Postal Service	GS 163-82.14(a)
	(modified by <u>S.L. 2023-</u>
	<u>140</u>)

Loans: See Campaign Reporting, under Loan

Local Act

Relation between General Statutes and local acts pertaining to counties	<u>GS 153A-3</u> ,
	<u>GS 153A-2</u>
Relation between General Statutes and local acts pertaining to	<u>GS 160A-3</u> ,
municipalities	GS 160A-2

M.

Meeting of Public Body

Acting by reference is restricted	GS 143-318.13(c)
Boards may not vote by secret or written ballots (with exceptions)	GS 143-318.13(b)
Broadcasting and recording meeting allowed	<u>GS 143-318.14</u>
Closed session allowed for limited purposes	<u>GS 143-318.11</u>
Disruption of official meeting is a misdemeanor (Class 2)	<u>GS 143-318.17</u>
Electronic meeting requires public access if requested	<u>GS 143-318.13(a)</u>
Emergency meeting	GS 143-318.12(b)(2)
	and (3), (f)
Generally	GS 143-318.9 through
	<u>143-318.18</u>
Minutes must be kept	<u>GS 143-318.10(e)</u>
Notice requirements	<u>GS 143-318.12</u>
Notice of official non-regular meeting: Posted 48 hours prior	GS 143-318.12(b)(2)
"Official meeting" defined	GS 143-318.10(d)
Official meeting open to public	<u>GS 143-318.10(a)</u>
Public policy	<u>GS 143-318.9</u>

Media: See Advertising & Media

Military-Overseas Voter

Uniform and Overseas Voters Act, GS Chapter 163 Art. 21A

Applying for a ballot: Through federal postcard application (FPCA) or	<u>GS 163-258.7</u>
federal write-in absentee ballot (FWAB), or through N.C.'s regular	
absentee ballot request form	
Application shall be considered a request for all elections (involving	<u>GS 163-258.8</u>
candidates) of that calendar year	
General absentee law applies except as otherwise provided	<u>GS 163-239</u>
Ballots used shall be official ballots and available according to schedule	<u>GS 163-258.9(a)</u>
(depending on type of election)	
Covered voter: Includes certain uniformed-service voters and overseas	<u>GS 163-258.2</u>
voters (including certain voters born outside the U.S. whose parent or	
legal guardian were eligible to vote in N.C. before leaving the U.S.)	
Declaration of voter required, with voter's signature	<u>GS 163-258.13</u>
E-mail address: CBE shall request an e-mail address from each covered	<u>GS 163-258.15</u>
voter. If the voter provides an e-mail address, it is considered a standing	
request for absentee ballots for all election events through Dec. 31 of the	
following year	

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Early count of military overseas absentee ballots on Election Day (as early as 9:00 a.m.) only authorized by resolution	GS 163-234(2) (modified by <u>S.L. 2023-140</u>)
Election Day registration and voting: Allowed under certain circumstances	GS 163-258.28
Elections covered: All election events that allow absentee voting	GS 163-258.3
Electronic delivery of ballot to voter	GS 163-258.9(b)
Electronic transmittal/waiver form: Required, with signature, for ballots returned by fax or e-mail	GS 163-258.15(a)
Emergency powers of SBE to comply with UOCAVA	GS 163-258.31
Federal postcard application (FPCA) (or electronic equivalent): Can serve as application to register and/or as an application for a ballot	52 USC 20302(a)(4); GS 163-258.6(a), 163-258.7(a), (b)
Federal write-in absentee ballot (FWAB): Accompanying declaration can serve as application to register and an application for a ballot	52 USC 20303; 163-258.11, 163-258.6(b), 163-258.7(d)
List of approved military-overseas ballots; distribution	<u>GS 163-258.26</u>
Military-overseas laws inapplicable to regular absentee voting	<u>GS 163-239</u>
Military-overseas voting at early voting site	GS 163-258.29 (modified by <u>S.L.</u> 2023-140)
Non-essential requirements: Count ballot, even if not perfect, so long as all essential requirements are met	<u>GS 163-258.17</u>
Notice of covered election: No later than 100 days before election (or for second primary, day after order is made)	<u>GS 163-258.16</u>
Postmark cannot be considered in determining timeliness of military- overseas absentee ballot received after Election Day	<u>GS 163-258.12(b)</u>
Registration: Through federal postcard application (FPCA) or federal write-in absentee ballot (FWAB), or through the standard voter registration application. Registration can be accepted until 5:00 p.m. on the day before the election.	<u>GS 163-258.6</u>
Registering on Election Day is allowed for a person who was absent at the time of the registration deadline due to military service	<u>163-258.28</u>
Registration remains valid for remainder of calendar year	<u>GS 163-258.27</u>
Residential voting address: Last place of residence in N.C.	<u>GS 163-258.5</u>
Returned and approved military-overseas ballots to be listed in quadruplicate prior to counting	GS 163-258.26(a)
Timeliness of application for registration and/or ballot: Timely if received by 5:00 p.m. the day before election	GS 163-258.8
Timeliness of ballot from voter: Timely if (1) received by the CBE before	GS 163-258.10, 163-
close of polls, or (2) transmitted no later than 12:01 a.m. on Election Day (in the voter's time zone) and received by the day preceding the canvass	231(b) (modified by S.L. 2023-140),
	<u>163-258.12(b)</u>
Transmission of ballot to voter; schedule	GS 163-258.9(a)
"Uniformed-service voter" (includes spouse, dependents)	<u>GS 163-258.2(7)</u>
Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA)	52 USC 20301 et seq.

Move: See Residence

Municipal Campaign Reporting: See Campaign Reporting

Municipal Election

Absentee ballot must be available 30 days prior to election (if absentee voting is allowed)	GS 163-258.12(b)
Absentee and early voting allowed only by resolution of municipality	GS 163-302 (modified by S.L. 2023-140)
Abstract due to SBE within nine days after election	GS 163-300
All voting data, including provisional and absentee, must be reported by Voting Precinct	GS 163-132.5G (modified by <u>S.L. 2023-140</u>)
Annexation	See Annexation
Ballot count governed by same rules	<u>GS 163-304</u>
Ballot order to be alphabetical unless rotation requested	<u>GS 163-299(c)</u>

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Ballot to conform to general ballot rules, procedures, guidelines	<u>GS 163-299</u>
CBE administers municipal elections	<u>GS 163-284</u>
Canvass of votes completed by CBE	<u>GS 163-299(g)</u>
Certificate of election issued to chair of CBE	<u>GS 163-301</u>
Costs of administering municipal election: Municipality must	<u>GS 163-284</u>
reimburse CBE	
County registration record shall be official record	<u>GS 163-288</u>
Date of municipal primaries, elections and runoffs	<u>GS 163-279(a)</u>
Election results determination	
Election and runoff	<u>GS 163-293</u>
Nonpartisan primary and election	<u>GS 163-294</u>
Partisan primary and election	<u>GS 163-291</u>
Plurality nonpartisan	<u>GS 163-292</u>
Filing, notice of candidacy and filing fee	
Cannot file for more than one municipal office at a time	GS 163-294.2(f)
Extension of filing allowed in nonpartisan race if no one filed	GS 163-294.4(a)
Filing reopens where a death takes one of only 2 candidates	GS 163-294.4(b)
Nonpartisan municipal elections	<u>GS 163-294.2</u>
Partisan municipal elections	GS 163-291
Petition to run as unaffiliated candidate in partisan municipal race	<u>GS 163-296</u> ,
	<u>GS 163-122(a)(4)</u>
Four methods of election allowed	<u>GS 163-290</u>
"General election" as used in municipal elections defined	<u>GS 163-298</u>
General election law to apply, with certain exceptions	<u>GS 163-286</u> , <u>163-295</u>
Municipal partisan primary	GS 163-283*
Nomination by petition in partisan municipal races	<u>GS 163-296</u>
Residency	GS 163-282, 163-57
Sole candidate must run on ballot so as to allow write-ins	GS 163-294.3
SBE has jurisdiction and authority over municipal elections	GS 163-304
Voter challenges in municipal election	GS 163-289
Voting place to be marked as any state or county election	GS 163-297
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Municipality

Charter	
Charter amendment affecting elections: Effective upon future	GS 160A-109
elections after 90 days from passage	
Charter amendment, once enacted, must be in effect for 2 years	<u>GS 160A-107</u>
Charter amendment by ordinance: Referendum may be	GS 160A-102,
required; referendum may be called by petition of 10% of	160A-103
registered voters (or 5,000, whichever is fewer)	
Charter amendment initiative petition: 10% of registered voters	GS 160A-104
(or 5,000, whichever is fewer) to compel vote	
Charter amendment by ordinance or petition: Form of ballot	<u>GS 160A-105</u>
"Charter" defined: Entire body of local acts currently in force	GS 160A-101
applicable to a municipality	
Relation between General Statutes and local acts pertaining to	<u>GS 160A-3</u> ,
municipalities	GS 160A-2
Map of corporate limits	
Generally; alterations; retained by municipal clerk	<u>GS 160A-22</u>
Reapportionment of districts	<u>GS 160A-22</u> ,
	160A-23,
	160A-101(6)
Municipal forms of government, including elections and terms of	GS 160A-101
governing body and mayor	
Municipal property tax referendum	GS 160A-209(f)

Municipal Office Holder

Appointive office: Residency not required	<u>GS 160A-60</u>
Assumption of office by newly-elected mayor, council members: At	GS 163-306, 160A-68
organizational meeting to be held after results are finalized (canvassed),	
either at a specially-scheduled meeting or otherwise no later than the	
first regularly-scheduled meeting in December	
Oath required	<u>GS 160A-61</u>

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See <u>table</u> for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Officers hold over until successor qualifies	<u>GS 160A-62</u>
Police officers: Provisions relating to dual office-holding	GS 160A-284
Qualifications, including residency (if official ceases to be qualified for	GS 160A-59
any reason including not having residence within municipality, vacancy	
in office becomes effectively immediately)	
Vacancies: Filled by city council	<u>GS 160A-63</u>

N.

Name

Nickname of candidate allowed on ballot under certain conditions	GS 163-106(b), GS 163- 165.5(a)(3)
Petition: Names signed by others void	<u>GS 163-271</u>
Titles that candidates are allowed to use on ballot	<u>GS 163-165.5(a)(3)</u>

National Voter Registration Act of 1993 (NVRA): See Registration to Vote, under Voter registration locations other than CBE office

New Election

Basis of order by SBE: Requires five-member approval	GS 163-182.13(a) (modified by <u>S.L. 2023-139</u>)
Candidates on ballot in new election	GS 163-182.13(e) (modified by <u>S.L. 2023-139</u>)
Eligibility to vote in new election	GS 163-182.13(c)
Jurisdiction of new election: To be the same as original election	GS 163-182.13(d)
New election may be ordered only by SBE (not a court)	GS 163-182.13 (modified by <u>S.L. 2023-139</u>)
Recasting of votes: Allowed in limited circumstances	<u>GS 163-182.12</u>
Tie vote: Can be broken if ineligible votes can be identified	<u>GS 163-182.13(f)</u>

Nominee

Candidate declared nominee without primary	<u>GS 163-110</u>
Excess of 30% of primary vote required to avoid second primary	GS 163-111(a)
May withdraw as nominee up to 30 days prior to election	<u>GS 163-113</u>
Required campaign reporting statements must be filed prior to successful	<u>GS 163-278.25</u> ,
candidate is declared nominee, or certified as elected (but failure to grant	<u>163-278.26</u>
certification shall not affect candidate's title to an office); denial can be	
appealed	
Special provisions for obtaining nominations in certain offices	<u>GS 163-115</u>
Unaffiliated candidates: Nominated by petition	<u>GS 163-122</u>
Vacancies: Filled by appointees of the political party	<u>GS 163-114</u>

Notice

Change in polling place or precinct boundary: Requires 45-day notice by	GS 163-128(a)
newspaper advertisement, etc. and mailing to affected voters at least 30	
days in advance	
Election notice	
Election notice: Required to be posted at courthouse and published	<u>GS 163-33(8);</u>
on a weekly basis for the 20-day period preceding the close of	<u>163-287</u>
registration (which is 25 days before the election); exception for	
bond special elections	
Election notice for bond referendum	<u>GS 159-61</u>
Military-overseas voter election notice containing expected ballot	<u>GS 163-258.16</u>
items: Required 100 days in advance of regularly-scheduled elections	
with federal offices; made available upon request and on CBE website	

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See table for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Notice of absentee ballot meetings: If held at times other than on Tuesdays at 5:00 p.m. starting on the third Tuesday before Election Day, notice is required to be published no later than 30 days prior to election	<u>163-230.1(f)</u>
Notice of counting of absentee ballots on Election Day: Required to be published weekly during 2-week period prior to election	GS 163-234(2) (modified by <u>S.L. 2023-</u> 140)
Notice of electioneering areas and buffer zones at voting sites: Posted 30 days prior to election (not required to be published)	GS 163-166.4(d)
Meeting notice	<u>GS 143-318.12</u>
Newspaper publication of legal notices	<u>GS 1-597</u>



Oath

Election official oaths	
County board of elections member	GS 163-30(e) (modified by S.L. 2023-139)
Precinct assistant	GS 163-42
Precinct judge	<u>GS 163-41</u>
Generally	<u>GS Chapter 11</u> ; see <u>GS</u> 11-11
Officeholder must take oath before acting	N.C. Const. Art. VI § 7; GS 128-5
Specific types of offices and oaths	<u></u>
County office	<u>GS 153A-26</u>
Municipal office	<u>GS 160A-61</u>
Who can administer oath of office	<u>GS 11-7.1</u>

Observers & Runners

Appointment	GS 163-45.1 (added by
	<u>S.L. 2023-140</u>);
	GS 18B-601(i)
	(modified by S.L. 2023-
	140)
Activity allowed	163-45.1(g) (added by
retivity anowed	S.L. 2023-140)
	<u>5.L. 2025-140</u>)
Activity prohibited	163-45.1(h) (added by
	<u>S.L. 2023-140</u>), see
	Chapter 163 generally
Appeal of removal of an observer from a voting site	163-45.1 (added by <u>S.L.</u>
	2023-140), 8 NCAC 20
	.0102
At-large observers	GS 163-45.1 (added by
	S.L. 2023-140)
Challenge to appointment of an observer	GS 163-45.1 (added by
	<u>S.L. 2023-140</u>); <u>8</u>
	NCAC 20 .0101
Identification of observers	GS 163-45.1(d) (added
	by <u>S.L. 2023-140</u>); <u>8</u>
	NCAC 20 .0103
Lists of voters who have voted to be given at 10am, 2pm, 4pm	8 NCAC 10B.0103(i)
Number allowed (at any voting site, only two site-specific observers and	GS 163-45.1(e) (added
one at-large observer from each party may be within voting enclosure)	by <u>S.L. 2023-140</u>)
Removal of an observer from a voting site	GS 163-45.1(j) (added
	by <u>S.L. 2023-140</u>)
Runner: Authorized to retrieve lists from voting enclosure; must be	GS 163-45.2 (added by
appointed by party chair on a list provided to CBE	<u>S.L. 2023-140</u>)

Offices & Public Officer

Bargains for office void	<u>GS 128-3</u>

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See table for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in *Cooper v. Berger* on Nov. 30, 2023.

Continuation in office: Office-holders stay in position until successor is chosen, qualified (unless a statute directs otherwise) Disqualification of officeholder Generally, as set out in N.C. Constitution (first requirement has been judicially invalidated) Generally, failure to qualify creates vacancy Municipal officeholder's failure to qualify creates vacancy Dual office-holding Disallowed except as allowed by statute Concurrently holding one elective office with one appointive office allowed Concurrently holding two appointive offices allowed Ex officio service not considered holding office GS 128-1.1(a) Ex officio service not considered holding office GS 128-1.2 Holder of office deemed to hold it lawfully GS 128-6 Hold over if candidate fails to qualify GS 128-7 Oath: Officeholder must take before acting District Attorney: Must be authorized to practice law in North Carolina courts Governor and Lt. Governor: 30 years old, 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election Terms: All offices GS 163-1		
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Disallowed except as allowed by statute Section 20	Municipal officeholder's failure to qualify creates vacancy	GS 160A-59
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Officeholder must be 21 years old at time of election Qualifications for certain types of officeholders District Attorney: Must be authorized to practice law in North Carolina courts Governor and Lt. Governor: 30 years old, 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	Kickback for appointments or retentions (Class 1 misdemeanor)	GS 128-4
Officeholder must be 21 years old at time of election Qualifications for certain types of officeholders District Attorney: Must be authorized to practice law in North Carolina courts Governor and Lt. Governor: 30 years old, 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	Oath: Officeholder must take before acting	N.C. Const. Art. VI
Qualifications for certain types of officeholders District Attorney: Must be authorized to practice law in North Carolina courts Governor and Lt. Governor: 30 years old, 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony		§ 7; GS 128-5
Qualifications for certain types of officeholders District Attorney: Must be authorized to practice law in North Carolina courts Governor and Lt. Governor: 30 years old, 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	Officeholder must be 21 years old at time of election	N.C. Const. Art. VI
District Attorney: Must be authorized to practice law in North Carolina courts Governor and Lt. Governor: 30 years old, 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony		<u>§ 6</u>
Carolina courts Governor and Lt. Governor: 30 years old, 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	Qualifications for certain types of officeholders	
Governor and Lt. Governor: 30 years old, 5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	District Attorney: Must be authorized to practice law in North	N.C. Const. Art. IV,
5 years as U.S. citizen and 2 years as N.C. resident immediately prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	Carolina courts	<u>§ 18</u>
prior to election Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	Governor and Lt. Governor: 30 years old,	N.C. Const. Art. III,
Judge and justice officeholders: Must be authorized to practice law in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	5 years as U.S. citizen and 2 years as N.C. resident immediately	<u>§ 2</u>
in North Carolina courts Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	prior to election	
Municipal officeholder (residency requirement) Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	Judge and justice officeholders: Must be authorized to practice law	N.C. Const. Art. IV,
Qualifications for state representative: Residence in district for 1 year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	in North Carolina courts	
year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony		<u>GS 160A-59</u>
year prior to election Qualifications for state senator: 25 years old, citizen of state for 2 years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	Qualifications for state representative: Residence in district for 1	N.C. Const. Art. II,
years, residence in district for 1 year prior to election Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony \$ 6 GS 162-2; N.C. Const. Art. VII, § 2	year prior to election	<u>§ 7</u>
Sheriff: 21 years old, lived in county for 1 year prior to election, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony GS 162-2; N.C. Const. Art. VII, § 2	Qualifications for state senator: 25 years old, citizen of state for 2	N.C. Const. Art. II,
and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony	years, residence in district for 1 year prior to election	<u>§ 6</u>
holding Sheriff's office; cannot have been convicted of a felony	Sheriff: 21 years old, lived in county for 1 year prior to election,	GS 162-2; N.C. Const.
	and cannot practice law or serve in General Assembly while	<u>Art. VII, § 2</u>
Terms: All offices <u>GS 163-1</u>		
	Terms: All offices	<u>GS 163-1</u>

Out-of-Precinct Voting Place: See Voting Place, under Out-of-precinct voting place

Overseas Citizen Absentee Voting: See Absentee Voting, under Military-overseas absentee voting



<u>Petition:</u> See the SBE website for <u>petition forms and requirements</u>

Filing fee: Petition in lieu of paying filing fee to run for office	<u>GS 163-107.1</u>
New political party	<u>GS 163-96</u>
Person may not sign name of another (Class 2 misdemeanor)	<u>GS 163-221</u>
Petition calling for an election or referenda (may also be governed by	GS 163-218 through
local authority, such as a municipal charter)	<u>163-221</u>
Petition calling for an election or referenda becomes void after 1 year	<u>GS 163-219</u>
Presidential primary nomination by petition	<u>GS 163-213.5</u>
Unaffiliated candidate: Nominated by petition	<u>GS 163-122</u>
Unaffiliated candidate in partisan municipal race	<u>GS 163-296</u> ,
	GS 163-122 (a)(4)
Write-in candidate: Petition required for partisan races	<u>GS 163-123</u> (modified
	by <u>S.L. 2023-140</u>)

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See table for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Photo ID

Approval of employee ID cards for voting identification	<u>GS 163-166.18</u>
Approval of student ID cards for voting identification	<u>GS 163-166.17</u>
Requirement for photo ID for absentee voters	163-230.1 (modified by
	<u>S.L. 2023-139</u> and <u>S.L.</u>
	<u>2023-140</u>)
Requirements for photo ID to vote in person	<u>GS 163-166.16</u>
Voter photo ID cards	GS 163-82.8A (modified
	by <u>S.L. 2023-134</u> ; <u>S.L.</u>
	2023-139; and S.L. 2023-
	<u>140</u>)

Political Activity by Government Employee: See Ethical Behavior

Political Committee: See Campaign Reporting, under Political committee

Political Party

Appointment of new party nominee by political party	<u>GS 163-122</u>
Building (headquarters) funds of state and county political party	<u>GS 163-278.19B</u>
Counting of votes: Political parties may be present	GS 163-182.2(a)(2)
New political party	
Candidate: Determined by convention	<u>GS 163-98</u>
General election participation	<u>GS 163-98</u>
Petition	<u>GS 163-96</u>
"Political party" defined	<u>GS 163-96(a)</u>
"Political party" defined for purposes of campaign reporting	GS 163-278.6(76)
Secretary of State shall certify presidential primary results to political	GS 163-213.8
party chairs	
Termination of status as political party	<u>GS 163-97</u>
Use of public building by political party	<u>GS 163-99</u>
Voter affiliated with expired political party	<u>GS 163-97.1</u>
Voter can vote in only one party's primary	<u>GS 163-166.7(b)</u>

Pollbook

Electronic pollbook or registration records	
Allowed at polling place	GS 163-166.7(c)(8)
Electronic pollbook must be certified by SBE	<u>GS 163-165.7(c)</u>
Keeping of pollbook at voting place	8 NCAC 10B.0103(h)

Polling Place: Refers to a voting place used on Election Day, see Voting Place

Pollworker: See **Precinct Official**

Precinct

Alterations to precinct boundaries: Subject to approval of SBE	<u>GS 163-132.3</u>
Executive Director	
Created and modified by CBE	<u>GS 163-128(a)</u>
Map to be prepared by CBE	<u>GS 163-128(b)</u>
Out-of-precinct voting place	<u>GS 163-130.1</u>
Temporary transfer of voter between precincts	GS 163-128(a)
Uniform standards for precinct boundaries	<u>GS 163-132.3</u>
Voter data by Voting Precinct to be maintained by CBE	<u>GS 163-132.5G</u>
	(modified by <u>S.L. 2023-</u>
	<u>140</u>)

Precinct Official

Arrival on Election Day: No later than 6:00 a.m.	8 NCAC 10B.0102(a)
Checking registration at voting enclosure	GS 163-166.7(a)
Compensation	<u>GS 163-46</u>

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See <u>table</u> for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

D 11	GG 162 42 0 NGAG
Ballot counter: Appointment, qualifications, tasks and duties	GS 163-43; 8 NCAC
Certification	10B.0101(f), (g) GS 163-82.24(b)
Charges against precinct officials by voter; hearing by the County	8 NCAC 3.0201,
Board of Elections required	$\frac{8 \text{ NCAC } 3.0201}{3.0202}$
Distributing ballots to voters	GS 163-166.7(b)
Duties and tasks of all precinct officials	8 NCAC 10B.0101;
Duties and tasks of an preemet officials	GS 163-166.6,
	163-182.17(b)
Early voting	GS 163-166.35(a1)
	(added by <u>S.L. 2023-</u>
	140)
Election assistant	
Tasks and duties	8 NCAC 10B.0101(d),
	<u>(g)</u>
Emergency election-day assistant	<u>GS 163-42(c);</u>
	8 NCAC 10B.0101(e),
	<u>(g)</u>
May serve less than a full day (if CBE allows)	<u>GS 163-42</u>
Generally, must be a qualified voter of that precinct (or if that is	<u>GS 163-42(a), (b)</u>
not possible, of that county)	
Appointment: Should be an equal number from each political	<u>GS 163-42</u>
party where possible	00.162.42.1
Student election assistant	<u>GS 163-42.1</u>
Family members cannot serve as officials in the same precinct;	<u>GS 163-41.1</u>
family members of candidates cannot serve as precinct officials	
Precinct chief judge of election (see also entries for precinct judges below	
Appointments and terms of office	GS 163-41(a)
Responsible for precinct's officials and for counting of votes	GS 163-182.3
Responsible for voting systems on Election Day	8 NCAC 4.0306(b)
Tasks and duties	8 NCAC 10B.0101(b),
Precinct judge of election	(g)
r Precinci indoe or election	
	GS 163 /1(a)
Appointments and terms of office	GS 163-41(a)
Appointments and terms of office Cannot act as a precinct judge after being removed	GS 163-274(a)(3)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor)	GS 163-274(a)(3) GS 163-274(a)(1)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor)	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023-
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163-
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163-
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48;
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c),
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c),
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots with residents of other precincts)	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g) GS 163-41(a)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots with residents of other precincts) Term of office: 2 years	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g) GS 163-41(a)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots with residents of other precincts) Term of office: 2 years When matters are not assigned specifically to the chief judge or	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g) GS 163-41(a)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots with residents of other precincts) Term of office: 2 years When matters are not assigned specifically to the chief judge or to a judge, the three judges must act by majority vote	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g) GS 163-41(a) GS 163-41(a) GS 163-47(f)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots with residents of other precincts) Term of office: 2 years When matters are not assigned specifically to the chief judge or to a judge, the three judges must act by majority vote Precinct officials protected from being punished by employer for	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g) GS 163-41(a)
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Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots with residents of other precincts) Term of office: 2 years When matters are not assigned specifically to the chief judge or to a judge, the three judges must act by majority vote Precinct officials protected from being punished by employer for missing work because of election duties (if notice was given)	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g) GS 163-41(a) GS 163-41(a) GS 163-41(a) GS 163-33(2)
Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots with residents of other precincts) Term of office: 2 years When matters are not assigned specifically to the chief judge or to a judge, the three judges must act by majority vote Precinct officials protected from being punished by employer for missing work because of election duties (if notice was given) Preliminary report of vote produced by precinct officials	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g) GS 163-41(a) GS 163-41(a) GS 163-41(a) GS 163-41.2 GS 163-182.2(a)(5)
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Appointments and terms of office Cannot act as a precinct judge after being removed Failure to perform duty a crime (Class 2 misdemeanor) May provide only technical voting information to voter Must act fairly and impartially Must remain at polling site until all duties are completed Powers, tasks and duties Residency: Generally, must be resident of the precinct (if the party's recommendations are insufficient to fill the spots, the board may fill the spots with residents of other precincts, but cannot fill all 3 judge spots with residents of other precincts) Term of office: 2 years When matters are not assigned specifically to the chief judge or to a judge, the three judges must act by majority vote Precinct officials protected from being punished by employer for missing work because of election duties (if notice was given) Preliminary report of vote produced by precinct officials Removal of precinct official by CBE Training: A pre-election instructional meeting required for precinct judges, and a pre-election voting system instructional meeting is	GS 163-274(a)(3) GS 163-274(a)(1) 8 NCAC 10B.0103(g) GS 163-47(a) (modified by S.L. 2023- 140), GS 163- 41(a) GS 163-47(a) (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140) GS 163-47 (modified by S.L. 2023-140), 163-48; 8 NCAC 10B.0101(c), (g) GS 163-41(a) GS 163-41(a) GS 163-47(f) GS 163-33(2) 08 NCAC 03 .0201 and 0202
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^{*}Statute affected by permanent injunction in 2016 in *NAACP v. McCrory*. See <u>table</u> for current law in effect.

**Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Precinct Transfer

(Unreported move to another precinct within the county)

Attestation of moving within 30 days	GS 163-82.15(a)
Precinct transfer assistant	GS 163-82.15(g)
Procedure	<u>GS 163-82.15(e)</u>

President

Presidential elector	
	CC 162 210 (4:5- 4
Alternates to serve as needed	GS 163-210 (modified by S.L. 2023-140)
Compensation of electors	GS 163-211
Can be held as office to addition to other appointed office	GS 163-209.2
Cannot be held as an additional elected office	GS 163-209.1
Electoral college: Date held, location	GS 163-210 (modified
	by <u>S.L. 2023-140</u>)
Failure to vote for candidate that named elector: \$500 fine	<u>GS 163-212</u>
Governor to proclaim electors and notify U.S. Archivist	GS 163-210 (modified by S.L. 2023-140)
Names not to appear on ballot; to be filed with Secretary of State	GS 163-209
by noon on the last Friday in August	
Nomination: At party convention (or alternatively, as party rules	<u>GS 163-1(c)</u>
allow, or if for unaffiliated candidate, by candidate), of one from	
each congressional district plus two at large; first and second	
alternates can also be nominated	
Procedure to appoint electors when election results unclear	<u>GS 163-213</u> (modified
	by <u>S.L. 2023-140</u>)
Secretary of State to notify Governor of electors	GS 163-210 (modified by <u>S.L. 2023-140</u>)
Vote for presidential candidate shall be considered vote for that	GS 163-209(a)
candidate's elector	
Presidential preference primary	
Affiliated voters must vote in their own party's primary	<u>GS 163-213.7</u>
Conduct to be in same matter as other elections	<u>GS 163-213.3</u>
Date held	<u>GS 163-213.2</u>
Delegates awarded according to party rules	<u>GS 163-213.8</u>
Nominations to be made by SBE based upon names provided by	GS 163-213.4 (modified
state political parties	by <u>S.L. 2023-139</u>)
Nomination of candidate for primary by petition	<u>GS 163-213.5</u>
"No preference" vote allowed	<u>GS 163-213.7</u>
Notification by SBE of candidates to appear on ballot	<u>GS 163-213.6</u>
State political party chairs submit list of candidates to be placed	<u>GS 163-213.4</u> (modified
on ballot; SBE may also nominate	by <u>S.L. 2023-139</u>)
Registering to vote in presidential primary	GS 163-213.8
Secretary of State shall certify results to political party chair	GS 163-213.8
SBE to make rules	<u>GS 163-213.3</u>

Primary

Cost of primaries to be provided by state and county	<u>GS 163-105</u>
Date of statewide primary, generally	<u>GS 163-1(b)</u>
Governed by general election law, including criminal election laws	<u>GS 163-104</u>
Modification of time schedule by SBE	<u>GS 163-104</u>
Participation as a voter	GS 163-59*
Presidential preference primary	
Affiliated voters must vote in their own party's primary	<u>GS 163-213.7</u>
Conduct to be in same matter as other elections	<u>GS 163-213.3</u>
Date held	<u>GS 163-213.2</u>
Delegates awarded according to party rules	GS 163-213.8
Nominations to be made by SBE based upon names provided by	<u>GS 163-213.4</u> (modified
state political parties	by <u>S.L. 2023-139</u>)
Nomination of candidate for primary by petition	<u>GS 163-213.5</u>
"No preference" vote allowed	<u>GS 163-213.7</u>
Notification by SBE of candidates to appear on ballot	<u>GS 163-213.6</u>
State political party chairs submit list of candidates to be placed	<u>GS 163-213.4</u> (modified
on ballot; SBE may also nominate	by <u>S.L. 2023-139</u>)

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Registering to vote in presidential primary	<u>GS 163-213.2</u>
Secretary of State shall certify results to political party chair	<u>GS 163-213.8</u>
SBE to make rules	<u>GS 163-213.3</u>
Results determined by plurality	GS 163-111(a)
Right to participate, generally	GS 163-59*
Primary candidate prohibited from running as unaffiliated	GS 163-122(a); also
	oath on GS 163-106(a)
Second primary (applies to partisan contests only)	
Considered a continuation of the first primary	GS 163-111(e) (modified
, v	by <u>S.L. 2023-140</u>)
Date: 10 weeks after first primary	<u>GS 163-111(e)</u> (modified
	by <u>S.L. 2023-140</u>)
Procedure and time deadlines for calling	<u>GS 163-111(c)</u>
Registration: Restricted between first and second primary	GS 163-111(e) (modified
	by <u>S.L. 2023-140</u>)
Tie vote in second primary (no third primary)	<u>GS 163-111(f)</u>
To avoid, primary winner must receive 30% of vote	<u>GS 163-111(a)(1)</u>
Who may call for second primary	<u>GS 163-111(b)</u>
Ties and recounts	GS 163-111(d)
Unaffiliated voter voting in primary	<u>GS 163-119</u> (modified
	by <u>S.L. 2023-140</u>)
Vote in only one parties' primary each primary election	GS 163-166.7(b)
Voter not yet 18 at time of primary may vote in primary if he/she will be	<u>GS 163-59*</u> ,
18 at the time of the General Election	<u>163-283.1*</u> , <u>163-</u>
	283*

Protest: See Election Protest

Provisional Voting

All voting data, including provisional and absentee must be reported by	GS 163-132.5G
Voting Precinct	(modified by S.L. 2023-
	140)
Counting of provisional ballot	GS 163-182.2*(a)(4)
Dispute (by registrant) over residence within a precinct	GS 163-82.15(f)
Eligibility to receive a provisional ballot	8 NCAC 10B.0103(d)
Eligibility for a provisional ballot to be counted	GS 163-182.2*(a)(4),
	GS 163-55*,
	GS 163-82.15(e)
If person does not present photo ID	<u>GS 163-166.16</u>
If person is required to present HAVA ID and does not, that person may	GS 163-166.12(e)
vote provisionally	(modified by <u>S.L. 2023-</u>
	<u>140</u>)
Informing the person of his or her right to a provisional ballot	8 NCAC 10B.0103(d)
Notation on provisional ballot marking it as such	<u>GS 163-166.11A</u>
Only the envelope is to be marked to identify the voter (not the	<u>GS 163-165(6)</u>
provisional ballot itself)	
Procedural requirements for provisional voting	<u>GS 163-166.11</u>
	(modified by S.L. 2023-
	<u>140</u>)
"Provisional official ballot" defined	<u>GS 163-165(6)</u>
Unreported move voter may vote provisionally (including at early voting)	<u>GS 163-82.15(e)</u> ,
	<u>163-166.11</u> (modified
	by <u>S.L. 2023-140</u>)
Voter who wishes to vote after polls close: May cast vote with a special	<u>GS 163-166.01</u>
provisional ballot	

Public Record: See Confidentiality and Public Records



Records retention: See Elections Record Retention Schedule (2012), Amendment (2013), Amendment (2014)

^{*}Statute affected by permanent injunction in 2016 in *NAACP v. McCrory*. See <u>table</u> for current law in effect.

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Absentee ballot lists: 22 months	GS 163-232 (modified by S.L. 2023-140)
Absentee ballots and container-return envelopes:	GS 163-234(10)
22 months (or longer if a pending contest exists concerning the	(modified by <u>S.L. 2023-</u>
validity of the ballots)	<u>140</u>)
Destruction methods	<u>07 NCAC 04M.0510</u>

Recount

Discretionary recount	<u>GS 163-182.7(a)</u>
First Recount	8 NCAC 9.0107
General guidelines	8 NCAC 9.0106
Mandatory recount for county races	<u>GS 163-182.7(b)</u>
Mandatory recount for statewide races	<u>GS 163-182.7(c)</u>
Manual hand-to-eye recount (guidelines for determining voter intent)	8 NCAC 9.0109
Rules for recounts: To be set by SBE	<u>GS 163-182.7(d)</u>
Sample recount prior to full recount	<u>GS 163-182.7A</u>
	(modified by S.L. 2023-
	<u>140</u>)
Second recount: Candidate's limited right to demand	<u>GS 163-182.7A</u>
	(modified by S.L. 2023-
	<u>140</u>)
Tie vote in a primary: Recount required in certain circumstances	<u>GS 163-111(d)</u>

Redistricting

Board of education (local): Redistricting of electoral district	<u>GS 115C-37(i)</u>
Congressional district	
Districts described	<u>GS 163-201</u> (modified
	by <u>S.L. 2023-145</u>)
Election if reapportionment has not been concluded	<u>GS 163-202</u>
Legal severability of act setting out congressional districts	<u>GS 163-201.1</u>
Use of census data	<u>GS 163-132.1C</u>
County commissioner district	<u>GS 153A-22</u>
Whole county requirement for legislative districts (but, counties may	N.C. Const. Art. II
need to be divided in order to comply with federal law)	§§ 3(3), 5(3)
Municipal council redistricting; special rules after census	<u>GS 160A-23</u> , <u>23.1</u>

Referendum: See also Bond Referendum; and Campaign Reporting

Annexation, municipal (involuntary)	<u>GS 160A-58.64</u>
Ballot order of types of referenda	GS 163-165.6(h)
Defined	<u>GS 163-165(7)</u>
Property tax approval referendum	<u>GS 153A-307</u>

Registration to Vote

Administrative change of registration upon change of political boundary	<u>GS 163-82.15A</u>
of county	
Cancellation of registration-82.15A	<u>GS 163-82.9</u>
Change of address (within the county) or name: May be updated at the	GS 163-82.15(d), (e);
polling place on Election Day	8 NCAC 10B.0103(f)
Checking registration at polling place	GS 163-166.7(a)
Civil right of registering and voting is retained by residents in group	GS 122C-58
homes unless an unrevoked adjudication of incompetency specifically	
precludes exercising that right	
CBE must determine qualification of applicant	GS 163-82.7(a)
CBE's duty to register	GS 163-82.1*(b)
Change of address/name information updated at poll	8 NCAC 10B.0103(f)
Change of voter's address	
Change of address within county	GS 163-82.15
Change of address within county: Verification by mail	GS 163-82.15(b)
Forging/falsely attesting: Class 2 misdemeanor	GS 163-274(a)(14)
Removal of voter upon confirmation of change of address	GS 163-82.14(d)
	(modified by S.L. 2023-
	<u>140</u>)

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Unreported move (within the same county)	See Residence,
	<u>Unreported move by</u>
	<u>voter</u>
Change of voter's name	00.162.02.16
Change of voter's name, generally	GS 163-82.16
Unreported change of name (can be done at polling place)	GS 163-82.16(d)
Verification by mail	<u>GS 163-82.16(b)</u>
Change of voter's party affiliation	
Change of voter's party affiliation, generally	<u>GS 163-82.17</u>
CBE can correct at any time after sworn statement from voter	GS 163-82.17(e)
Deadline prior to primary (same as registration deadline)	GS 163-82.17(d)
Verification by mail	GS 163-82.17(b)
Compensation for assisting persons in registering to vote cannot be	GS 163-274(a)(15)
based upon the number of forms submitted	
Death of voter	
CBE to have forms to removed deceased voters from lists, available to	GS 163-33(14),
near relatives, personal representatives of the voter's estate, and	90-210.25C
funeral service licensees	<u>90-210.23C</u>
Removal of deceased voters from voter list	GS 163 92 14(b)
Removal of deceased voters from voter list	GS 163-82.14(b) (modified by S.L. 2023
	(modified by <u>S.L. 2023-</u> 140)
Electronic voter registration records allowed to be used at poll	GS 163-166.7(c)(8)
E-mail or fax: May be transmitted by 25 th day before election (if	<u>GS 163-82.6(e)</u>
changing party affiliation by fax or e-mail, voter must also mail original	
20 days before Election Day)	00.160.166.10
Identification required of voters registering by mail	GS 163-166.12
	(modified by <u>S.L. 2023-</u>
T :	140)
List maintenance; collaboration with other states	GS 163-82.14
Official record: State computerized voter registration	<u>GS 163-82.11</u>
Qualifications to register: 30 days residence, cannot be serving a	N.C. Const. Art. VI,
felony sentence	§ 2, GS 13-1
Qualifications to vote (and therefore, register to vote)	<u>GS 163-55*</u>
Preregistration (16 years old or older, to automatically register when 18 ye	ars old)
CBE to electronically forward applications to SBE	GS 163-82.6(h)
Generally	GS 163-82.1*
Preregistration on voter registration application form	GS 163-82.4(e)(2)b,
	163-82.3*(a)
Registering on Election Day: Only allowed if applicant has become	GS 163-82.6(f),
eligible to vote within past 25 days, for reasons other than age, or if a	163-258.28
military voter was absent at the time of the registration deadline	100 200.20
Registration deadline: 25 days before Primary or Election Day	GS 163-82.6(e)
Registration is permanent, subject to certain conditions	GS 163-82.1*(c)
Registration is a prerequisite to voting	GS 163-54;
Registration is a prerequisite to voting	
Designation number To be unique normanent	N.C. Const. Art. VI, § 3
Registration number: To be unique, permanent	GS 163-82.10A
Restoration of citizenship after completion of felony sentence: Person to	<u>GS 163-82.20A</u>
receive written notice	00.160.00.00
Registration offered libraries, public agencies, senior centers, county	<u>GS 163-82.22</u>
facilities, parks and recreation service facilities	00.100.1111
Second primary: No new registrations after the first primary	GS 163-111(e) (modified
	by <u>S.L. 2023-140</u>)
Social Security number (last 4) verification through the Department of	42 USC 405(r)(8)
Motor Vehicles	
Verification of voter's address	
Address verification by mail	GS 163-82.7(c)
Failure of verification if mail is returned as undeliverable twice	GS 163-82.7(e), (f)
Incomplete verification on Election Day	GS 163-82.7(g)
· ·	
Same-day registrants	GS 163-82.6B(d)
	(added by <u>S.L.</u>
	2023-140; see
	Numbered Memo
	2023-05 for
	additional changes
	made per court
	order)
	oruci)

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**Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.

Voter registration application form Acceptance of registration application forms Approval of registration application Contents of form Changing information on another's form: Class 2 misdemeanor Changing incomplete form: Notice, opportunity to be given Correcting incomplete form: Notice, opportunity to be given Deadline in order to vote in Election or Primary: 25 days prior (with limited exceptions) Denial by CBE; right to appeal Developed by SBE Distribution by SBE to governmental and private entities E-mailed (scanned) or faxed forms: Acceptable, but original must be received by 20 days prior to Election Day Electronic availability of form Electronically-captured signatures on voter registration forms cannot be accepted ("wet ink" requirement; exception for military-overseas voters) Forms must be retained also afficial records per records retention GS 163-82.10(a), (b)
Approval of registration application Contents of form Changing information on another's form: Class 2 misdemeanor Correcting incomplete form: Notice, opportunity to be given Deadline in order to vote in Election or Primary: 25 days prior (with limited exceptions) Denial by CBE; right to appeal Developed by SBE Distribution by SBE to governmental and private entities E-mailed (scanned) or faxed forms: Acceptable, but original must be received by 20 days prior to Election Day Electronic availability of form Electronically-captured signatures on voter registration forms cannot be accepted ("wet ink" requirement; exception for military-overseas voters) Forms must be retained as official records per records retention GS 163-82.7(d) GS 163-82.6(d), 163-82.20 (h) GS 163-82.3(a)* GS 163-82.5 GS 163-82.5 GS 163-82.6(e)* GS 163-82.10(b) GS 163-82.10(b)
Contents of form Changing information on another's form: Class 2 misdemeanor Correcting incomplete form: Notice, opportunity to be given Deadline in order to vote in Election or Primary: 25 days prior (with limited exceptions) Denial by CBE; right to appeal Developed by SBE Distribution by SBE to governmental and private entities E-mailed (scanned) or faxed forms: Acceptable, but original must be received by 20 days prior to Election Day Electronic availability of form Electronically-captured signatures on voter registration forms cannot be accepted ("wet ink" requirement; exception for military-overseas voters) Forms must be retained as official records per records retention GS 163-82.4 GS 163-82.6(d), 163-82.6(d), 163-82.7(b), 163-82.18 GS 163-82.3(a)* GS 163-82.5 GS 163-82.6(e)* GS 163-82.6(c) GS 163-82.10(b) GS 163-82.10(b)
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policy; may be retained electronically
Generally <u>GS 163-82.3*</u>
Incomplete applications: Incompleteness can be corrected by day before county canvass GS 163-82.4(f)
Ineligible application (because unqualified) is prohibited GS 163-82.20(i)
Voter registration card <u>GS 163-82.8</u>
Voter registration drive; delegating the submission of one's completed GS 163-82.6(a)
voter registration form to another person
Voter registration locations other than CBE office
DMV drivers license offices as registration locations GS 163-82.19*
Home registration (by agencies) for persons with disabilities; obligation to submit forms to CBE within five business days
Military recruitment offices GS 163-82.21
National Voter Registration Act of 1993 (NVRA): Also known as the "motor voter" act
Public agencies GS 163-82.20*,
163-82.22
Public colleges and universities 20 USC 1094(a)(23)
Public high schools GS 163-82.23*
Public libraries, public agencies, senior seniors, county facilities, parks and recreation service facilities GS 163-82.22
Voter registration record: See also <u>SEIMS</u>
Access to records; free lists to be provided at certain times GS 163-82.10(c), (d)
Altering records improperly: Class 2 misdemeanor GS 163-274(a)(2)
Confidentiality of certain registration information, including date GS 132-1.2(4),
of birth and information protected by court order $\frac{\text{OS} 132 \text{ 1.2(4)}}{163-82.10B},$
163-82.10(a) (modifi
by S.L. 2023-139)
Must not leave voting enclosure on Election Day 8 NCAC 10B.0103(i

Representative (State): See Legislators (State)

Residence

College students' residence for voting: Can be school address if student	<u>GS 163-57(12)</u>
has no intention to return home after graduating	
Defined for registration and voting	<u>GS 163-57</u>
Habitation in multiple districts; determination of one "residence"	GS 163-57(1)a, b
Homeless persons' residence for voting purposes	<u>GS 163-57(1)c</u>
Officeholder residency requirements (generally, candidate must simply be a registered voter in	
jurisdiction)	
Governor and Lt. Governor: 5 years as U.S. citizen and 2 years	N.C. Const. Art. III,
as N.C.	<u>§ 2</u>
resident immediately prior to election	
State representative: Residence in district for 1 year prior to	N.C. Const. Art. II,
election	<u>§ 7</u>

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State senator: Citizen of state for 2 years, residence in district for 1 year prior to election	N.C. Const. Art. II, § 6
Residency requirement of voters: 30 days in electoral district	N.C. Const. Art. VI, § 2(1)
Unreported move by voter (within the same county)	
Central location in the county is available for an unreported move voter to be able to vote on Election Day	GS 163-82.15(e)
Unreported move to another precinct in same county	<u>GS 163-82.15(e)</u>
Unreported move voter may vote provisionally (only contests that the voter is eligible to vote for may be counted)	GS 163-82.15(e), 163-166.11 (modified by S.L. 2023-140)
Unreported move within same precinct	<u>GS 163-82.15(d)</u>

Robocall (automated phone call)

Generally allowable for political purposes if source is disclosed	<u>GS 75-104</u>

Rules (Administrative Code of the State Board of Elections)

Administrative Code of the State Board of Elections	Title 8 NCAC
Petition for rule-making	<u>08 NCAC 15.0101;GS</u>
	<u>150B-20</u>
Rule-making authority	
General rule-making authority of SBE	GS 163-22(a)
Temporary rule-making authority of SBE	GS 150B-21.1(a)(11),
	<u>163-22.2</u> (modified by
	S.L. 2021-180)

Runner: See Observers & Runners

S.

Sales & Use Tax Election

Called by county commissioners or a petition of 15% of voters	<u>GS 105-465</u>
Supplemental tax election	
To use same electoral procedure as original tax election	<u>GS 105-483</u>
Ballot provisions	<u>GS 105-484</u>
Authorization to conduct referendum on additional ¼ cent county sales	GS 105-535 through
and use tax	<u>538</u>

Same-Day Registration

Documents that may be presented to prove voting residence (called a	GS 163-82.6B(e) (added
"HAVA document")	by S.L. 2023-140; see
,	Numbered Memo 2023-05
	for additional changes
	made per court order)
Requirements to same-day register:	GS 163-82.6B(b) (added
1. Present a "HAVA document" with the individual's current name	by <u>S.L. 2023-140</u> ; see
and residence address;	Numbered Memo 2023-05
2. Present acceptable photo ID; and	for additional changes
3. Complete a voter registration application.	made per court order)
Retrievable ballot voting system	GS 163-82.6B(c) (added
	by <u>S.L. 2023-140</u> ; see
	Numbered Memo 2023-05
	for additional changes
	made per court order)
Same-day registration at early voting sites	GS 163-82.6B (added by
	<u>S.L. 2023-140</u> ; see
	Numbered Memo 2023-05
	for additional changes
	made per court order)
Verification of address of same day registrants	GS 163-82.6B(d) (added
	by <u>S.L. 2023-140</u> ; see
	Numbered Memo 2023-05

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	for additional changes made per court order)
Voter with an unreported move	<u>GS 163-166.11</u>

Sanitary District: See also **Special District Election**

Bonds may be issued; referendum may be required	<u>GS 159-49(2)</u>
Dissolution of district in large county: Requires referendum	<u>GS 130A-82</u>
Mandatory administration of special district elections by CBE	<u>GS 163-284</u>
Map of district must be provided to CBE office	GS 130A-50(a)
Merger of district and City Requires Election	<u>GS 130A-80</u> , <u>80.1</u> , <u>80.2</u>
Merger of district and water district	<u>GS 130A-80.3</u>
Merger of 2 or more contiguous districts: Requires election	<u>GS 130A-83</u>
Reimbursement to county for cost of "special district" election	<u>GS 163-284</u>
Returns of election; where CBE must file returns	<u>GS 130A-68</u>
Sanitary district board: Election and terms of office	<u>GS 130A-50</u>
Time of election	GS 163-279(b),
	130A-50(b1), (b2)
Vacancy: Filled by county commissioners until next election for sanitary	<u>GS 130A-54</u>
district board members	

School Board & School Board Election

Consult local acts, court orders and merger plans that alter the partisanship, board makeup, election dates, and election procedures of boards of education. SBE has compiled all such local acts, court orders and school mergers into an <u>updated summary</u>.

<u>GS 115C-37(a)</u>
<u>GS 163-284.1</u> ,
<u>115C-37(b)</u>
GS 115C-37(h)
GS 115C-37(a)
GS 115C-37(g)
GS 115C-35(a)
GS 115C-37(d)
GS 115C-37(i)
<u>GS 115C-35(b)</u>
<u>GS 115C-503</u>
<u>GS 115C-501</u>
<u>GS 115C-504</u> ,
<u>115C-505</u>
<u>GS 115C-507</u>
GS 115C-502(b)
GS 115C-35(a)
<u>.</u>
GS 115C-37
<u>GS 115C-37.1</u>

Second Primary

Absentee ballot for a Primary: Voter can opt to automatically request an	<u>GS 163-227.1</u>
absentee ballot for the Second Primary	
Considered a continuation of the first primary	GS 163-111(e) (modified
	by <u>S.L. 2023-140</u>)
Date: 10 weeks after first primary	GS 163-111(e) (modified
	by <u>S.L. 2023-140</u>)
Excess of 30% of vote by primary winner needed to avoid	<u>GS 163-111(a)(1)</u>
Procedure and deadlines for requesting a second primary	<u>GS 163-111(c)</u>
Tie vote in second primary: No third primary allowed	<u>GS 163-111(f)</u>
Voter registration is closed between first and second primary	GS 163-111(e) (modified
	by <u>S.L. 2023-140</u>)
Who may request a second primary	<u>GS 163-111(b)</u>

Secretary of State

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Shall retain, compile and make available to the public all abstracts	<u>GS 163-182.17(e)</u> ,
(certified copies) and returns provided by SBE	<u>163-82.15(c)</u> ,
	<u>163-82.6(d)</u>
Certifies presidential primary result to political party chair	GS 163-213.8
Notifies Governor of electors for presidential election	<u>GS 163-210</u> (modified
	by <u>S.L. 2023-140</u>)
Sends Governor certification of election of congressional members,	GS 163-182.16
justices, judges and district attorneys	

Senator (State): See Legislator (State)

Senator (U.S.): See Congress (U.S.)

SEIMS: See also SIEMS topics in the **Election Resource Center** on the SBE website.

Access to electronic files	<u>GS 163-82.13</u>
Coordination with DMV data; list for jury commission	GS 163-82.19(c),
	163-82.11(e)
Guidelines to be established by SBE	GS 163-82.12
Statewide computerized voter registration; serves as official list	<u>GS 163-82.12</u>

Sheriff

Eligibility: 21 years old, qualified voter in the county, and cannot practice law or serve in General Assembly while holding Sheriff's office; cannot have been convicted of a felony, whether or not granted an expunction for the felony.	GS 162-2; N.C. Const. Art. VII, § 2
Statement of disclosure required for any person filing a notice of candidacy, or any appointee selected to fill a vacancy	<u>GS 162-2</u>
Term: 4 years	<u>GS 162-1</u>
Vacancy (applicable statute depends on county)	<u>GS 162-5</u> , <u>162-5.1</u>

Signs: See Advertising & Media: Signs

Signature

On voter registration forms, may be viewed by the public but cannot be copied	GS 163-82.10(a2)
Facsimile of signature may be registered with clerk of superior court for	<u>GS 22A-1</u>
a person with a disability	
Where required, "shall be in a proper handwriting, or in a proper mark"	GS 12-3(10)

Soil & Water Conservation District (Board of Supervisors)

Created by referendum; costs of referendum paid by DENR	GS 139-5(c), (d)
Election of board of supervisors: Same time as county offices	<u>GS 139-6</u>
Filing period for board supervisor, filing fee (\$5)	<u>GS 139-6</u>
Soil and Water Conservation Commission: 7-member state-level	GS 106-840 to
commission, appointed by the Governor	<u>106-844</u>
Term of office of board supervisor: 4 years	<u>GS 139-6</u>
Vacancy: Filled by the Soil and Water Conservation Commission for	<u>GS 139-7</u>
remainder of unexpired term	

Special District Election

Absentee ballots must be available 30 days prior to election	GS 163-302(b) (modified by <u>S.L. 2023-140</u>)
Cost of election of formation of district: Paid by district if approved by	<u>GS 163-288.3</u>
voters, by county if disapproved by voters	
CBE to be reimbursed for special district elections	<u>GS 163-284</u>
CBE to conduct special district election	<u>GS 163-284.1</u>
General election law to apply, with certain exceptions	<u>GS 163-295</u>
Incorporated or annexed voters: Activation, notification	<u>GS 163-288.1</u>
Referendum prior to involuntary annexation: Can only be held at the	GS 160A-58.55, 160A-
same time as municipal general election	<u>58.64</u>

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Special district ballot counts governed by same rules	GS 163-304
~ F	

Special Election

Calling special election (generally, required to be held at same time as	<u>GS 163-3</u> , <u>163-287</u>
regularly scheduled election)	
Congressional special election	<u>2 USC 8</u> ; <u>GS 163-13</u>
CBE registration record shall be official record	<u>GS 163-288</u>
Date: Not within 30 days of another election	<u>GS 163-287</u>
Four methods of election allowed	<u>GS 163-290</u>
Municipal special election: May be held at the same time as regularly-	GS 163-287(a)(4)
scheduled municipal general election	
Notice: Publication at least 45 days prior (except bond elections)	<u>GS 163-287</u>

State Board of Elections (SBE): See also Executive Director of SBE

Appointment, eligibility terms of board members	GS 163-19 (modified by S.L. 2023-139**)
Campaign reporting	<u>3.L. 2023-139 · ·)</u>
Administration and policy to be set by SBE	GS 163-278.21
Duties of SBE as to campaign reporting	GS 163-278.22
Canvass by SBE: Date and time	GS 163-182.5(c)
•	
Compensation of board members	GS 138-5, 138-6
Declaratory rulings	8 NCAC 15.0102; GS 150B-4
Investigations	
Of campaign reporting violation: To be conducted by SBE and reported to proper district attorney	GS 163-278.22(7), (8)
Of election crimes: By SBE, SBI, and district attorneys	<u>GS 163-278</u> (modified
	by S.L. 2023-140)
Litigation	
Attorney General to represent	GS 163-25 (modified by
	S.L. 2023-139**)
Judicial review of SBE decisions	GS 150B-43 et. seq.,
	<u>163-22(1)</u>
SBE may assist CBE in litigation	GS 163-25 (modified by S.L. 2023-139**)
Meetings	,
In general; calling of meeting; quorum; minutes	GS 163-20 (modified by S.L. 2023- 139**)
Maintaining order	GS 163-24
Open meetings law	GS 143-318.9 through 318.18
Municipal elections: SBE has jurisdiction and authority	GS 163-304
Powers and duties	
Chair's powers in execution of board duties	GS 163-23
Duties summarized	GS 163-182.17(d)
	(modified by S.L.
	<u>2023-139</u>)
In general	<u>GS 163-22</u> (modified
	by <u>S.L. 2023-139**</u>
	and <u>S.L. 2023-140</u>)
Temporary rules and regulations	<u>GS 163-22.2</u>
	(modified by <u>S.L.</u>
	<u>2021-180</u>)
Restriction on political activity by members and employees: Violations	Chapter 163, Article
may be ground for removal	<u>4A</u>
State Government Ethics Act: Applies to State Board	<u>GS 138A-15</u>

T.

Tied Election

Correction of results involving ineligible voters creating a tie vote	GS 163-182.13(f)
Tie vote in an election other than a primary	<u>GS 163-182.8</u>

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Tie vote in the following types of municipal election: CBE determines winner by lot	
Election and runoff	<u>GS 163-293(f)</u>
Nonpartisan primary and election	<u>GS 163-294(c)</u>
Plurality nonpartisan	<u>GS 163-292(3)</u>
Tie vote in primary	<u>GS 163-111(d)</u>
Tie vote in second primary: No third primary allowed	GS 163-111(f)

U.

<u>Unaffiliated Candidate:</u> See <u>Candidate</u>, under <u>Unaffiliated candidate</u>

<u>Unaffiliated Voter:</u> See <u>Voter</u>, under <u>Unaffiliated voter</u>

<u>Uniformed & Overseas Citizens Absentee Voter Act (UOCAVA):</u>
See <u>Absentee Voting</u>, under <u>Military and overseas absentee voting</u>

<u>Unreported Move by Voter:</u> See <u>Residence</u>, under <u>Unreported move by voter</u>



Vacancy

Clerk of court	GS 7A-100
Coroner	GS 152-1
County commissioner	
In certain counties	GS 153A-27.1
In most counties (those not covered by GS 153A-27.1)	GS 153A-27
Filling vacancy by election (only in certain cases)	GS 163-115(d)
District attorney	<u>GS 163-10</u>
District court judge	GS 7A-142
Executive office, including governor	<u>GS 163-8</u>
Judicial office, generally	<u>GS 163-9</u> ; <u>N.C. Const.</u>
	Art. IV, § 19
Municipal or special district officeholder: Generally, filled by	GS 163-294.1(d), 160A-
governing body	63, 163-287(e)
Qualification to be appointed to fill vacancy in an elected office: If an election were to be held on the day of appointment, the appointee	<u>GS 1287.2</u>
would have to be qualified as voter to vote in the applicable district	
Party nominee candidate vacancies (other than U.S. House):	GS 163-114, 163-115(c)
Nominees selected by party executive committees	<u>88 103 114, 103 115(c)</u>
Register of deeds	GS 161-5
Sanitary district: Vacancy filled by county commissioners until next	GS 130A-54
election for sanitary district board members	
School board	
Vacancy in office (general rule, see entry below); vacancy in	GS 115C-37
nomination	
Vacancy if office if elected on a partisan basis, as allowed in	<u>GS 115C-37.1</u>
certain counties	
Sheriff	<u>GS 162-5</u> , <u>162-5.1</u>
Soil and Water Conservation District: Filled by the Soil and Water	<u>GS 139-7</u>
Conservation Commission for remainder of unexpired term	CC 162 11
State legislator U.S. House	GS 163-11
U.S. House	2 USC 8; GS 163-13,
U.S. Senate	163-115(b) GS 163-12, 163-115(e)
Unsuccessful candidate seeking one party's nomination cannot fill	GS 163-114
vacancy of another party for the same office	OD 103-114
Vacancies in party primaries	<u>GS 163-112</u> through
F	163-115

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Voter

Registration is a prerequisite to voting	GS 163-54; N.C. Const. Art. VI, § 3
Unaffiliated voter	
Registering as an unaffiliated voter	<u>GS 163-82.4(d)</u>
Voting in a party primary: unaffiliated voters may vote in the primary of their choosing	GS 163-119 (modified by S.L. 2023-140); 8 NCAC 10B.0103(c)
Voter education and information	
Posting information at polling place	<u>GS 163-166.7A</u>
North Carolina Public Campaign Fund: Judicial voter guide; applies to races for N.C. Supreme Court or Court of Appeals (only in existence until current funds have been exhausted pursuant to Session Law 2013-381 , Part 38)	GS 163-278.69 (modified by <u>S.L. 2023-</u> 140)

Voting

Cell phone (and other electronic device) use is restricted in the voting	8 NCAC 10B.0107(a)
area	
Curbside voting	<u>GS 163-166.9;</u>
	8 NCAC 10B.0108
Incompetency: Civil right of registering and voting is retained by all	<u>GS 122C-58</u> ; but see_
qualified persons unless an unrevoked adjudication of incompetency	Attorney General's
specifically precludes exercising that right	<u>Opinion</u>
Interfering with or intimidating voter: Class 2 misdemeanor	GS 163-273, <u>163-271</u>
Photographing voted ballot prohibited	GS 163-166.3(c)
Procedures; voter to clearly state name and residence	<u>GS 163-166.7;</u>
·	8 NCAC 10B.0103,
	<u>10B.0104</u>
Rules of voting: To be set by SBE	<u>GS 163-166.7(c)</u>
Signing pollbook or voter authorization document	GS 163-166.7(c)(10)
Spoiled ballot: Must be returned to official, marked as spoiled	GS 163-166.7(c)(4)
Straight-party voting not allowed	<u>GS 163-165.6(f)</u>
Voter responsible for ensuring vote was properly cast	8 NCAC 10B.0104(c)
Voter's failure to complete casting of vote; procedure	8 NCAC 10B.0104(f)
Voting booth	
Defined	<u>GS 163-165(8)</u>
Minor children may accompany voter	GS 163-166.3(a)(7)
Only one voter at a time (exceptions for spouses or those	8 NCAC 10B.0104(d)
authorized to provide assistance)	
Voter to go to voting booth after given ballot	8 NCAC 10B.0104(a)
Voting when identification numbers do not match	GS 163-166.12(d)
	(modified by <u>S.L. 2023-</u>
	<u>140</u>)

<u>Voting Enclosure:</u> See <u>Voting Place</u>, under <u>Voting enclosure</u>

<u>Voting Place:</u> Also referred to as voting site; includes both precinct polling places (open on Election Day) and early voting sites (open during early voting)

Access to voting enclosure on Election Day	GS 163-166.3 (modified by S.L. 2023-140)
Boundaries of voting place to be clearly marked off	GS 163-129
Buffer zone (See <u>Electioneering on Election Day</u>)	GS 163-166.4 (modified by S.L. 2023-140)
Closing procedure	<u>GS 163-166.10;</u> <u>8 NCAC 10B.0105</u>
CBE's duties	GS 163-166.1, 163-129
Initial counting of ballots at precinct's polling place	GS 163-182.2(a)(1) (modified by <u>S.L. 2023-</u> 140)
Maintaining order at polling place; duties of precinct judges	<u>GS 163-48</u>
Opening procedure	<u>GS 163-166.5;</u> 8 NCAC 10B.0102
Out-of-precinct voting places: Allowed if authorized	<u>GS 163-130.1</u>
Voting place must be provided adequate voting system	<u>GS 163-166.10</u>
Prompt transmission of ballots to CBE office from precinct	<u>GS 163-182.2(b)(4)</u> ; <u>8</u>

^{*}Statute affected by permanent injunction in 2016 in NAACP v. McCrory. See <u>table</u> for current law in effect.

^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in *Cooper v. Berger* on Nov. 30, 2023.

	NCAC 10B.0105(m)
Satellite voting places for voters who are elderly/have a disability	<u>GS 163-130</u>
Sex offender: Can only be in a voting place for the limited purpose	GS 14-208.18(e)
of voting; if voting place is a school, the person is also required to	
notify the school's principal	
Simulated voting (for children) allowed	GS 163-166.3(a)(8)
Tax-supported building may be used as polling place	<u>GS 163-129</u>
Temporary use of 2 voting places within a precinct	GS 163-130.2
Voting enclosure: Room within the voting place used for voting	
Access limited	GS 163-166.3 (modified
	by <u>S.L. 2023-140</u>)
Arrangement and required space and furnishings	<u>GS 163-166.2</u>
Children of voter (minors) of allowed	GS 163-166.3(a)(7)
Defined	<u>GS 163-165(9)</u>
Leaving prior to finalizing vote	8 NCAC 10B.0104(a)
Photographing voter in voting enclosure prohibited	GS 163-166.3(b)
	(modified by S.L. 2023-
	<u>140</u>)
"Voting place" defined	<u>GS 163-165(10)</u>
Weapons: Carrying a concealed weapon may be prohibited based on	<u>GS 14-415.11(c)</u> , <u>14-</u>
the type of building, see prohibitions relating to school property,	<u>269.2</u> , <u>14-269.4</u>
courthouses, state or federal office buildings, or private property	
where notice has been given	

Voting Rights Act

Enforced by the <u>U.S. Department of Justice</u>	<u>52 USC 10301</u> et seq
In general	52 USC 10101

Voting System

See also North Carolina Voting System Certification Program

Certification of voting systems by SBE	GS 163-165.7;
	8 NCAC 4.0302(a)
Chief judge has responsibility for system on Election Day	8 NCAC 4.0306(b)
County commissioners' role in purchase	GS 163-165.8
Defined	<u>GS 163-165(11)</u>
Demonstration of voting system; to voter upon request	8 NCAC 10B.0102(j), 4.0305
Disapproval and discontinuance of voting system (certification and decertification)	GS 163-165.7; 8 NCAC 4.0302(c)
Escrow, authorized access to information	8 NCAC 4 .0308
Examination of source code by SBE	GS 163-165.7(e)
Lever, punch card systems are no longer allowed	GS 163-165.4A
Maintenance, testing, examination and storage responsibility of CBE, as set by SBE	8 NCAC 4.0306(a), 4.0307, 4.0304; GS 163- 165.9(b)
Model code of ethics dealing with voting system vendors	NCSBE Vendor Code of Ethics
Modification or enhancement of voting system	8 NCAC 4.0302(b)
More than one type of system may be allowed at a voting place	<u>GS 163-165.10</u>
Paper record of each vote required	GS 163-165.7(a)
Precincts must be provided adequate voting system	<u>GS 163-165.10</u>
Results must be able to be reported by Voting Precinct	163-132.5G (modified by S.L. 2023-140), 163-132.1C
Standards and procedures as set by SBE	GS 163-182.1(b)
Testing (on official ballots) and preparation prior to election	8 NCAC 4.0306(a), 4.0307
Technical support: Provided by CBE in conjunction with SBE	<u>GS 163-166.1</u>
Training: Facilitated by SBE	GS 163-165.7(g)
Use allowed only if CBE chair is satisfied that officials are trained	8 NCAC 4.0305(b)
Voting system instructional meeting prior to each election	8 NCAC 4.0305
Vendor: Requirements and duties	GS 163-165.9A; 8 NCAC 4.0301

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^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in *Cooper v. Berger* on Nov. 30, 2023.



Withdrawal of Candidates & Nominees

Even-numbered year withdrawals	
Appointment of new party nominees by parties	<u>GS 163-114</u>
Withdrawal of candidacy before primary: Not allowed after third business day before closing of the filing period	<u>GS 163-106.4</u>
Withdrawal of candidacy following primary, as party nominee: Cannot occur after absentee voting period has begun (and practically speaking, more time is required to allow ballots to be designed, proofed, printed)	<u>GS 163-113</u>
Municipal or special district candidates and nominees (allowed until election day)	<u>GS 163-294.1</u>

Write-In

Write-in candidate	
If defeated in primary, cannot run as write—in for same office; candidate signs pledge not to do so when filing	<u>GS 163-123(e)</u> , <u>163-106</u>
Petition required in partisan and judicial elections (no petition required in municipal, special district, or nonpartisan board of education elections)	GS 163-123 (modified by S.L. 2023-140)
Write-in vote	
Arrangement on ballot	<u>GS 163-165.6(g)</u> , <u>163-165.5(a)(5)</u>
Counted officially in General Election if voter's choice can be clearly determined (and if person has qualified as a write-in candidate if such qualification is necessary)	GS 163- 182.1(a)(6), 163-123(f)

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^{**}Parts II, IV, and VIII of S.L. 2023-139 subject to preliminary injunction in <u>Cooper v. Berger</u> on Nov. 30, 2023.