

Article 20.

Conduct of Primaries and Elections.

Part 1. Precincts and Voting Places.

**§ 163A-1045. Election precincts and voting places established or altered.**

(a) Each county shall be divided into a convenient number of precincts for the purpose of voting. Upon a resolution adopted by the county board of elections and approved by the Executive Director of the State Board voters from a given precinct may be temporarily transferred, for the purpose of voting, to an adjacent precinct. Any such transfers shall be for the period of time equal only to the term of office of the county board of elections making such transfer. When such a resolution has been adopted by the county board of elections to assign voters from more than one precinct to the same precinct, then the county board of elections shall maintain separate registration and voting records, consistent with the procedure prescribed by the State Board, so as to properly identify the precinct in which such voters reside. The polling place for a precinct shall be located within the precinct or on a lot or tract adjoining the precinct.

Except as provided by Part 2 of Article 20 of this Chapter, the county board of elections shall have power from time to time, by resolution, to establish, alter, discontinue, or create such new election precincts or voting places as it may deem expedient. Upon adoption of a resolution establishing, altering, discontinuing, or creating a precinct or voting place, the board shall give 45 days' notice thereof prior to the next primary or election. Notice shall be given by advertisement in a newspaper having general circulation in the county, by posting a copy of the resolution at the courthouse door and at the office of the county board of elections, and by mailing a copy of the resolution to the chairman of every political party in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. No later than 30 days prior to the primary or election, the county board of elections shall mail a notice of precinct change to each registered voter who as a result of the change will be assigned to a different voting place.

(b) Each county board of elections shall prepare a map of the county on which the precinct boundaries are drawn or described, shall revise the map when boundaries are changed, and shall keep a copy of the current map on file and posted for public inspection at the office of the Board of Elections, and shall file a copy with the State Board. (Rev., s. 4313; 1913, c. 53; C.S., s. 5934; 1921, c. 180; 1933, c. 165, s. 3; 1967, c. 775, s. 1; 1969, c. 570; 1973, c. 793, ss. 51-53; 1975, c. 798, s. 2; 1979, c. 785; 1981, c. 515, s. 1; 1985, c. 757, s. 205(b); 1989, c. 93, s. 4; c. 440, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 33; 1995, c. 423, s. 1; 2001-353, s. 2; 2006-264, s. 20; 2017-6, s. 3.)

**§ 163A-1046. Structure at voting place; marking off limits of voting place.**

(a) At the voting place in each precinct established under the provisions of G.S. 163A-1045, the county board of elections shall provide or procure by lease or otherwise a suitable structure or part of a structure in which registration and voting may be conducted. To this end, the county board of elections shall be entitled to demand and use any school or other State, county, or municipal building, or a part thereof, or any other building, or a part thereof, which is supported or maintained, in whole or in part by or through tax revenues provided, however, that this section shall not be construed to permit any board of elections to demand and use any tax exempt church property for such purposes without the express consent of the individual church

involved, for the purpose of conducting registration and voting for any primary or election, and it may require that the requisitioned premises, or a part thereof, be vacated for these purposes.

(b) If a county board of elections requires that a tax-supported building be used as a voting place, that county board of elections may require that those in control of that building provide parking that is adequate for voters at the precinct, as determined by the county board of elections.

(c) The county board of elections shall inspect each precinct voting place to ascertain how it should be arranged for voting purposes, and shall direct the chief judge and judges of any precinct to define the voting place by roping off the area or otherwise enclosing it or by marking its boundaries. The boundaries of the voting place shall at any point lie no more than 100 feet from each ballot box or voting machine. The space so roped off or enclosed or marked for the voting place may contain area both inside and outside the structure in which registration and voting are to take place. (1929, c. 164, s. 17; 1967, c. 775, s. 1; 1973, c. 793, s. 54; 1983, c. 411, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 34; 1999-426, s. 5(a); 2017-6, s. 3.)

#### **§ 163A-1047. Satellite voting places.**

A county board of elections by unanimous vote may, upon approval of a request submitted in writing to the State Board, establish a plan whereby elderly or disabled voters in a precinct may vote at designated sites within the precinct other than the regular voting place for that precinct. Any approval under this section is only effective for one year and shall be annually reviewed for extension. The State Board shall approve a county board's proposed plan if:

- (1) All the satellite voting places to be used are listed in the county's written request;
- (2) The plan will in the State Board's judgment overcome a barrier to voting by the elderly or disabled;
- (3) Adequate security against fraud is provided for; and
- (4) The plan does not unfairly favor or disfavor voters with regard to race or party affiliation. (1991 (Reg. Sess., 1992), c. 1032, s. 10; 2013-381, s. 26.1(a); 2017-6, s. 3.)

#### **§ 163A-1048. Out-of-precinct voting places.**

A county board of elections, by unanimous vote of all its members, may establish a voting place for a precinct that is located outside that precinct. The county board's proposal is subject to approval by the Executive Director of the State Board. The county board shall submit its proposal in writing to the Executive Director. Approval by the Executive Director of the county's proposed plan shall be conditioned upon the county board of elections' demonstrating that:

- (1) No facilities adequate to serve as a voting place are located in the precinct;
- (2) Adequate notification and publicity are provided to notify voters in the precinct of the new polling location;
- (3) The plan does not unfairly favor or disfavor voters with regard to race or party affiliation;
- (4) The new voting place meets all requirements for voting places including accessibility for elderly and disabled voters; and
- (5) The proposal provides adequately for security against fraud.

Any approval granted by the Executive Director for a voting place outside the precinct is effective only for one primary and election and must be reevaluated by the county board of

elections and the Executive Director annually to determine whether it is still the only available alternative for that precinct. (1999-426, s. 3(a); 2001-319, ss. 3(a), 11; 2017-6, s. 3.)

**§ 163A-1049. Temporary use of two voting places for certain precincts.**

A county board of elections, by unanimous vote of all its members, may propose to designate two voting places to be used temporarily for the same precinct. The temporary designation of a voting place shall continue only for the term of office of the county board of elections making the designation. For any precinct that is temporarily given two voting places, the county board shall assign every voter to one or the other of those voting places.

The county board's proposal is subject to approval by the Executive Director of the State Board. The county board shall submit its proposal in writing to the Executive Director. The Executive Director shall approve that proposal only if it finds all of the following:

- (1) That the precinct has more registered voters than can adequately be accommodated by any single potential voting place available for the precinct.
- (2) That no boundary line that complies with Part 2 of Article 20 of this Chapter can be identified that adequately divides the precinct.
- (3) That the county board can account for, by street address number, the location of every registered voter in the precinct and fix that voter's residence with certainty on a map.
- (4) That no more than three other precincts in the same county will have two voting places.
- (5) That both voting places for the precinct would have adequate facilities for the elderly and disabled.
- (6) That the proposal provides adequately for security against fraud.
- (7) That the proposal does not unfairly favor or disfavor voters with regard to race or party affiliation.

The county board shall designate a full set of precinct officials, in the manner set forth in Part 4 of Article 16 of this Chapter, for each voting place designated for the precinct. (1999-426, s. 4(a); 2001-319, ss. 4(a), 4(b), 11; 2017-6, s. 3.)

**§ 163A-1050. Accessible polling places.**

(a) The State Board shall promulgate rules to assure that any disabled or elderly voter assigned to an inaccessible polling place, upon advance request of such voter, will be assigned to an accessible polling place. Such rules should allow the request to be made in advance of the day of the election.

(b) Words in this section have the meanings prescribed by P.L. 98-435, except that the term "disabled" in this section has the same meaning as "handicapped" in P.L. 98-435. (1999-424, s. 3(b); 2017-6, s. 3.)

**§ 163A-1051:** Reserved for future codification purposes.

**§ 163A-1052:** Reserved for future codification purposes.

**§ 163A-1053:** Reserved for future codification purposes.

**§ 163A-1054:** Reserved for future codification purposes.

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§ 163A-1056: Reserved for future codification purposes.

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§ 163A-1060: Reserved for future codification purposes.

§ 163A-1061: Reserved for future codification purposes.

§ 163A-1062: Reserved for future codification purposes.

§ 163A-1063: Reserved for future codification purposes.

§ 163A-1064: Reserved for future codification purposes.

#### Part 2. Precinct Boundaries.

#### § 163A-1065. Participation in the 2020 Census Redistricting Data Program of the United States Census Bureau.

(a) Participation. – The State of North Carolina shall participate in the 2020 Census Redistricting Data Program, conducted pursuant to P.L. 94-171, of the United States Bureau of the Census, so that the State will receive 2020 Census data by voting districts.

(b) Reporting of Voting Districts. – The Executive Director of the State Board shall report to the Bureau of the Census this State's voting precincts as of January 1, 2018, to be used in the 2020 Census as voting districts. Before making that report, the Executive Director shall consult with the Legislative Services Office concerning the accuracy of the information to be reported. The Executive Director shall submit the report to the Bureau of the Census in time to comply with the deadlines of that Bureau for the 2020 Census Redistricting Data Program. The Executive Director, with the assistance of the county boards of elections, shall participate in the Bureau of the Census's verification program and notify the Bureau of the Census of any errors in the entry of the voting districts in time for those errors to be corrected.

(c) Additional Rules. – The Executive Director and the Legislative Services Officer shall develop a systematic method for review and input by the Legislative Services Office prior to the submission required by subsection (b) of this section. (2016-109, s. 7(a); 2017-6, s. 3.)

§ 163A-1066: Reserved for future codification purposes.

§ 163A-1067: Reserved for future codification purposes.

§ 163A-1068: Reserved for future codification purposes.

§ 163A-1069: Reserved for future codification purposes.

§ 163A-1070: Reserved for future codification purposes.

**§ 163A-1071. (Effective until January 1, 2020) Alterations to approved precinct boundaries.**

(a) No county board of elections may change any precinct boundary unless the Executive Director of the State Board determines that the county board has a current capability of complying with G.S. 163-132.1B(a2) [now repealed] by reporting all election returns by voting tabulation district as required by G.S. 163A-1079. If the Executive Director so determines, the county board may make any changes to precinct boundaries, provided that all proposed new precincts shall consist solely of contiguous territory. The State Board may set uniform standards for precinct boundaries, which the county boards of elections shall follow. The county board of elections shall report every change in precinct boundary to the Executive Director in a format required by the Executive Director.

The county boards of elections shall report precinct boundary changes to the Executive Director in the manner the Executive Director directs. No newly created or altered precinct boundary is effective until approved by the Executive Director of the State Board as being in compliance with this section.

(b), (c) Reserved

(d) The Executive Director of the State Board shall examine the maps of the proposed new or altered precincts and any required written descriptions. If the Executive Director of the State Board determines that all precinct boundaries are in compliance with this section, the Executive Director of the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts.

(e) If the Executive Director of the State Board determines that the proposed precinct boundaries are not in compliance with subsection (a) of this section, the Executive Director shall not approve those precinct boundaries. The Executive Director shall notify the county board of elections of his disapproval specifying the reasons. The county board of elections may then resubmit new precinct maps and written descriptions to cure the reasons for their disapproval. (1985, c. 757, s. 205(a); 1987 (Reg. Sess., 1988), c. 1074, s. 2; 1991 (Reg. Sess., 1992), c. 927, s. 1; 1993, c. 352, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 71; 1995, c. 423, ss. 2, 3; 1999-227, ss. 1, 2; 2001-319, ss. 10.1, 11; 2001-487, s. 96; 2002-159, s. 56; 2003-434, 1st Ex. Sess., s. 13; 2004-127, s. 1(a); 2007-391, s. 6(b); 2008-187, s. 33(b); 2017-6, s. 3.)

**§ 163A-1071. (Effective January 1, 2020) Alterations to approved precinct boundaries.**

(a) No county board of elections may change any precinct boundary unless approved by the Executive Director of the State Board.

(b) The State Board shall set uniform standards for precinct boundaries that the county boards of elections shall follow. Any uniform standards for precinct boundaries set by the State Board shall comply with all of the following:

- (1) Precinct boundaries shall coincide with Census block boundaries.
- (2) Precincts shall consist solely of contiguous territory.
- (3) Precincts shall consist of territory and population that allows for efficient and accurate administration of elections, taking into consideration available polling places and access to polling places.

(4) The county shall be able to reallocate any out of precinct ballots cast by a voter to the precinct associated with that voter's voter registration for purposes of reporting the results of an election.

(c) The county board of elections shall report every change in precinct boundary to the Executive Director in a format required by the Executive Director.

No newly created or altered precinct boundary is effective until approved by the Executive Director of the State Board as being in compliance with this section.

(d) The Executive Director of the State Board shall examine the maps of the proposed new or altered precincts and any required written descriptions. If the Executive Director of the State Board determines that all precinct boundaries are in compliance with this section, the Executive Director of the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts for voting.

(e) If the Executive Director of the State Board determines that the proposed precinct boundaries are not in compliance with subsection (b) of this section, the Executive Director shall not approve those precinct boundaries. The Executive Director shall notify the county board of elections of the disapproval specifying the reasons. The county board of elections may then resubmit new precinct maps and written descriptions to cure the reasons for the disapproval. (1985, c. 757, s. 205(a); 1987 (Reg. Sess., 1988), c. 1074, s. 2; 1991 (Reg. Sess., 1992), c. 927, s. 1; 1993, c. 352, s. 3; 1993 (Reg. Sess., 1994), c. 762, s. 71; 1995, c. 423, ss. 2, 3; 1999-227, ss. 1, 2; 2001-319, ss. 10.1, 11; 2001-487, s. 96; 2002-159, s. 56; 2003-434, 1st Ex. Sess., s. 13; 2004-127, s. 1(a); 2007-391, s. 6(b); 2008-187, s. 33(b); 2016-109, s. 8(a); 2017-6, s. 3.)

#### **§ 163A-1072. Alterations to precinct names.**

No county board of elections shall assign to any precinct a name that has been used after January 1, 1999, for a precinct comprising different territory. That requirement does not apply to a precinct change made under G.S. 163A-1071(a)(3). The county board of elections shall submit to the Executive Director of the State Board for approval every proposed change to a precinct name, and the Executive Director shall approve a name change only if it complies with this section. (2004-127, s. 1(b); 2017-6, s. 3.)

#### **§ 163A-1073. Directives.**

The Executive Director of the State Board may promulgate directives concerning its duties and those of the county boards of elections under this Part. (1985, c. 757, s. 205(a); 1987 (Reg. Sess., 1988), c. 1074, s. 2; 2001-319, s. 11; 2017-6, s. 3.)

#### **§ 163A-1074. Cooperation of State and local agencies.**

The Office of State Budget and Management, the Department of Transportation and county and municipal planning departments shall cooperate and assist the Legislative Services Office, the Executive Director of the State Board and the county boards of elections in the implementation of this Part. (1985, c. 757, s. 205(a); 1987, c. 715, s. 4; 1987 (Reg. Sess., 1988), c. 1074, s. 2; 1989, c. 440, s. 3, c. 770, s. 75.3; 2000-140, ss. 93.1(c); 2001-319, s. 11; 2001-424, s. 12.2(b); 2017-6, s. 3.)

#### **§ 163A-1075. Exemption from Administrative Procedure Act.**

The State Board is exempt from the provisions of Chapter 150B of the General Statutes while acting under the authority of this Part. Appeals from a final decision of the Executive Director of

the State Board under this Part shall be taken to the State Board within 30 days of that decision. The State Board shall approve, disapprove or modify the Executive Director's decision within 30 days of receipt of notice of appeal. Failure of the State Board to act within 30 days of receipt of notice of appeal shall constitute a final decision approving that of the Executive Director. Appeals from a final decision of the State Board under this Part shall be taken to the Superior Court of Wake County. (1987, c. 715, s. 4; 1987 (Reg. Sess., 1988), c. 1074, s. 2; 2001-319, s. 11; 2017-6, s. 3.)

**§ 163A-1076. Local acts and township lines.**

(a) Notwithstanding the provisions of any local act, a county board of elections need not have the approval of any other county board or commission to make precinct boundary changes required by this Part.

(b) Precinct boundaries established, retained or changed under this Part, or changed to follow a district line where a precinct has been divided in a districting plan, may cross township lines. (1987, c. 715, s. 4; 1989, c. 440, s. 5; 1991 (Reg. Sess., 1992), c. 927, s. 1; 1995, c. 423, s. 2; 2017-6, s. 3.)

**§ 163A-1077. Retention of precinct maps.**

The Executive Director of the State Board shall retain the maps and written descriptions which he approves pursuant to G.S. 163A-1071. (1991 (Reg. Sess., 1992), c. 927, s. 1; 2001-319, s. 11; 2017-6, s. 3.)

**§ 163A-1078. U.S. Census data by voting tabulation district.**

The State shall request the U.S. Bureau of the Census for each decennial census to provide summaries of census data by voting tabulation district and shall participate in any U.S. Bureau of the Census' program to effectuate this provision. (1991 (Reg. Sess., 1992), c. 927, s. 1; 2007-391, s. 6(e); 2008-187, s. 33(b); 2017-6, s. 3.)

**§ 163A-1079. Voting data maintained by precinct.**

(a) Each county board of elections shall maintain voting data by voting precinct so that precinct returns for each item on the ballot shall include the votes cast by all residents of that voting precinct who voted, regardless of where the voter voted. The county board shall not be required to report returns by voting precinct for voters who voted other than at the voting precinct associated with that voter's voter registration until 30 days after the election. In reporting returns, the county board shall not compromise the secrecy of an individual's ballot.

(b) The 30-day deadline for reporting returns by voting precinct does not relieve the county board of the duty to report all returns as soon as practicable after the election according to other categories specified by the State Board.

(c) The State Board shall adopt rules for the enforcement of this section. (2001-466, s. 2; 2003-183, s. 1; 2005-323, s. 1(e); 2007-391, s. 6(c); 2008-187, s. 33(b); 2016-109, s. 9(a); 2017-6, s. 3.)

**§ 163A-1080:** Reserved for future codification purposes.

**§ 163A-1081:** Reserved for future codification purposes.

- § 163A-1082: Reserved for future codification purposes.
- § 163A-1083: Reserved for future codification purposes.
- § 163A-1084: Reserved for future codification purposes.
- § 163A-1085: Reserved for future codification purposes.
- § 163A-1086: Reserved for future codification purposes.
- § 163A-1087: Reserved for future codification purposes.
- § 163A-1088: Reserved for future codification purposes.
- § 163A-1089: Reserved for future codification purposes.
- § 163A-1090: Reserved for future codification purposes.
- § 163A-1091: Reserved for future codification purposes.
- § 163A-1092: Reserved for future codification purposes.
- § 163A-1093: Reserved for future codification purposes.
- § 163A-1094: Reserved for future codification purposes.

Part 3. Voting.

Subpart 1. Definitions.

**§ 163A-1095. Definitions.**

In addition to the definitions stated below, the definitions set forth in Part 4 of Article 20 of this Chapter also apply to this Part. As used in this Part:

- (1) **(Effective until December 1, 2019 – see note)** "Ballot" means an instrument on which a voter indicates that voter's choice for a ballot item so that it may be recorded as a vote for or against a certain candidate or referendum proposal. The term "ballot" may include a paper ballot to be counted by hand, a paper ballot to be counted on an electronic scanner, the face of a lever voting machine, the image on a direct record electronic unit, or a ballot used on any other voting system.
- (1) **(Effective December 1, 2019 – see note)** "Ballot" means an instrument on which a voter indicates that voter's choice for a ballot item so that it may be recorded as a vote for or against a certain candidate or referendum proposal, and is evidenced by an individual paper document that bears marks made by the voter by hand or through electronic means, whether preprinted or printed in the voting enclosure.



- (2) "Ballot item" means a single item on a ballot in which the voters are to choose between or among the candidates or proposals listed.
- (3) "Ballot style" means the version of a ballot within a jurisdiction that an individual voter is eligible to vote. For example, in a county that uses essentially the same official ballot, a group office such as county commissioner may be divided into districts so that different voters in the same county vote for commissioner in different districts. The different versions of the county's official ballot containing only those district ballot items one individual voter may vote are the county's different ballot styles.
- (4) "Election" means the event in which voters cast votes in ballot items concerning proposals or candidates for office in this State or the United States. The term includes primaries, general elections, referenda, and special elections.
- (5) "Official ballot" means a ballot that has been certified by the State Board of Elections and produced by or with the approval of the county board of elections. The term does not include a sample ballot or a specimen ballot.
- (6) "Provisional official ballot" means an official ballot that is voted and then placed in an envelope that contains an affidavit signed by the voter certifying identity and eligibility to vote. Except for its envelope, a provisional official ballot shall not be marked to make it identifiable to the voter.
- (7) "Referendum" means the event in which voters cast votes for or against ballot questions other than the election of candidates to office.
- (8) "Voting booth" means the private space in which a voter is to mark an official ballot.
- (9) "Voting enclosure" means the room within the voting place that is used for voting.
- (10) "Voting place" means the building or area of the building that contains the voting enclosure.
- (11) "Voting system" means a system of casting and tabulating ballots. The term includes systems of paper ballots counted by hand as well as systems utilizing mechanical and electronic voting equipment. (2001-460, s. 3; 2001-466, s. 3(a), (b); 2002-159, s. 21(h); 2006-262, s. 4; 2013-381, ss. 30.1, 30.2; 2015-103, ss. 4(a), 5(a), 6(b); 2017-6, s. 3; 2018-13, s. 3.11(b).)

**§ 163A-1096:** Reserved for future codification purposes.

**§ 163A-1097:** Reserved for future codification purposes.

**§ 163A-1098:** Reserved for future codification purposes.

**§ 163A-1099:** Reserved for future codification purposes.

**§ 163A-1100:** Reserved for future codification purposes.

**§ 163A-1101:** Reserved for future codification purposes.

**§ 163A-1102:** Reserved for future codification purposes.

§ 163A-1103: Reserved for future codification purposes.

§ 163A-1104: Reserved for future codification purposes.

## Subpart 2. Ballots and Voting Systems.

### § 163A-1105. Scope and general rules.

- (a) Scope. – This Part shall apply to all elections in this State.
- (b) Requirements of Official Ballots in Voting. – In any election conducted under this Part:
  - (1) All voting shall be by official ballot.
  - (2) Only votes cast on an official ballot shall be counted.
- (c) Compliance With This Part. – All ballots shall comply with the provisions of this Part.
- (d) Other Uses Prohibited. – An official ballot shall not be used for any purpose not authorized by this Part.
- (e) Voted ballots and paper and electronic records of individual voted ballots shall be treated as confidential, and no person other than elections officials performing their duties may have access to voted ballots or paper or electronic records of individual voted ballots except by court order or order of the appropriate board of elections as part of the resolution of an election protest or investigation of an alleged election irregularity or violation. Voted ballots and paper and electronic records of individual voted ballots shall not be disclosed to members of the public in such a way as to disclose how a particular voter voted, unless a court orders otherwise. Any person who has access to an official voted ballot or record and knowingly discloses in violation of this section how an individual has voted that ballot is guilty of a Class 1 misdemeanor. (2001-460, s. 3; 2002-159, s. 55(o); 2005-323, s. 1(f); 2007-391, s. 9(a); 2017-6, s. 3.)

### § 163A-1106. Sample ballots.

- (a) County Board to Produce and Distribute Sample Ballots. – The county board of elections shall produce sample ballots, in all the necessary ballot styles of the official ballot, for every election to be held in the county. The sample ballots shall be given an appearance that clearly distinguishes them from official ballots. The county board shall distribute sample ballots to the chief judge of every precinct in which the election is to be conducted. The chief judge shall post a sample ballot in the voting place and may use it for instructional purposes. The county board of elections may use the sample ballot for other informational purposes.
- (b) Document Resembling an Official Ballot to Contain Disclaimer. – No person other than a board of elections shall produce or disseminate a document substantially resembling an official ballot unless the document contains on its face a prominent statement that the document was not produced by a board of elections and is not an official ballot. (2001-460, s. 3; 2017-6, s. 3.)

### § 163A-1107. Responsibilities for preparing official ballots.

- (a) State Board Responsibilities. – The State Board shall certify the official ballots and voter instructions to be used in every election that is subject to this Part. In conducting its certification, the State Board shall adhere to the following:
  - (1) No later than January 31 of every calendar year, the State Board shall establish a schedule for the certification of all official ballots and instructions during that year. The schedule shall include a time for county boards of elections to submit

their official ballots and instructions to the State Board for certification and times for the State Board to complete the certification.

- (2) The State Board shall compose model ballot instructions, which county boards of elections may amend subject to approval by the State Board as part of the certification process. The State Board may permit a county board of elections to place instructions elsewhere than on the official ballot itself, where placing them on the official ballot would be impractical.
- (3) With regard only to multicounty ballot items on the official ballot, the State Board shall certify the accuracy of the content on the official ballot.
- (4) With regard to the entire official ballot, the State Board shall certify that the content and arrangement of the official ballot are in substantial compliance with the provisions of this Part and standards adopted by the State Board.
- (5) The State Board shall proofread the official ballot of every county, if practical, prior to final production.
- (6) The State Board is not required to certify or review every official ballot style in the county but may require county boards to submit and may review a composite official ballot showing races that will appear in every district in the county.

The State Board shall be responsible for oversight of all ballot coding. In order to produce the data necessary for equipment programming, each county shall either contract with a qualified vendor certified by the State Board or be certified by the State Board to produce the data.

(b) County Board Responsibilities. – Each county board of elections shall prepare and produce official ballots for all elections in that county. The county board of elections shall submit the format of each official ballot and set of instructions to the State Board for review and certification in accordance with the schedule established by the State Board. The county board of elections shall follow the directions of the State Board in placing candidates, referenda, and other material on official ballots and in placing instructions.

(c) Late Changes in Ballots. – The State Board shall promulgate rules for late changes in ballots. The rules shall provide for the reprinting, where practical, of official ballots as a result of replacement candidates to fill vacancies in accordance with G.S. 163A-987 or other late changes. If an official ballot is not reprinted, a vote for a candidate who has been replaced in accordance with G.S. 163A-987 will count for the replacement candidate.

(d) Special Ballots. – The State Board, with the approval of a county board of elections, may produce special official ballots, such as those for disabled voters, where production by the State Board would be more practical than production by the county board. (2001-460, s. 3; 2007-391, s. 24(a); 2008-187, s. 33(a); 2009-541, s. 18(a); 2017-6, s. 3.)

#### **§ 163A-1108. Standards for official ballots.**

The State Board shall ensure that official ballots throughout the State have all the following characteristics:

- (1) Are readily understandable by voters.
- (2) Present all candidates and questions in a fair and nondiscriminatory manner.
- (3) Allow every voter to cast a vote in every ballot item without difficulty.
- (4) Facilitate an accurate vote count.

- (5) Are uniform in content and format, subject to varied presentations required or made desirable by different voting systems. (2001-460, s. 3; 2013-381, s. 29.1; 2017-6, s. 3.)

**§ 163A-1109. Punch-card ballots and lever machines.**

(a) No ballot may be used in any referendum, primary, or other election as an official ballot if it requires the voter to punch out a hole with a stylus or other tool.

(b) No lever machine voting system may be used in any referendum, primary, or other election as a means of voting the official ballot. A "lever machine voting system" is a voting system on which the voter casts a vote by pressing a lever and the vote is mechanically recorded by the machine.

(c) In any counties that used punch-card ballots as official ballots or lever machines in the election of November 2000, and in any municipalities located in those counties, this section becomes effective January 1, 2006. It is the intent of the General Assembly that any county that uses county funds to replace voting equipment to satisfy this section shall be given priority in appropriations to counties for voting equipment. (2001-310, ss. 1, 3; 2003-226, s. 12; 2017-6, s. 3.)

**§ 163A-1110. Butterfly ballots.**

No butterfly ballot may be used as an official ballot in any referendum, primary, or other election. The term "butterfly ballot" means a ballot having more than one column listing ballot choices that share a common column for designating those choices. (2001-310, ss. 2, 3; 2017-6, s. 3.)

**§ 163A-1111. (Effective December 1, 2019) Prohibited voting systems.**

A voting system that does not use or produce a ballot shall not be used in any referendum, primary, or other election as a means of voting or counting an official ballot. (2015-103, s. 5(b); 2017-6, s. 3.)

**§ 163A-1112. Contents of official ballots.**

(a) Except as provided in this section, each official ballot shall contain all the following elements:

- (1) The heading prescribed by the State Board. The heading shall include the term "Official Ballot".
- (2) The title of each office to be voted on and the number of votes allowed in each ballot item.
- (3) The names of the candidates as they appear on their notice of candidacy filed pursuant to G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978, or on petition forms filed in accordance with G.S. 163A-1005. No title, appendage, or appellation indicating rank, status, or position shall be printed on the official ballot in connection with the candidate's name. Candidates, however, may use the title Mr., Mrs., Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the notice of candidacy or qualifying petition, but the nickname shall appear according to standards adopted by the State Board. Those standards shall allow the presentation of legitimate nicknames in ways that do not mislead the voter or

unduly advertise the candidacy. In the case of candidates for presidential elector, the official ballot shall not contain the names of the candidates for elector but instead shall contain the nominees for President and Vice President which the candidates for elector represent. The State Board shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

- (4) Party designations in partisan ballot items.
- (5) A means by which the voter may cast write-in votes, as provided in G.S. 163A-1006. No space for write-ins is required unless a write-in candidate has qualified under G.S. 163A-1006 or unless the ballot item is exempt from G.S. 163A-1006.
- (6) Instructions to voters, unless the State Board allows instructions to be placed elsewhere than on the official ballot.
- (7) The printed title and facsimile signature of the chair of the county board of elections.
- (8) The designation of vacancy sought, for any vacancy for the office of Justice or judge of the courts. The designation shall not be the name or names of any incumbent or other individual but shall be designated as determined by the State Board.

(b) Notwithstanding subsection (a) of this section, an official ballot created and printed by use of a voting system in the voting enclosure shall be counted if all of the following apply:

- (1) Each of the following are printed on that official ballot:
  - a. The date of the election.
  - b. The precinct name or a unique identification code associated with that ballot style.
  - c. The choices made by the voter for all ballot items in which the voter cast a vote.
- (2) The electronic display of the voting system seen by the voter contains all of the information required by subsection (a) of this section.
- (3) The voter is capable of reviewing the printed official ballot, and voiding that ballot, prior to casting that voter's ballot.
- (4) The voter's choices in and on the electronic display are removed prior to the next voter using that voting equipment. (2001-460, s. 3; 2003-209, s. 1; 2007-391, s. 10; 2008-187, s. 33(a); 2015-103, s. 4(b); 2015-292, s. 1; 2016-125, 4th Ex. Sess., s. 21(g); 2017-3, s. 12; 2017-6, s. 3; 2018-121, s. 4(a).)

**§ 163A-1113. Ballots may be combined.**

Notwithstanding any other statute or local act, a county board of elections, with the approval of the State Board, may combine ballot items on the same official ballot. (2007-391, s. 7; 2008-187, s. 33(a); 2017-6, s. 3.)

**§ 163A-1114. Arrangement of official ballots.**

(a) Order of Precedence Generally. – Candidate ballot items shall be arranged on the official ballot before referenda.

(b) Order of Precedence for Candidate Ballot Items. – The State Board shall promulgate rules prescribing the order of offices to be voted on the official ballot. Those rules shall adhere to the following guidelines:

- (1) Federal offices shall be listed before State and local offices. Member of the United States House of Representatives shall be listed immediately after United States Senator.
- (2) State and local offices shall be listed according to the size of the electorate.
- (3) Partisan offices, regardless of the size of the constituency, shall be listed before nonpartisan offices.
- (4) When offices are in the same class, they shall be listed in alphabetical order by office name, or in numerical or alphabetical order by district name. Governor and Lieutenant Governor, in that order, shall be listed before other Council of State offices. The Supreme Court shall be listed before the Court of Appeals. Judicial offices and district attorney shall be listed, in that order, after other offices in the same class. Mayor shall be listed before other citywide offices. Chair of a board, where elected separately, shall be listed before other board seats having the same electorate. Chief Justice shall be listed before Associate Justices.
- (5) Ballot items for full terms of an office shall be listed before ballot items for partial terms of the same office.
- (6) Ballot items for retention elections held under Article 1A of Chapter 7A of the General Statutes shall be grouped with like State offices, but shall be listed after offices for which an election is conducted under Article 25 of this Chapter.

(c) Order of Candidates on Official Ballots. – The order in which candidates shall appear on official ballots in any election ballot item shall be either alphabetical order or reverse alphabetical order by the last name of the candidate, which order shall be determined each election by drawing at the State Board of Elections and Ethics Enforcement after the closing of the filing period for all offices on the ballot.

(d), (e) Repealed by Session Laws 2018-99, s. 1, effective June 26, 2018, and applicable to elections held on or after that date.

(f) No Straight-Party Voting. – Each official ballot shall not contain any place that allows a voter with one mark to vote for the candidates of a party for more than one office.

(g) Write-In Voting. – Each official ballot shall be so arranged so that voters may cast write-in votes for candidates except where prohibited by G.S. 163A-1006 or other statutes governing write-in votes. Instructions for general election ballots shall clearly advise voters of the rules of this subsection and of the statutes governing write-in voting.

(h) Order of Precedence for Referenda. – Without referencing a numerical order or other reference of order by category or within a category, the referendum questions to be voted on shall be arranged on the official ballot in the following order:

- (1) Proposed amendments to the North Carolina Constitution, in the chronological order in which the proposals were approved by the General Assembly. Proposed amendments shall be designated by only the phrase "Constitutional Amendment" prior to setting forth the referendum question.
- (2) Other referenda to be voted on by all voters in the State, in the chronological order in which the proposals were approved by the General Assembly.

- (3) Referenda to be voted on by fewer than all the voters in the State, in the chronological order of the acts by which the referenda were properly authorized. (2001-460, s. 3; 2002-158, s. 14; 2013-381, ss. 31.1, 32.1; 2014-111, s. 2; 2015-66, s. 4; 2016-109, ss. 3, 4(a); 2017-6, s. 3; 2018-13, s. 3.6; 2018-99, s. 1; 2018-131, 1st Ex. Sess., s. 1(a).)

**§ 163A-1115. Voting systems: powers and duties of State Board.**

(a) **(Effective until December 1, 2019, for certain counties – see note)** Only voting systems that have been certified by the State Board in accordance with the procedures set forth by the State Board and subject to the standards set forth in this section and that have not been subsequently decertified shall be permitted for use in elections in this State. Those certified voting systems shall be valid in any election held in the State or in any county, municipality, or other electoral district in the State. Subject to all other applicable rules adopted by the State Board and, with respect to federal elections, subject to all applicable federal regulations governing voting systems, paper ballots marked by the voter and counted by hand shall be deemed a certified voting system. The State Board shall certify optical scan voting systems, optical scan with ballot markers voting systems, and direct record electronic voting systems if any of those systems meet all applicable requirements of federal and State law. The State Board may certify voting systems only if they meet the requirements set forth in this section and only if they generate either a paper ballot or a paper record by which voters may verify their votes before casting them and which provides a backup means of counting the vote that the voter casts. Those voting systems may include optical scan and direct record electronic (DRE) voting systems. Among other requirements as set by the State Board, the certification requirements shall require at least all of the following elements:

- (1) That the vendor post a performance bond or letter of credit to cover damages resulting from defects in the voting system, expenses associated with State or federal decertification of the voting system, and to protect against the vendor's insolvency or financial inability to make State or federally mandated modifications or updates to the voting system. Damages may include, among other items, any costs of conducting a new county or statewide election attributable to those defects. The bond or letter of credit shall be maintained in the amount determined by the State Board as sufficient for the cost of a new statewide election or in the amount of ten million dollars (\$10,000,000), whichever is greater.
- (2) That the voting system comply with all federal requirements for voting systems.
- (3) That the voting system must have the capacity to include in voting district returns the votes cast by voters outside of the precinct associated with that voter's voter registration.
- (4) With respect to electronic voting systems, that the voting system generate a paper record of each individual vote cast, which paper record shall be maintained in a secure fashion and shall serve as a backup record for purposes of any hand-to-eye count, hand-to-eye recount, or other audit. Electronic systems that employ optical scan technology to count paper ballots shall be deemed to satisfy this requirement.
- (5) With respect to DRE voting systems, that the paper record generated by the system be viewable by the voter before the vote is cast electronically, and that

the system permit the voter to correct any discrepancy between the electronic vote and the paper record before the vote is cast.

- (6) With respect to all voting systems using electronic means, that the vendor provide access to all of any information required to be placed in escrow by a vendor pursuant to G.S. 163A-1118 for review and examination by the State Board; the Department of Information Technology; the State chairs of each political party recognized under G.S. 163A-950; the purchasing county; and designees as provided in subdivision (9) of subsection (f) of this section.
- (7) That the vendor must quote a statewide uniform price for each unit of the equipment.
- (8) That the vendor must separately agree with the purchasing county that if it is granted a contract to provide software for an electronic voting system but fails to debug, modify, repair, or update the software as agreed or in the event of the vendor having bankruptcy filed for or against it, the source code described in G.S. 163A-1118(a) shall be turned over to the purchasing county by the escrow agent chosen under G.S. 163A-1118(a)(1) for the purposes of continuing use of the software for the period of the contract and for permitting access to the persons described in subdivision (6) of this subsection for the purpose of reviewing the source code.

As part of the certification requirements, the State Board shall address the mandatory terms of the contract for the purchase of the voting system and the maintenance and training related to that voting system.

(a) **(Effective June 20, 2018, as to certain counties, and December 1, 2019, as to all other counties – see note)** Only voting systems that have been certified by the State Board in accordance with the procedures set forth by the State Board and subject to the standards set forth in this section and that have not been subsequently decertified shall be permitted for use in elections in this State. Those certified voting systems shall be valid in any election held in the State or in any county, municipality, or other electoral district in the State. Subject to all other applicable rules adopted by the State Board and, with respect to federal elections, subject to all applicable federal regulations governing voting systems, paper ballots marked by the voter and counted by hand shall be deemed a certified voting system. The State Board shall certify optical scan voting systems, optical scan with ballot markers voting systems, and direct record electronic voting systems if any of those systems meet all applicable requirements of federal and State law. The State Board may certify voting systems only if they meet the requirements set forth in this section and only if they generate a paper ballot which provides a backup means of counting the vote that the voter casts. Those voting systems may include optical scan and direct record electronic (DRE) voting systems that produce a paper ballot. Among other requirements as set by the State Board, the certification requirements shall require at least all of the following elements:

- (1) That the vendor post a performance bond or letter of credit to cover damages resulting from defects in the voting system, expenses associated with State or federal decertification of the voting system, and to protect against the vendor's insolvency or financial inability to make State or federally mandated modifications or updates to the voting system. Damages may include, among other items, any costs of conducting a new county or statewide election attributable to those defects. The bond or letter of credit shall be maintained in the amount determined by the State Board as sufficient for the cost of a new



- statewide election or in the amount of ten million dollars (\$10,000,000), whichever is greater.
- (2) That the voting system comply with all federal requirements for voting systems.
  - (3) That the voting system must have the capacity to include in voting district returns the votes cast by voters outside of the precinct associated with that voter's voter registration.
  - (4) With respect to electronic voting systems, that the voting system generate a paper ballot of each individual vote cast, which paper ballot shall be maintained in a secure fashion and shall serve as a backup record for purposes of any hand-to-eye count, hand-to-eye recount, or other audit. Electronic systems that employ optical scan technology to count paper ballots shall be deemed to satisfy this requirement.
  - (5) With respect to DRE voting systems, that the paper ballot generated by the system be viewable by the voter before the vote is cast electronically, and that the system permit the voter to correct any discrepancy between the electronic vote and the paper ballot before the vote is cast.
  - (6) With respect to all voting systems using electronic means, that the vendor provide access to all of any information required to be placed in escrow by a vendor pursuant to G.S. 163A-1118 for review and examination by the State Board; the Department of Information Technology; the State chairs of each political party recognized under G.S. 163A-950; the purchasing county; and designees as provided in subdivision (9) of subsection (f) of this section.
  - (7) That the vendor must quote a statewide uniform price for each unit of the equipment.
  - (8) That the vendor must separately agree with the purchasing county that if it is granted a contract to provide software for an electronic voting system but fails to debug, modify, repair, or update the software as agreed or in the event of the vendor having bankruptcy filed for or against it, the source code described in G.S. 163A-1118(a) shall be turned over to the purchasing county by the escrow agent chosen under G.S. 163A-1118(a)(1) for the purposes of continuing use of the software for the period of the contract and for permitting access to the persons described in subdivision (6) of this subsection for the purpose of reviewing the source code.

As part of the certification requirements, the State Board shall address the mandatory terms of the contract for the purchase of the voting system and the maintenance and training related to that voting system.

(b) Federal Assistance. – The State Board may use guidelines, information, testing reports, certification, decertification, recertification, and any relevant data produced by the Election Assistance Commission, its Standards Board, its Board of Advisors, or the Technical Guidelines Development Committee as established in Title II of the Help America Vote Act of 2002 with regard to any action or investigation the State Board may take concerning a voting system. The State Board may use, for the purposes of voting system certification, laboratories accredited by the Election Assistance Commission under the provisions of section 231(2) of the Help America Vote Act of 2002.

(c) Only electronic poll books or ballot duplication systems that have been certified by the State Board in accordance with procedures and subject to standards adopted by the State Board, or

which have been developed or maintained by the State Board, shall be permitted for use in elections in this State. Among other requirements as set by the State Board, the certification requirements shall require that a vendor meet at least all of the following elements:

- (1) That the vendor post a bond or letter of credit to cover damages resulting from defects in the electronic poll book or ballot duplication system. Damages may include, among other items, any costs of conducting a new election attributable to those defects.
- (2) That the vendor provide access to all of any information required to be placed in escrow by a vendor pursuant to G.S. 163A-1118 for review and examination by the State Board, the Department of Information Technology, the State chairs of each political party recognized under G.S. 163A-950, the purchasing county, and designees as provided in subdivision (9) of subsection (f) of this section.
- (3) That the vendor must quote a statewide uniform price for each unit of the equipment.
- (4) That the vendor must separately agree with the purchasing county that if it is granted a contract to provide software for an electronic poll books or ballot duplication system but fails to debug, modify, repair, or update the software as agreed or, in the event of the vendor having bankruptcy filed for or against it, the source code described in G.S. 163A-1118(a) shall be turned over to the purchasing county by the escrow agent chosen under G.S. 163A-1118(a)(1) for the purposes of continuing use of the software for the period of the contract and for permitting access to the persons described in subdivision (2) of this subsection for the purpose of reviewing the source code.

(d) The State Board may also, upon notice and hearing, decertify types, makes, and models of voting systems. Upon decertifying a type, make, or model of voting system, the State Board shall determine the process by which the decertified system is discontinued in any county. A county may appeal a decision by the State Board concerning the process by which the decertified system is discontinued in that county to the Superior Court of Wake County. The county has 30 days from the time it receives notice of the State Board's decision on the process by which the decertified system is discontinued in that county to make that appeal.

(e) Prior to certifying a voting system, the State Board shall review, or designate an independent expert to review, all source code made available by the vendor pursuant to this section and certify only those voting systems compliant with State and federal law. At a minimum, the State Board's review shall include a review of security, application vulnerability, application code, wireless security, security policy and processes, security/privacy program management, technology infrastructure and security controls, security organization and governance, and operational effectiveness, as applicable to that voting system. Any portion of the report containing specific information related to any trade secret as designated pursuant to G.S. 132-1.2 shall be confidential and shall be accessed only under the rules adopted pursuant to subdivision (9) of subsection (f) of this section. The State Board may hear and discuss the report of any such review under G.S. 143-318.11(a)(1).

(f) **(Effective until December 1, 2019 – see note)** Subject to the provisions of this Subchapter, the State Board shall prescribe rules for the adoption, handling, operation, and honest use of certified voting systems, including all of the following:

- (1) Procedures for county boards of elections to utilize when recommending the purchase of a certified voting system for use in that county.

- (2) Form of official ballot labels to be used on voting systems.
- (3) Operation and manner of voting on voting systems.
- (4) Instruction of precinct officials in the use of voting systems.
- (5) Instruction of voters in the use of voting systems.
- (6) Assistance to voters using voting systems.
- (7) Duties of custodians of voting systems.
- (8) Examination and testing of voting systems in a public forum in the county before and after use in an election.
- (9) Notwithstanding G.S. 132-1.2, procedures for the review and examination of any information placed in escrow by a vendor pursuant to G.S. 163A-1118 by only the following persons:
  - a. State Board.
  - b. Department of Information Technology.
  - c. The State chairs of each political party recognized under G.S. 163A-950.
  - d. The purchasing county.

Each person listed in sub-subdivisions a. through d. of this subdivision may designate up to three persons as that person's agents to review and examine the information. No person shall designate under this subdivision a business competitor of the vendor whose proprietary information is being reviewed and examined. For purposes of this review and examination, any designees under this subdivision and the State party chairs shall be treated as public officials under G.S. 132-2.

- (10) With respect to electronic voting systems, procedures to maintain the integrity of both the electronic vote count and the paper record. Those procedures shall at a minimum include procedures to protect against the alteration of the paper record after a machine vote has been recorded and procedures to prevent removal by the voter from the voting enclosure of any paper record or copy of an individually voted ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper record.
- (11) Compliance with section 301 of the Help America Vote Act of 2002.

Any rules adopted under this subsection shall be in conjunction with procedures and standards adopted under G.S. 163A-1166, are exempt from Chapter 150B of the General Statutes, and are subject to the same procedures for notice and publication set forth in G.S. 163A-1166.

(f) **(Effective December 1, 2019 – see note)** Subject to the provisions of this Subchapter, the State Board shall prescribe rules for the adoption, handling, operation, and honest use of certified voting systems, including all of the following:

- (1) Procedures for county boards of elections to utilize when recommending the purchase of a certified voting system for use in that county.
- (2) Form of official ballot labels to be used on voting systems.
- (3) Operation and manner of voting on voting systems.
- (4) Instruction of precinct officials in the use of voting systems.
- (5) Instruction of voters in the use of voting systems.
- (6) Assistance to voters using voting systems.
- (7) Duties of custodians of voting systems.

- (8) Examination and testing of voting systems in a public forum in the county before and after use in an election.
- (9) Notwithstanding G.S. 132-1.2, procedures for the review and examination of any information placed in escrow by a vendor pursuant to G.S. 163A-1118 by only the following persons:
  - a. State Board.
  - b. Department of Information Technology.
  - c. The State chairs of each political party recognized under G.S. 163A-950.
  - d. The purchasing county.

Each person listed in sub-subdivisions a. through d. of this subdivision may designate up to three persons as that person's agents to review and examine the information. No person shall designate under this subdivision a business competitor of the vendor whose proprietary information is being reviewed and examined. For purposes of this review and examination, any designees under this subdivision and the State party chairs shall be treated as public officials under G.S. 132-2.

- (10) With respect to electronic voting systems, procedures to maintain the integrity of both the electronic vote count and the paper ballot. Those procedures shall at a minimum include procedures to protect against the alteration of the paper ballot after a machine vote has been recorded and procedures to prevent removal by the voter from the voting enclosure of any individually voted paper ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper ballot.

- (11) Compliance with section 301 of the Help America Vote Act of 2002.

Any rules adopted under this subsection shall be in conjunction with procedures and standards adopted under G.S. 163A-1166, are exempt from Chapter 150B of the General Statutes, and are subject to the same procedures for notice and publication set forth in G.S. 163A-1166.

(g) The State Board shall facilitate training and support of the voting systems utilized by the counties. The training may be conducted through the use of videoconferencing or other technology.

(h) Neither certification of electronic poll books, ballot duplication systems, or voting systems under this section shall constitute a license under Chapter 150B of the General Statutes.

(i) The State Board in writing may decertify or otherwise halt the use of electronic poll books in North Carolina. Any such action is appealable only to the Superior Court of Wake County.

(j) No voting system used in any election in this State shall be connected to a network, and any feature allowing connection to a network shall be disabled. Prohibited network connections include the Internet, intranet, fax, telephone line, networks established via modem, or any other wired or wireless connection. (2001-460, s. 3; 2003-226, s. 11; 2005-323, s. 1(a)-(d); 2006-264, s. 76(a); 2007-391, s. 6(d); 2008-187, s. 33(b); 2009-541, s. 19; 2013-381, s. 30.3; 2015-103, ss. 6(b), 10, 11(a); 2015-241, s. 7A.4(gg); 2016-109, s. 9(b); 2017-6, s. 3; 2018-13, ss. 3.6A, 3.7(a), 3.8(a), 3.11(b).)

**§ 163A-1116. Voting systems: powers and duties of board of county commissioners.**

The board of county commissioners, with the approval of the county board of elections, may adopt and acquire only a voting system of a type, make, and model certified by the State Board for use in some or all voting places in the county at some or all elections.

The board of county commissioners may decline to adopt and acquire any voting system recommended by the county board of elections but may not adopt and acquire any voting system that has not been approved by the county board of elections. Article 8 of Chapter 143 of the General Statutes does not apply to the purchase of a voting system certified by the State Board. (2001-460, s. 3; 2005-323, s. 3; 2017-6, s. 3.)

**§ 163A-1117. Voting systems: powers and duties of county board of elections.**

(a) Before approving the adoption and acquisition of any voting system by the board of county commissioners, the county board of elections shall do all of the following:

- (1) Recommend to the board of county commissioners which type of voting system should be acquired by the county.
- (2) Witness a demonstration, in that county or at a site designated by the State Board, of the type of voting system to be recommended and also witness a demonstration of at least one other type of voting system certified by the State Board.
- (3) Test, during an election, the proposed voting system in at least one precinct in the county where the voting system would be used if adopted.

(b) After the acquisition of any voting system, the county board of elections shall comply with any requirements of the State Board regarding training and support of the voting system by completing all of the following:

- (1) The county board of elections shall comply with all specifications of its voting system vendor for ballot printers. The county board of elections is authorized to contract with noncertified ballot printing vendors, so long as the noncertified ballot printing vendor meets all specifications and all quality assurance requirements as set by the State Board.
- (2) The county board of elections shall annually maintain software license and maintenance agreements necessary to maintain the warranty of its voting system. A county board of elections may employ qualified personnel to maintain a voting system in lieu of entering into maintenance agreements necessary to maintain the warranty of its voting system. State Board is not required to provide routine maintenance to any county board of elections that does not maintain the warranty of its voting system. If the State Board provides any maintenance to a county that has not maintained the warranty of its voting system, the county shall reimburse the State for the cost. The State Board shall annually report to the House and Senate Committees on Appropriations, to the Fiscal Research Division, and to the Joint Legislative Commission on Governmental Operations on implementation of this subdivision. If requested by the county board of elections, the State Board may enter into contracts on behalf of that county under this subdivision, but such contracts must also be approved by the county board of elections. Any contract entered into under this subdivision shall be paid from non-State funds. Neither a county nor the State Board shall enter into any contract with any vendor for software license and maintenance agreements unless the vendor agrees to (i) operate a training

program for qualification of county personnel under this subsection with training offered within the State of North Carolina and (ii) not dishonor warranties merely because the county is employing qualified personnel to maintain the voting system as long as the county:

- a. Pays the costs of the annual software licensing agreement for that county.
  - b. Ensures that equipment (i) remains in full compliance with State certification requirements and (ii) remains in stock and supply available to the county for up to five years after the vendor discontinues distribution or sale of the equipment.
  - c. Maintains a tracking record to record and timely report all hardware issues and all repairs and provides those records for review by the vendor and by the State Board.
  - d. Provides that only parts provided by the vendor would be used to repair the vendor's equipment, contingent on (i) the county being able to purchase necessary parts in a timely manner from the vendor and (ii) the vendor providing the equipment at least at the lowest price at which it sells the equipment to any other customer in the United States.
  - e. Accepts financial responsibility for expenses related to voting equipment failure during an election if the failure is caused solely by work of the county technician.
- (3) The county board of elections shall not replace any voting system, or any portion thereof, without approval of the State Board.
  - (4) The county board of elections may have its voting system repaired pursuant to its maintenance agreement but shall notify the State Board at the time of every repair, according to guidelines that shall be provided by the State Board. (2001-460, s. 3; 2005-323, s. 4; 2007-391, s. 25; 2008-187, s. 33(a); 2009-541, s. 20; 2011-145, s. 26.3(a); 2012-142, s. 23.3(a); 2017-6, s. 3.)

**§ 163A-1118. Voting systems: requirements for voting systems vendors; penalties.**

(a) Duties of Vendor. – Every vendor that has a contract to provide a voting system in North Carolina shall do all of the following:

- (1) The vendor shall place in escrow with an independent escrow agent approved by the State Board all software that is relevant to functionality, setup, configuration, and operation of the voting system, including, but not limited to, a complete copy of the source and executable code, build scripts, object libraries, application program interfaces, and complete documentation of all aspects of the system including, but not limited to, compiling instructions, design documentation, technical documentation, user documentation, hardware and software specifications, drawings, records, and data. The State Board may require in its request for proposal that additional items be escrowed, and if any vendor that agrees in a contract to escrow additional items, those items shall be subject to the provisions of this section. The documentation shall include a list of programmers responsible for creating the software and a sworn affidavit that the source code includes all relevant program statements in low-level and high-level languages.

- (2) The vendor shall notify the State Board of any change in any item required to be escrowed by subdivision (1) of this subsection.
- (3) The chief executive officer of the vendor shall sign a sworn affidavit that the source code and other material in escrow is the same being used in its voting systems in this State. The chief executive officer shall ensure that the statement is true on a continuing basis.
- (4) The vendor shall promptly notify the State Board and the county board of elections of any county using its voting system of any decertification of the same system in any state, of any defect in the same system known to have occurred anywhere, and of any relevant defect known to have occurred in similar systems.
- (5) The vendor shall maintain an office in North Carolina with staff to service the contract.

(b) Penalties. – Willful violation of any of the duties in subsection (a) of this section is a Class G felony. Substitution of source code into an operating voting system without notification as provided by subdivision (a)(2) of this section is a Class I felony. In addition to any other applicable penalties, violations of this section are subject to a civil penalty to be assessed by the State Board in its discretion in an amount of up to one hundred thousand dollars (\$100,000) per violation. A civil penalty assessed under this section shall be subject to the provisions of G.S. 163A-1451(e).

(c) Definitions. – For the purposes of this section, the term "voting system" shall include an electronic poll book or a ballot duplication system. (2005-323, s. 2(a); 2017-6, s. 3; 2018-13, s. 3.7(b).)

**§ 163A-1119. Adequacy of voting system for each precinct.**

The county board of elections shall make available for each precinct voting place an adequate quantity of official ballots or equipment. When the board of county commissioners has decided to adopt and purchase or lease a voting system for voting places under the provisions of G.S. 165-165.8 [G.S. 163A-1116], the board of county commissioners shall, as soon as practical, provide for each of those voting places sufficient equipment of the approved voting system in complete working order. If it is impractical to furnish each voting place with the equipment of the approved voting system, that which has been obtained may be placed in voting places chosen by the county board of elections. In that case, the county board of elections shall choose the voting places and allocate the equipment in a way that as nearly as practicable provides equal access to the voting system for each voter. The county board of elections shall appoint as many voting system custodians as may be necessary for the proper preparation of the system for each election and for its maintenance, storage, and care. The Executive Director of the State Board may permit a county board of elections to provide more than one type of voting system in a precinct, but only upon a finding that doing so is necessary to comply with federal or State law. (2001-460, s. 3; 2005-428, s. 2; 2017-6, s. 3.)

**§ 163A-1120:** Reserved for future codification purposes.

**§ 163A-1121:** Reserved for future codification purposes.

**§ 163A-1122:** Reserved for future codification purposes.

§ 163A-1123: Reserved for future codification purposes.

§ 163A-1124: Reserved for future codification purposes.

§ 163A-1125: Reserved for future codification purposes.

§ 163A-1126: Reserved for future codification purposes.

§ 163A-1127: Reserved for future codification purposes.

§ 163A-1128: Reserved for future codification purposes.

§ 163A-1129: Reserved for future codification purposes.

### Subpart 3. Procedures at the Voting Place.

#### § 163A-1130. Hours for voting.

In every election, the voting place shall be open at 6:30 A.M. and shall be closed at 7:30 P.M. If the polls are delayed in opening for more than 15 minutes, or are interrupted for more than 15 minutes after opening, the State Board may extend the closing time by an equal number of minutes. As authorized by law, the State Board shall be available either in person or by teleconference on the day of election to approve any such extension. If any voter is in line to vote at the time the polls are closed, that voter shall be permitted to vote. No voter shall be permitted to vote who arrives at the voting place after the closing of the polls.

Any voter who votes after the statutory poll closing time of 7:30 P.M. by virtue of a federal or State court order or any other lawful order, including an order of a county board of elections, shall be allowed to vote, under the provisions of that order, only by using a provisional official ballot. Any special provisional official ballots cast under this section shall be separated, counted, and held apart from other provisional ballots cast by other voters not under the effect of the order extending the closing time of the voting place. If the court order has not been reversed or stayed by the time of the county canvass, the total for that category of provisional ballots shall be added to the official canvass. (2001-460, s. 3; 2003-226, s. 14; 2013-381, s. 33.1; 2017-6, s. 3.)

#### § 163A-1131. Duties of county board of elections.

The county board of elections shall:

- (1) Provide for the timely delivery to each voting place of the supplies, records, and equipment necessary for the conduct of the election.
- (2) Ensure that adequate procedures are in place at each voting place for a safe, secure, fair, and honest election.
- (3) Respond to precinct officials' questions and problems where necessary.
- (4) Provide adequate technical support for the voting system, which shall be done in conjunction with the State Board. (2001-460, s. 3; 2009-541, s. 21; 2017-6, s. 3.)

#### § 163A-1132. Arrangement of the voting enclosure.

Each voting enclosure shall contain at a minimum:



- (1) A sufficient number of private spaces for all voters to mark their official ballots in secrecy.
- (2) Adequate space and furniture for the separate functions of:
  - a. The checking of voter registration records.
  - b. The distribution of official ballots.
  - c. Private discussion with voters concerning irregular situations.
- (3) A telephone or some facility for communication with the county board of elections.

The equipment and furniture in the voting enclosure shall be arranged so that it can be generally seen from the public space of the enclosure. (2001-460, s. 3; 2017-6, s. 3.)

**§ 163A-1133. Limited access to the voting enclosure.**

(a) **Persons Who May Enter Voting Enclosure.** – During the time allowed for voting in the voting place, only the following persons may enter the voting enclosure:

- (1) An election official.
- (2) An observer appointed pursuant to G.S. 163A-821.
- (3) A runner appointed pursuant to G.S. 163A-821, but only to the extent necessary to announce that runner's presence and to receive the voter list as provided in G.S. 163A-821.
- (4) A person seeking to vote in that voting place on that day but only while in the process of voting or seeking to vote.
- (5) A voter in that precinct while entering or explaining a challenge pursuant to G.S. 163A-913 or G.S. 163A-914.
- (6) A person authorized under G.S. 163A-1139 to assist a voter but, except as provided in subdivision (7) of this section, only while assisting that voter.
- (7) Minor children of the voter under the age of 18, or minor children under the age of 18 in the care of the voter, but only while accompanying the voter and while under the control of the voter.
- (8) Persons conducting or participating in a simulated election within the voting place or voting enclosure, if that simulated election is approved by the county board of elections.
- (9) Any other person determined by election officials to have an urgent need to enter the voting enclosure but only to the extent necessary to address that need.

(b) **Photographing Voters Prohibited.** – No person shall photograph, videotape, or otherwise record the image of any voter within the voting enclosure, except with the permission of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras used as a regular part of the security of the facility that is a voting place or one-stop site.

(c) **Photographing Voted Ballot Prohibited.** – No person shall photograph, videotape, or otherwise record the image of a voted official ballot for any purpose not otherwise permitted under law. (2001-460, s. 3; 2005-428, s. 1(b); 2007-391, s. 23; 2008-187, s. 33(a); 2017-6, s. 3.)

**§ 163A-1134. Limitation on activity in the voting place and in a buffer zone around it.**

(a) **Buffer Zone.** – No person or group of persons shall hinder access, harass others, distribute campaign literature, place political advertising, solicit votes, or otherwise engage in

election-related activity in the voting place or in a buffer zone which shall be prescribed by the county board of elections around the voting place. In determining the dimensions of that buffer zone for each voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed, but in no event shall it set the limit at more than 50 feet or at less than 25 feet.

(b) Area for Election-Related Activity. – Except as provided in subsection (c) of this section, the county board of elections shall also provide an area adjacent to the buffer zone for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity.

(c) Special Agreements About Election-Related Activity. – The Executive Director of the State Board may grant special permission for a county board of elections to enter into an agreement with the owners or managers of a nonpublic building to use the building as a voting place on the condition that election-related activity as described in subsection (b) of this section not be permitted on their property adjacent to the buffer zone, if the Executive Director finds all of the following:

- (1) That no other suitable voting place can be secured for the precinct.
- (2) That the county board will require the chief judge of the precinct to monitor the grounds around the voting place to ensure that the restriction on election-related activity shall apply to all candidates and parties equally.
- (3) That the pattern of voting places subject to agreements under this subsection does not disproportionately favor any party, racial or ethnic group, or candidate.

An agreement under this subsection shall be valid for as long as the nonpublic building is used as a voting place.

(d) Notice About Buffer Zone and Area for Election-Related Activity. – No later than 30 days before each election, the county board of elections shall make available to the public the following information concerning each voting place:

- (1) The door from which the buffer zone is measured.
- (2) The distance the buffer zone extends from that door.
- (3) Any available information concerning where political activity, including sign placement, is permitted beyond the buffer zone.

(e) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. – Except as modified in this subsection, the provisions of this section shall apply to one-stop voting sites in G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304.

- (1) Subsection (c) of this section shall not apply.
- (2) The notice in subsection (d) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site. (2001-460, s. 3; 2003-365, s. 1; 2007-391, s. 13; 2008-187, s. 33(a); 2009-541, s. 22(a); 2017-6, s. 3.)

### **§ 163A-1135. Procedures at voting place before voting begins.**

The State Board shall promulgate rules for precinct officials to set up the voting place before voting begins. Those rules shall emphasize:

- (1) Continual participation or monitoring by officials of more than one party.
- (2) Security of official ballots, records, and equipment.
- (3) The appearance as well as the reality of care, efficiency, impartiality, and honest election administration.

The county boards of elections and precinct officials shall adhere to those procedures. (2001-460, s. 3; 2017-6, s. 3.)

**§ 163A-1136. Designation of tasks.**

The State Board shall promulgate rules for the delegation of tasks among the election officials at each precinct. Those rules shall emphasize:

- (1) The need to place primary managerial responsibility upon the chief judge.
- (2) The need to have maximum multiparty participation in all duties where questions of partisan partiality might be raised.
- (3) The need to provide flexibility of management to the county board of elections and to the chief judge, in consideration of different abilities of officials, the different availability of officials, and the different needs of voters precinct by precinct. (2001-460, s. 3; 2017-6, s. 3.)

**§ 163A-1137. Voting procedures.**

(a) **Checking Registration.** – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address and presenting photo identification in accordance with G.S. 163A-1145. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting.

(b) **Distribution of Official Ballots.** – If the voter is found to be duly registered and has not been successfully challenged, the official assigned to distribute the official ballots shall hand the voter the official ballot that voter is entitled to vote, or that voter shall be directed to the voting equipment that contains the official ballot. No voter in a primary shall be permitted to vote in more than one party's primary. The precinct officials shall provide the voter with any information the voter requests to enable that voter to vote as that voter desires.

(c) **(Effective until December 1, 2019 – see note)** The State Board shall promulgate rules for the process of voting. Those rules shall emphasize the appearance as well as the reality of dignity, good order, impartiality, and the convenience and privacy of the voter. Those rules, at a minimum, shall include procedures to ensure that all the following occur:

- (1) The voting system remains secure throughout the period voting is being conducted.
- (2) Only properly voted official ballots or paper records of individual voted ballots are introduced into the voting system.
- (3) Except as provided by G.S. 163A-1140, no official ballots leave the voting enclosure during the time voting is being conducted there. The rules shall also provide that during that time no one shall remove from the voting enclosure any paper record or copy of an individually voted ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper record.

- (4) All improperly voted official ballots or paper records of individual voted ballots are returned to the precinct officials and marked as spoiled.
- (5) Voters leave the voting place promptly after voting.
- (6) Voters not clearly eligible to vote in the precinct but who seek to vote there are given proper assistance in voting a provisional official ballot or guidance to another voting place where they are eligible to vote.
- (7) Information gleaned through the voting process that would be helpful to the accurate maintenance of the voter registration records is recorded and delivered to the county board of elections.
- (8) The registration records are kept secure. The State Board shall permit the use of electronic registration records in the voting place in lieu of or in addition to a paper pollbook or other registration record.
- (9) Party observers are given access as provided by G.S. 163A-821 to current information about which voters have voted.
- (10) The voter, before voting, shall sign that voter's name on the pollbook, other voting record, or voter authorization document. If the voter is unable to sign, a precinct official shall enter the person's name on the same document before the voter votes.

(c) **(Effective December 1, 2019 – see note)** The State Board shall promulgate rules for the process of voting. Those rules shall emphasize the appearance as well as the reality of dignity, good order, impartiality, and the convenience and privacy of the voter. Those rules, at a minimum, shall include procedures to ensure that all the following occur:

- (1) The voting system remains secure throughout the period voting is being conducted.
- (2) Only properly voted official ballots are introduced into the voting system.
- (3) Except as provided by G.S. 163A-1140, no official ballots leave the voting enclosure during the time voting is being conducted there. The rules shall also provide that during that time no one shall remove from the voting enclosure any paper record or copy of an individually voted ballot or of any other device or item whose removal from the voting enclosure could permit compromise of the integrity of either the machine count or the paper record.
- (4) All improperly voted official ballots are returned to the precinct officials and marked as spoiled.
- (5) Voters leave the voting place promptly after voting.
- (6) Voters not clearly eligible to vote in the precinct but who seek to vote there are given proper assistance in voting a provisional official ballot or guidance to another voting place where they are eligible to vote.
- (7) Information gleaned through the voting process that would be helpful to the accurate maintenance of the voter registration records is recorded and delivered to the county board of elections.
- (8) The registration records are kept secure. The State Board shall permit the use of electronic registration records in the voting place in lieu of or in addition to a paper pollbook or other registration record.
- (9) Party observers are given access as provided by G.S. 163A-821 to current information about which voters have voted.

- (10) The voter, before voting, shall sign that voter's name on the pollbook, other voting record, or voter authorization document. If the voter is unable to sign, a precinct official shall enter the person's name on the same document before the voter votes. (2001-460, s. 3; 2003-226, s. 14.1; 2005-323, s. 1(a1); 2005-428, s. 12; 2013-381, ss. 2.5, 30.4; 2015-103, s. 6(b); 2017-6, s. 3; 2018-13, s. 3.11(b).)

**§ 163A-1138. Voter education and information.**

(a) Posting the Information. – For each election that involves candidates for federal or State office, each county board of elections shall post at each active voting place the following information in a manner and format approved by the State Board:

- (1) A sample ballot as required by G.S. 163A-1106.
- (2) The date of the election and the hours the voting place will be open.
- (3) Instructions on how to vote, including how to cast a vote or correct a vote on the voting systems available for use in that voting place.
- (4) Instructions on how to cast a provisional ballot.
- (5) Instructions to mail-in registrants and first-time voters on how to comply with the requirements in section 303(b) of the Help America Vote Act of 2002 concerning voter identifications.
- (6) General information on voting rights under applicable federal and State law, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if the voter believes those rights have been violated.
- (7) General information on federal and State laws that prohibit acts of fraud and misrepresentation as to voting and elections.

(b) Intent. – The posting required by subsection (a) of this section is intended to meet the mandate of the voting information requirements in section 302(b) of the Help America Vote Act of 2002. (2003-226, s. 8; 2017-6, s. 3.)

**§ 163A-1139. Assistance to voters.**

(a) Any registered voter qualified to vote in the election shall be entitled to assistance with entering and exiting the voting booth and in preparing ballots in accordance with the following rules:

- (1) Any voter is entitled to assistance from the voter's spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by the voter.
- (2) A voter in any of the following four categories is entitled to assistance from a person of the voter's choice, other than the voter's employer or agent of that employer or an officer or agent of the voter's union:
  - a. A voter who, on account of physical disability, is unable to enter the voting booth without assistance.
  - b. A voter who, on account of physical disability, is unable to mark a ballot without assistance.
  - c. A voter who, on account of illiteracy, is unable to mark a ballot without assistance.

d. A voter who, on account of blindness, is unable to enter the voting booth or mark a ballot without assistance.

(b) A qualified voter seeking assistance in an election shall, upon arriving at the voting place, request permission from the chief judge to have assistance, stating the reasons. If the chief judge determines that such assistance is appropriate, the chief judge shall ask the voter to point out and identify the person the voter desires to provide such assistance. If the identified person meets the criteria in subsection (a) of this section, the chief judge shall request the person indicated to render the assistance. The chief judge, one of the judges, or one of the assistants may provide aid to the voter if so requested, if the election official is not prohibited by subdivision (a) (2) of this section. Under no circumstances shall any precinct official be assigned to assist a voter qualified for assistance, who was not specified by the voter.

(c) A person rendering assistance to a voter in an election shall be admitted to the voting booth with the voter being assisted. The State Board shall promulgate rules governing voter assistance, and those rules shall adhere to the following guidelines:

- (1) The person rendering assistance shall not in any manner seek to persuade or induce any voter to cast any vote in any particular way.
- (2) The person rendering assistance shall not make or keep any memorandum of anything which occurs within the voting booth.
- (3) The person rendering assistance shall not, directly or indirectly, reveal to any person how the assisted voter marked ballots, unless the person rendering assistance is called upon to testify in a judicial proceeding for a violation of the election laws. (2001-460, s. 3; 2017-6, s. 3.)

#### **§ 163A-1140. Curbside voting.**

(a) In any election or referendum, if any qualified voter is able to travel to the voting place, but because of age or physical disability and physical barriers encountered at the voting place is unable to enter the voting enclosure to vote in person without physical assistance, that voter shall be allowed to vote either in the vehicle conveying that voter or in the immediate proximity of the voting place.

(b) Any qualified voter voting under this section shall comply with G.S. 163A-1145(a) by one of the following means:

- (1) Presenting photo identification in accordance with G.S. 163A-1145.
- (2) Presenting a copy of a document listed in G.S. 163A-1144(a)(2).

(c) The State Board shall adopt rules for the administration of this section. (2001-460, s. 3; 2013-381, s. 2.6; 2017-6, s. 3.)

#### **§ 163A-1141. Procedures after the close of voting.**

The State Board shall promulgate rules for closing the voting place and delivering voting information to the county board of elections for counting, canvassing, and record maintenance. Those rules shall emphasize the need for the appearance as well as the reality of security, accuracy, participation by representatives of more than one political party, openness of the process to public inspection, and honesty. The rules, at a minimum, shall include procedures to ensure all of the following:

- (1) The return and accurate accounting of all official ballots, regular, provisional, voted, unvoted, and spoiled, according to the provisions of Part 4 of Article 20 of this Chapter.

- (2) The certification of ballots and voter-authorization documents by precinct officials of more than one political party.
- (3) The delivery to the county board of elections of registration documents and information gleaned through the voting process that would be helpful in the accurate maintenance of the voter registration records.
- (4) The return to the county board of all issued equipment.
- (5) The restoration of the voting place to the condition in which it was found. (2001-460, ss. 3, 3.1; 2017-6, s. 3.)

**§ 163A-1142. Provisional voting requirements.**

If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163A-860 and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official ballot as follows:

- (1) An election official at the voting place shall notify the individual that the individual may cast a provisional official ballot in that election.
- (2) The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before an election official at the voting place, stating that the individual is a registered voter in the jurisdiction as provided in G.S. 163A-860 in which the individual seeks to vote and is eligible to vote in that election.
- (3) A voter who has moved within the county more than 30 days before election day but has not reported the move to the board of elections shall not be required on that account to vote a provisional ballot at the one-stop site, as long as the one-stop site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other one-stop voters as provided in G.S. 163A-1300.
- (4) At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted. The State Board or the county board of elections shall establish a system for so informing a provisional voter. It shall make the system available to every provisional voter without charge, and it shall build into it reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote.
- (5) The cast provisional official ballot and the written affirmation shall be secured by election officials at the voting place according to guidelines and procedures adopted by the State Board. At the close of the polls, election officials shall transmit the provisional official ballots cast at that voting place to the county board of elections for prompt verification according to guidelines and procedures adopted by the State Board. (2003-226, s. 15; 2005-2, s. 4; 2005-428, s. 6(b); 2013-381, s. 49.3; 2014-111, s. 12(b); 2017-6, s. 3.)

**§ 163A-1143. Notation on provisional ballot.**

Whenever a voter is permitted to vote a provisional ballot, the election official issuing the ballot shall annotate in writing or other means on the ballot that it is a provisional ballot. (2013-381, s. 52.1; 2017-6, s. 3.)

**§ 163A-1144. Requirements for certain voters who register by mail.**

(a) Voting in Person. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, shall present to a local election official at a voting place before voting there one of the following:

- (1) A current and valid photo identification.
- (2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the mailed-in absentee ballot one of the following:

- (1) A copy of a current and valid photo identification.
- (2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(c) Notation of Identification Proof. – The county board of elections shall note the type of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the tendered copy of identification proof as soon as the type of proof is noted in the voter registration records.

(d) Voting When Identification Numbers Do Not Match. – Regardless of whether an individual has registered by mail or by another method, if the individual has provided with the registration form a drivers license number or last four digits of a Social Security number but the computer validation of the number as required by G.S. 163A-875 did not result in a match, and the number has not been otherwise validated by the board of elections, in the first election in which the individual votes that individual shall submit with the ballot the form of identification described in subsection (a) or subsection (b) of this section, depending upon whether the ballot is voted in person or absentee. If that identification is provided and the board of elections does not determine that the individual is otherwise ineligible to vote a ballot, the failure of identification numbers to match shall not prevent that individual from registering to vote and having that individual's vote counted.

(e) The Right to Vote Provisionally. – If an individual is required under subsection (a), (b), or (d) of this section to present identification in order to vote, but that individual does not present the required identification, that individual may vote a provisional official ballot. If the voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If the voter is voting by mail-in absentee ballot, the mailed ballot without the required identification shall be treated as a provisional official ballot.

(f) Exemptions. – This section does not apply to any of the following:

- (1) An individual who registers by mail and submits as part of the registration application either of the following:



- a. A copy of a current and valid photo identification.
  - b. A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.
- (2) An individual who registers by mail and submits as part of the registration application the individual's drivers license number or at least the last four digits of the individual's social security number where an election official matches either or both of the numbers submitted with an existing State identification record bearing the same number, name, and date of birth contained in the submitted registration. If any individual's number does not match, the individual shall provide identification as required in subsection (d) of this section in the first election in which the individual votes.
  - (3) An individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.
  - (4) An individual who is entitled to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act.
  - (5) An individual who is entitled to vote otherwise than in person under any other federal law. (2003-226, s. 16; 2004-127, s. 3; 2007-391, s. 21(a); 2008-187, s. 33(a); 2013-381, s. 16.4; 2013-410, s. 14(b); 2017-6, s. 3.)

**§ 163A-1145. Photo identification requirement for voting in person.**

(a) Every qualified voter voting in person in accordance with this Article, G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304, or G.S. 163A-1167 shall present photo identification bearing any reasonable resemblance to that voter to a local election official at the voting place before voting, except as follows:

- (1) For a registered voter voting curbside, that voter shall present identification under G.S. 163A-1140.
- (2) For a registered voter who has a sincerely held religious objection to being photographed and has filed a declaration in accordance with G.S. 163A-868 at least 25 days before the election in which that voter is voting in person, that voter shall not be required to provide photo identification.
- (3) For a registered voter who is a victim of a natural disaster occurring within 60 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of this State who declares the lack of photo identification due to the natural disaster on a form provided by the State Board, that voter shall not be required to provide photo identification in any county subject to such declaration. The form shall be available from the State Board, from each county board of elections in a county subject to the disaster declaration, and at each polling place and one-stop early voting site in that county. The voter shall submit the completed form at the time of voting.

(b) Any voter who complies with subsection (a) of this section shall be permitted to vote.

(c) Any voter who does not comply with subsection (a) of this section shall be notified of the following options:

- (1) The voter is permitted to vote a provisional official ballot which shall be counted in accordance with G.S. 163A-1167.

- (2) The voter is permitted to complete a reasonable impediment declaration, as provided in G.S. 163A-1147, and vote a provisional official ballot which shall be counted in accordance with G.S. 163A-1168.
- (3) The voter is permitted to complete a written request for an absentee ballot in accordance with G.S. 163A-1301 until the deadline for submission of requests for absentee ballots provided in G.S. 163A-1308.

(d) The local election official to whom the photo identification is presented shall determine if the photo identification bears any reasonable resemblance to the voter presenting the photo identification. If it is determined that the photo identification does not bear any reasonable resemblance to the voter, the local election official shall comply with G.S. 163A-1146.

(e) Except as provided in subsection (f) of this section, as used in this section, "photo identification" means any one of the following that contains a photograph of the registered voter, has a printed expiration date, and is unexpired, unless otherwise noted:

- (1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license, provided that it shall be acceptable if it has a printed expiration date that is not more than four years before it is presented for voting.
- (2) A special identification card for nonoperators issued under G.S. 20-37.7, provided that it shall be acceptable if it has a printed expiration date that is not more than four years before it is presented for voting.
- (3) A United States passport.
- (4) A United States military identification card, except there is no requirement that it have a printed expiration or issuance date.
- (5) A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities facilities, except there is no requirement that it have a printed expiration or issuance date.
- (6) A tribal enrollment card issued by a federally recognized tribe, provided that if the tribal enrollment card does not contain a printed expiration date, it shall be acceptable if it has a printed issuance date that is not more than eight years before it is presented for voting.
- (7) A tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria:
  - a. Is issued in accordance with a process approved by the State Board that requires an application and proof of identity equivalent to the requirements for issuance of a special identification card by the Division of Motor Vehicles under G.S. 20-7 and G.S. 20-37.7.
  - b. Is signed by an elected official of the tribe.
- (8) A drivers license or nonoperators identification card issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.

(f) Any voter 70 years of age or older shall be permitted to present an expired form of photo identification listed in subsection (e) of this section, if that identification expired at any point after that voter's 70th birthday. (2013-381, s. 2.1; 2014-111, s. 7; 2015-103, s. 8(a); 2017-6, s. 3.)

**§ 163A-1146. Evaluation of determination of nonreasonable resemblance of photo identification.**

(a) Any local election official that determines the photo identification presented by a voter in accordance with G.S. 163A-1145 does not bear any reasonable resemblance to that voter shall notify the judges of election of the determination.

(b) When notified under subsection (a) of this section, the judges of election present shall review the photo identification presented and the voter to determine if the photo identification bears any reasonable resemblance to that voter. The judges of election present may consider information presented by the voter in addition to the photo identification and shall construe all evidence presented in a light most favorable to the voter.

(c) A voter subject to subsections (a) and (b) of this section shall be permitted to vote unless the judges of election present unanimously agree that the photo identification presented does not bear any reasonable resemblance to that voter. The failure of the judges of election present to unanimously agree that photo identification presented by a voter does not bear any reasonable resemblance to that voter shall be dispositive of any challenges that may otherwise be made under G.S. 163A-911(c)(9).

(d) A voter subject to subsections (a) and (b) of this section shall be permitted to vote a provisional ballot in accordance with G.S. 163A-915 if the judges of election present unanimously agree that the photo identification presented does not bear any reasonable resemblance to that voter.

(e) At any time a voter presents photo identification to a local election official other than on election day, the county board of elections shall have available to the local election official judges of election for the review required under subsection (b) of this section, appointed with the same qualifications as is in Part 4 of Article 16 of this Chapter, except that the individuals may (i) reside anywhere in the county or (ii) be an employee of the county or the State. Neither the local election official nor the judges of election may be a county board member. The county board is not required to have the same judges of election available throughout the time period a voter may present photo identification other than on election day but shall have at least two judges, who are not of the same political party affiliation, available at all times during that period.

(f) Any local or State employee appointed to serve as a judge of election may hold that office in addition to the number permitted by G.S. 128-1.1.

(g) The county board of elections shall cause to be made a record of all voters subject to subsection (c) of this section. The record shall include all of the following:

- (1) The name and address of the voter.
- (2) The name of the local election official under subsection (a) of this section.
- (3) The names and a record of how each judge of election voted under subsection (b) of this section.
- (4) The date of the determinations under subsections (a) and (b) of this section.
- (5) A brief description of the photo identification presented by the voter.

(h) For purposes of this section, the term "judges of election" shall have the following meanings:

- (1) On election day, the chief judge and judges of election as appointed under Part 4 of Article 16 of this Chapter.
- (2) Any time other than on election day, the individuals appointed under subsection (e) of this section.

(i) The State Board shall adopt rules for the administration of this section. (2013-381, s. 2.2; 2014-111, s. 6; 2017-6, s. 3.)

**§ 163A-1147. Reasonable impediment declarations.**

(a) Any voter who does not comply with the photo identification requirement of G.S. 163A-1145(a) due to a reasonable impediment that prevents the voter from obtaining photo identification may vote a provisional official ballot in accordance with this section.

(b) The voter shall complete a reasonable impediment declaration on a form provided by the State Board declaring that the voter meets all of the following criteria:

- (1) Is the same individual who personally appeared at the polling place.
- (2) Cast the provisional ballot while voting in person in accordance with this Part or G.S. 163A-1301, 163A-1302, 163A-1303, and 163A-1304.
- (3) Suffers from a reasonable impediment that prevents the voter from obtaining photo identification. The voter also shall list the impediment, as set forth in subsection (e) of this section, unless otherwise prohibited by State or federal law.

(c) The voter shall also present identification in the form of (i) a copy of a document listed in G.S. 163A-1144(a)(2) or the voter registration card issued to the voter by the county board of elections or (ii) the last four digits of the voter's Social Security number and the voter's date of birth. Upon compliance with this section, the voter may cast a provisional ballot. The declaration and a notation on the declaration form that the voter has provided the required identification shall be submitted with the provisional ballot envelope to the county board of elections and shall be counted in accordance with G.S. 163A-1168.

(d) If a voter fails to present identification, as required in subsection (c) of this section, but completes a reasonable impediment declaration, the voter shall be permitted to vote a provisional official ballot. The declaration and a notation on the declaration form that the voter has not provided the required identification shall be submitted with the provisional ballot envelope to the county board of elections. The ballot shall be counted in accordance with G.S. 163A-1168 if the voter presents the required identification to the county board of elections in accordance with G.S. 163A-1168.

(e) The reasonable impediment declaration form provided by the State Board shall, at a minimum, include the following:

- (1) Separate boxes that a voter may check to identify the reasonable impediment, including at least the following:
  - a. Lack of transportation.
  - b. Disability or illness.
  - c. Lack of birth certificate or other documents needed to obtain photo identification.
  - d. Work schedule.
  - e. Family responsibilities.
  - f. Lost or stolen photo identification.
  - g. Photo identification applied for but not received by the voter voting in person.
  - h. Other reasonable impediment. If the voter checks the "other reasonable impediment" box, a further brief written identification of the reasonable

impediment shall be required, including the option to indicate that State or federal law prohibits listing the impediment.

- (2) A space for the voter to provide the last four digits of the Social Security number and the voter's date of birth, if the voter opts to provide this information as identification in accordance with subsection (c) of this section.
- (3) A space to note whether the voter has provided a copy of the document listed in G.S. 163A-1144(a)(2) or the voter registration card issued to the voter by the county board of elections. (2015-103, s. 8(d); 2017-6, s. 3.)

§ 163A-1148: Reserved for future codification purposes.

§ 163A-1149: Reserved for future codification purposes.

§ 163A-1150: Reserved for future codification purposes.

§ 163A-1151: Reserved for future codification purposes.

§ 163A-1152: Reserved for future codification purposes.

§ 163A-1153: Reserved for future codification purposes.

§ 163A-1154: Reserved for future codification purposes.

§ 163A-1155: Reserved for future codification purposes.

§ 163A-1156: Reserved for future codification purposes.

§ 163A-1157: Reserved for future codification purposes.

§ 163A-1158: Reserved for future codification purposes.

§ 163A-1159: Reserved for future codification purposes.

§ 163A-1160: Reserved for future codification purposes.

§ 163A-1161: Reserved for future codification purposes.

§ 163A-1162: Reserved for future codification purposes.

§ 163A-1163: Reserved for future codification purposes.

§ 163A-1164: Reserved for future codification purposes.

Part 4. Counting Official Ballots, Canvassing Votes, Hearing Protests, and Certifying Results.

§ 163A-1165. **Definitions.**

In addition to the definitions stated below, the definitions set forth in Part 3 of Article 20 of this Chapter also apply to this Part. As used in this Part, the following definitions apply:

- (1) "Abstract" means a document signed by the members of the board of elections showing the votes for each candidate and ballot proposal on the official ballot in the election. The abstract shall show a total number of votes for each candidate in each precinct and a total for each candidate in the county. It shall also show the number of votes for each candidate among the absentee official ballots, among the provisional official ballots, and in any other category of official ballots that is not otherwise reported.
- (2) "Certificate of election" means a document prepared by the official or body with the legal authority to do so, conferring upon a candidate the right to assume an elective office as a result of being elected to it.
- (3) "Composite abstract" means a document signed by the members of the State Board showing the total number of votes for each candidate and ballot proposal and the number of votes in each county. A composite abstract does not include precinct returns.
- (4) "Protest" means a complaint concerning the conduct of an election which, if supported by sufficient evidence, may require remedy by one or more of the following:
  - a. A correction in the returns.
  - b. A discretionary recount as provided in G.S. 163A-1174.
  - c. A new election as provided in G.S. 163A-1181. (2001-398, s. 3; 2010-96, ss. 19, 35; 2017-6, s. 3.)

**§ 163A-1166. (Effective until December 1, 2019 - see note) Principles and rules for counting official ballots.**

(a) General Principles That Shall Apply. – The following general principles shall apply in the counting of official ballots, whether the initial count or any recount:

- (1) Only official ballots shall be counted.
- (2) No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to clearly determine the voter's choice.
- (3) If it is impossible to clearly determine a voter's choice in a ballot item, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which the voter's choice can be clearly determined.
- (4) If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which there is no overvote and the voter's choice can be clearly determined.
- (5) If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye.
- (6) Write-in votes shall not be counted in party primaries or in referenda, but shall be counted in general elections if all of the following are true:
  - a. The write-in vote is written by the voter or by a person authorized to assist the voter pursuant to G.S. 163A-1139.

- b. The write-in vote is not cast for a candidate who has failed to qualify under G.S. 163A-1006 as a write-in candidate.
- c. The voter's choice can be clearly determined.

(b) Procedures and Standards. – The State Board shall adopt uniform and nondiscriminatory procedures and standards for voting systems. The standards shall define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State. The State Board shall adopt those procedures and standards at a meeting occurring not earlier than 15 days after the State Board gives notice of the meeting. The procedures and standards adopted shall apply to all elections occurring in the State and shall be subject to amendment or repeal by the State Board acting at any meeting where notice that the action has been proposed has been given at least 15 days before the meeting. These procedures and standards shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the procedures and standards and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those procedures and standards shall be made available to the public upon request or otherwise by the State Board. For optical scan and direct record electronic voting systems, and for any other voting systems in which ballots are counted other than on paper by hand and eye, those procedures and standards shall do both of the following:

- (1) Provide for a sample hand-to-eye count of the paper ballots or paper records of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The State Board shall approve in an open meeting the procedure for randomly selecting the sample precincts for each election. The random selection of precincts for any county shall be done publicly after the initial count of election returns for that county is publicly released or 24 hours after the polls close on election day, whichever is earlier. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, full counts of one or more one-stop early voting sites, or a combination. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted.
- (2) Provide that if the voter selects votes for more than the number of candidates to be elected or proposals to be approved in a ballot item, the voting system shall do all the following:
  - a. Notify the voter that the voter has selected more than the correct number of candidates or proposals in the ballot item.
  - b. Notify the voter before the vote is accepted and counted of the effect of casting overvotes in the ballot item.

- c. Provide the voter with the opportunity to correct the official ballot before it is accepted and counted. (2001-398, s. 3; 2003-226, s. 13; 2005-323, s. 5(a); 2006-192, s. 7(a); 2006-264, s. 76(b); 2013-381, s. 32.2; 2017-6, s. 3.)

**§ 163A-1166. (Effective December 1, 2019 - see note) Principles and rules for counting official ballots.**

(a) General Principles That Shall Apply. – The following general principles shall apply in the counting of official ballots, whether the initial count or any recount:

- (1) Only official ballots shall be counted.
- (2) No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to clearly determine the voter's choice.
- (3) If it is impossible to clearly determine a voter's choice in a ballot item, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which the voter's choice can be clearly determined.
- (4) If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which there is no overvote and the voter's choice can be clearly determined.
- (5) If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye.
- (6) Write-in votes shall not be counted in party primaries or in referenda, but shall be counted in general elections if all of the following are true:
  - a. The write-in vote is written by the voter or by a person authorized to assist the voter pursuant to G.S. 163A-1139.
  - b. The write-in vote is not cast for a candidate who has failed to qualify under G.S. 163A-1006 as a write-in candidate.
  - c. The voter's choice can be clearly determined.

(b) Procedures and Standards. – The State Board shall adopt uniform and nondiscriminatory procedures and standards for voting systems. The standards shall define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State. The State Board shall adopt those procedures and standards at a meeting occurring not earlier than 15 days after the State Board gives notice of the meeting. The procedures and standards adopted shall apply to all elections occurring in the State and shall be subject to amendment or repeal by the State Board acting at any meeting where notice that the action has been proposed has been given at least 15 days before the meeting. These procedures and standards shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the procedures and standards and any changes to them after adoption, with that publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those procedures and standards shall be made available to the public upon request or otherwise by the State Board. For optical scan and direct record electronic voting systems, and for any other voting systems in which ballots are counted other than on paper by hand and eye, those procedures and standards shall do both of the following:

- (1) Provide for a sample hand-to-eye count of the paper ballots of a statewide ballot item in every county. The presidential ballot item shall be the subject of the



sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The State Board shall approve in an open meeting the procedure for randomly selecting the sample precincts for each election. The random selection of precincts for any county shall be done publicly after the initial count of election returns for that county is publicly released or 24 hours after the polls close on election day, whichever is earlier. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, full counts of one or more one-stop early voting sites, or a combination. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted.

- (2) Provide that if the voter selects votes for more than the number of candidates to be elected or proposals to be approved in a ballot item, the voting system shall do all the following:
  - a. Notify the voter that the voter has selected more than the correct number of candidates or proposals in the ballot item.
  - b. Notify the voter before the vote is accepted and counted of the effect of casting overvotes in the ballot item.
  - c. Provide the voter with the opportunity to correct the official ballot before it is accepted and counted. (2001-398, s. 3; 2003-226, s. 13; 2005-323, s. 5(a); 2006-192, s. 7(a); 2006-264, s. 76(b); 2013-381, ss. 30.5, 32.2; 2015-103, s. 6(b); 2017-6, s. 3.)

**§ 163A-1167. Counting of provisional official ballots cast due to failure to provide photo identification when voting in person.**

(a) Unless disqualified for some other reason provided by law, the county board of elections shall find that a voter's provisional official ballot cast as a result of failing to present photo identification when voting in person in accordance with G.S. 163A-1145 is valid and direct that the provisional ballot be opened and counted in accordance with this Subchapter if the voter complies with this section.

(b) A voter who casts a provisional official ballot wholly or partly as a result of failing to present photo identification when voting in person in accordance with G.S. 163A-1145 may comply with this section by appearing in person at the county board of elections and doing one of the following:

- (1) Presenting photo identification as defined in G.S. 163A-1145(e) that bears any reasonable resemblance to the voter. The local election official to whom the photo identification is presented shall determine if the photo identification bears any reasonable resemblance to that voter. If not, that local election official shall comply with G.S. 163A-1146.

- (2) Presenting any of the documents listed in G.S. 163A-1144(a)(2) and declaring that the voter has a sincerely held religious objection to being photographed. That voter shall also be offered an opportunity to execute a declaration under G.S. 163A-1175 for future elections.

(c) All identification under subsection (b) of this section shall be presented to the county board of elections not later than 12:00 noon the day prior to the time set for the convening of the election canvass pursuant to G.S. 163A-1172.

(d) If the county board of elections determines that a voter has also cast a provisional official ballot for a cause other than the voter's failure to provide photo identification in accordance with G.S. 163A-1145, the county board shall do all of the following:

- (1) Note on the envelope containing the provisional official ballot that the voter has complied with the proof of identification requirement.
- (2) Proceed to determine any other reasons for which the provisional official ballot was cast provisionally before ruling on the validity of the voter's provisional official ballot. (2013-381, s. 2.8; 2017-6, s. 3.)

**§ 163A-1168. Counting of provisional official ballots cast following completion of a reasonable impediment declaration when voting in person.**

(a) The county board of elections shall find that a voter's provisional official ballot cast following completion of a declaration of reasonable impediment in accordance with G.S. 163A-1147 is valid and direct that the provisional ballot be opened and counted in accordance with this Subchapter, unless any of the following apply:

- (1) The county board of elections has grounds, including an impediment evidentiary challenge by a voter, as provided in subsection (b) of this section, to believe the declaration is factually false, merely denigrated the photo identification requirement, or made obviously nonsensical statements.
- (2) The voter failed to present identification in the form of one of the following:
  - a. Either a copy of a document listed in G.S. 163A-1144(a)(2) or the voter registration card issued to the voter by the county board of elections when voting or at the county board of elections.
  - b. The voter's last four digits of the Social Security number and date of birth.
- (3) The voter provided the last four digits of the voter's Social Security number and date of birth as the form of identification required under G.S. 163A-1147(c) and the county board of elections could not confirm the voter's registration using that information.
- (4) The voter is disqualified for some other reason provided by law.

(b) An impediment evidentiary challenge may be made only on a form developed by the State Board as follows:

- (1) Any registered voter of the county may make the challenge by submitting clear and convincing evidence in writing on a signed form to the county board of elections challenging the factual veracity of the impediment.
- (2) Challenges shall be submitted no later than 5:00 P.M. on the third business day following the election.
- (3) The county board shall hear evidentiary challenges on the day set for the canvass of the returns.

- (4) A voter whose declaration has been challenged may personally, or through an authorized representative, appear before the county board and present evidence supporting the factual veracity of the impediment.
- (5) In considering the challenge, the county board shall construe all evidence presented in the light most favorable to the voter submitting the reasonable impediment declaration.
- (6) The county board shall not find a challenge valid if it provides only evidence regarding the reasonableness of the impediment.
- (7) The county board may find the challenge valid if the evidence demonstrates the declaration merely denigrated the photo identification requirement, made obviously nonsensical statements, or made statements or selected a reasonable impediment check box that was factually false.

(c) A voter who failed to present identification required in G.S. 163A-1147(c) when completing the reasonable impediment affidavit may comply with the identification requirement by appearing in person at the county board of elections to present the identification no later than 12:00 noon the day prior to the time set for the convening of the election canvass pursuant to G.S. 163A-1172.

(d) If the county board of elections determines that a voter has also cast a provisional official ballot for a cause other than the voter's failure to provide photo identification in accordance with G.S. 163A-1145(a), the county board shall do all of the following:

- (1) Note on the envelope containing the provisional official ballot that the voter has complied with the reasonable impediment declaration requirement.
- (2) Proceed to determine any other reasons for which the provisional official ballot was cast provisionally before ruling on the validity of the voter's provisional official ballot.

(e) Within 60 days after each election, the county board of elections shall provide to the State Board a report of those reasonable impediments identified in that election by voters. The State Board shall use the information in the reports to identify and address obstacles to obtaining photo identification. (2015-103, s. 8(e); 2017-6, s. 3.)

**§ 163A-1169. Initial counting of official ballots.**

(a) The initial counting of official ballots shall be conducted according to the following principles:

- (1) Vote counting at the precinct shall occur immediately after the polls close and shall be continuous until completed.
- (2) Vote counting at the precinct shall be conducted with the participation of precinct officials of all political parties then present. Vote counting at the county board of elections shall be conducted in the presence or under the supervision of board members of all political parties then present.
- (3) Any member of the public wishing to witness the vote count at any level shall be allowed to do so. No witness shall interfere with the orderly counting of the official ballots. Witnesses shall not participate in the official counting of official ballots.
- (4) If the county board of elections finds that an individual voting a provisional official ballot (i) was registered in the county as provided in G.S. 163A-1166, (ii) voted in the proper precinct under G.S. 163A-841 and G.S. 163A-842, and

(iii) was otherwise eligible to vote, the provisional official ballots shall be counted by the county board of elections before the canvass. Except as provided in G.S. 163A-1184(e), if the county board finds that an individual voting a provisional official ballot (i) did not vote in the proper precinct under G.S. 163A-841 and G.S. 163A-842, (ii) is not registered in the county as provided in G.S. 163A-860, or (iii) is otherwise not eligible to vote, the ballot shall not be counted. If a voter was properly registered to vote in the election by the county board, no mistake of an election official in giving the voter a ballot or in failing to comply with G.S. 163A-1184 or G.S. 163A-1142 shall serve to prevent the counting of the vote on any ballot item the voter was eligible by registration and qualified by residency to vote.

- (5) Precinct officials shall provide a preliminary report of the vote counting to the county board of elections as quickly as possible. The preliminary report shall be unofficial and has no binding effect upon the official county canvass to follow.
- (6) In counties that use any certified mechanical or electronic voting system, subject to the sample counts under G.S. 163A-1166 and subdivision (2) of subsection (b) of this section, and of a hand-to-eye recount under G.S. 163A-1174 and G.S. 163A-1175, a board of elections shall rely in its canvass on the mechanical or electronic count of the vote rather than the full hand-to-eye count of the paper ballots or records. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count or recount, the hand-to-eye count or recount shall control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count.

(b) The State Board shall promulgate rules for the initial counting of official ballots. All election officials shall be governed by those rules. In promulgating those rules, the State Board shall adhere to the following guidelines:

- (1) For each voting system used, the rules shall specify the role of precinct officials and of the county board of elections in the initial counting of official ballots.
- (2) **(Effective until December 1, 2019 – see note)** For optical scan and direct record electronic voting systems, and for any other voting systems in which ballots are counted other than on paper by hand and eye, those rules shall provide for a sample hand-to-eye count of the paper ballots or paper records of a sampling of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The State Board shall approve in an open meeting the procedure for randomly selecting the sample precincts for each election. The random selection of precincts for any county shall be done publicly after the initial count of election returns for that county is publicly released or 24 hours after the polls close on election day, whichever is earlier. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, and full counts of one or more one-stop early voting sites. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen

after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted. The sample count need not be done on election night.

- (2) **(Effective December 1, 2019 – see note)** For optical scan and direct record electronic voting systems, and for any other voting systems in which ballots are counted other than on paper by hand and eye, those rules shall provide for a sample hand-to-eye count of the paper ballots of a sampling of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The State Board shall approve in an open meeting the procedure for randomly selecting the sample precincts for each election. The random selection of precincts for any county shall be done publicly after the initial count of election returns for that county is publicly released or 24 hours after the polls close on election day, whichever is earlier. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, and full counts of one or more one-stop early voting sites. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted. The sample count need not be done on election night.
- (3) The rules shall provide for accurate unofficial reporting of the results from the precinct to the county board of elections with reasonable speed on the night of the election.
- (4) The rules shall provide for the prompt and secure transmission of official ballots from the voting place to the county board of elections.

The State Board shall direct the county boards of elections in the application of the principles and rules in individual circumstances. (2001-398, s. 3; 2005-2, s. 5; 2005-323, s. 5(b); 2006-192, s. 7(b); 2006-264, s. 76(c); 2013-381, ss. 30.6, 49.4; 2014-111, s. 12(c); 2015-103, s. 6(b); 2017-6, s. 3; 2018-13, s. 3.11(b).)

#### **§ 163A-1170. Responsibility of chief judge.**

The chief judge of each precinct shall be responsible for the adherence of the precinct officials to the State Board rules for counting, reporting, and transmitting official ballots. (2001-398, s. 3; 2017-6, s. 3.)

**§ 163A-1171. Jurisdiction for certain ballot items.**

(a) Jurisdiction of County Board of Elections. – As used in this Part, the county board of elections shall have jurisdiction over the following:

- (1) Offices of that county, including clerk of superior court and register of deeds.
- (2) Membership in either house of the General Assembly from a district lying entirely within that county.
- (3) Offices of municipalities, unless the municipality has a valid board of election.
- (4) Referenda in which only residents of that county are eligible to vote.

(b) Jurisdiction of State Board. – As used in this Part, the State Board shall have jurisdiction over the following:

- (1) National offices.
- (2) State offices.
- (3) District offices (including General Assembly seats) in which the district lies in more than one county.
- (4) Superior court judge, district court judge, and district attorney, regardless of whether the district lies entirely in one county or in more than one county.
- (5) Referenda in which residents of more than one county are eligible to vote.

(c) For the purposes of this Part, having jurisdiction shall mean that the appropriate board shall do all of the following with regard to the ballot item:

- (1) Canvass for the entire electorate for the ballot item.
- (2) Prepare abstracts or composite abstracts for the entire electorate for the ballot item.
- (3) Issue certificates of nomination and election. (2001-398, s. 3; 2017-6, s. 3.)

**§ 163A-1172. Canvassing votes.**

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

(b) Canvassing by County Board of Elections. – The county board of elections shall meet at 11:00 A.M. on the tenth day after every election to complete the canvass of votes cast and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. If, despite due diligence by election officials, the initial counting of all the votes has not been completed by that time, the county board may hold the canvass meeting a reasonable time thereafter. The canvass meeting shall be at the county board of elections office, unless the county board, by unanimous vote of all its members, designates another site within the county. The county board shall examine the returns from precincts, from absentee official ballots, from the sample hand-to-eye paper ballot counts, and from provisional official ballots and shall conduct the canvass.

(c) Canvassing by State Board. – After each general election, the State Board shall meet at 11:00 A.M. on the Tuesday three weeks after election day to complete the canvass of votes cast in all ballot items within the jurisdiction of the State Board and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. After each primary, the State Board shall fix the date of its canvass meeting. If, by the time of its

scheduled canvass meeting, the State Board has not received the county canvasses, the State Board may adjourn for not more than 10 days to secure the missing abstracts. In obtaining them, the State Board is authorized to secure the originals or copies from the appropriate clerks of superior court or county boards of elections, at the expense of the counties. (2001-398, s. 3; 2003-278, s. 10(a); 2005-323, s. 5(c); 2005-428, s. 11(a); 2016-109, s. 1; 2017-6, s. 3.)

### **§ 163A-1173. Abstracts.**

(a) Abstracts to Be Prepared by County Board of Elections. – As soon as the county canvass has been completed, the county board of elections shall prepare abstracts of all the ballot items in a form prescribed by the State Board. The county board shall prepare those abstracts in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the clerk of superior court for the county and the State Board. The State Highway Patrol may, upon request of the State Board, be responsible for the delivery of the abstracts from each county to the State Board. The State Board shall forward the original abstract it receives to the Secretary of State.

(b) Composite Abstracts to Be Prepared by the State Board. – As soon as the State canvass has been completed, the State Board shall prepare composite abstracts of all those ballot items. It shall prepare those composite abstracts in duplicate originals. It shall retain one of the originals and shall send the other original to the Secretary of State.

(c) Duty of the Secretary of State. – The Secretary of State shall maintain the certified copies of abstracts received from the county and State boards of elections. The Secretary shall keep the abstracts in a form readily accessible and useful to the public.

(d) Forms by State Board. – The State Board shall prescribe forms for all abstracts. Those forms shall be uniform and shall, at a minimum, state the name of each candidate and the office sought and each referendum proposal, the number of votes cast for each candidate and proposal, the candidate or proposal determined to have prevailed, and a statement authenticating the count. (2001-398, s. 3; 2017-6, s. 3.)

### **§ 163A-1174. Ordering recounts.**

(a) Discretionary Recounts. – The county board of elections or the State Board may order a recount when necessary to complete the canvass in an election. The county board may not order a recount where the State Board has already denied a recount to the petitioner.

(b) Mandatory Recounts for Ballot Items Within the Jurisdiction of the County Board of Elections. – In a ballot item within the jurisdiction of the county board of elections, a candidate shall have the right to demand a recount of the votes if the difference between the votes for that candidate and the votes for a prevailing candidate is not more than one percent (1%) of the total votes cast in the ballot item, or in the case of a multiseat ballot item not more than one percent (1%) of the votes cast for those two candidates. The demand for a recount must be made in writing and must be received by the county board of elections by 5:00 P.M. on the first business day after the canvass. The recount shall be conducted under the supervision of the county board of elections.

(c) Mandatory Recounts for Ballot Items Within the Jurisdiction of the State Board. – In a ballot item within the jurisdiction of the State Board, a candidate shall have the right to demand a recount of the votes if the difference between the votes for that candidate and the votes for a prevailing candidate are not more than the following:

- (1) For a nonstatewide ballot item, one percent (1%) of the total votes cast in the ballot item, or in the case of a multiseat ballot item, one percent (1%) of the votes cast for those two candidates.
- (2) For a statewide ballot item, one-half of one percent (0.5%) of the votes cast in the ballot item, or 10,000 votes, whichever is less.

The demand for a recount must be in writing and must be received by the State Board by noon on the second business day after the county canvass. If at that time the available returns show a candidate not entitled to a mandatory recount, but the Executive Director determines subsequently that the margin is within the threshold set out in this subsection, the Executive Director shall notify the eligible candidate immediately and that candidate shall be entitled to a recount if that candidate so demands within 48 hours of notice. The recount shall be conducted under the supervision of the State Board.

(d) Rules for Conducting Recounts. – The State Board shall promulgate rules for conducting recounts. Those rules shall be subject to the following guidelines:

- (1) The rules shall specify, with respect to each type of voting system, when and to what extent the recount shall consist of machine recounts and hand-to-eye recounts. Hand-to-eye recounts shall also be ordered as provided by G.S. 163A-1175.
- (2) The rules shall provide guidance in interpretation of the voter's choice.
- (3) The rules shall specify how the goals of multipartisan participation, opportunity for public observation, and good order shall be balanced. (2001-398, s. 3; 2003-278, ss. 10(b), 10(c); 2005-323, s. 6(a); 2005-428, s. 11(b); 2017-6, s. 3.)

#### **§ 163A-1175. Additional provisions for hand-to-eye recounts.**

(a) The rules promulgated by the State Board for recounts shall provide that if the initial recount is not hand-to-eye, and if the recount does not reverse the results, the candidate who had originally been entitled to a recount may, within 24 hours of the completion of the first recount, demand a second recount on a hand-to-eye basis in a sample of precincts. If the initial recount was not hand-to-eye and it reversed the results, the candidate who had initially been the winner shall have the same right to ask for a hand-to-eye recount in a sample of precincts.

That sample shall be all the ballots in three percent (3%) of the precincts casting ballots in each county in the jurisdiction of the office, rounded up to the next whole number of precincts. For the purpose of that calculation, each one-stop (early) voting site shall be considered to be a precinct. The precincts to be recounted by a hand-to-eye count shall be chosen at random within each county. If the results of the hand-to-eye recount differ from the previous results within those precincts to the extent that extrapolating the amount of the change to the entire jurisdiction (based on the proportion of ballots recounted to the total votes cast for that office) would result in the reversing of the results, then the State Board shall order a hand-to-eye recount of the entire jurisdiction in which the election is held. There shall be no cost to the candidate for that recount in the entire jurisdiction.

(b) Recounts under this section shall be governed by rules adopted under G.S. 163A-1174(d).

(c) No complete hand-to-eye recount shall be conducted under this section if one has already been done under another provision of law. (2005-323, s. 6(b); 2017-6, s. 3.)

#### **§ 163A-1176. Determining result in case of a tie.**



If the count, upon completion of canvass by the proper board of elections, shows a tie vote other than in a primary, the tie shall be resolved as follows:

- (1) If more than 5,000 voters cast official ballots in the ballot item, the State Board shall order a new election in which only the candidates or positions tied will be on the official ballot. The State Board shall set the schedule for publication of the notice, preparation of absentee official ballots, and the other actions necessary to conduct the election. Eligibility to vote in the new election shall be determined by the voter's eligibility at the time of the new election.
- (2) If 5,000 or fewer voters cast official ballots in the ballot item, the board of elections with jurisdiction to certify the election shall break the tie by a method of random selection to be determined by the State Board. (2001-398, s. 3; 2017-6, s. 3.)

**§ 163A-1177. Filing an election protest.**

(a) Who May File a Protest With County Board. – A protest concerning the conduct of an election may be filed with the county board of elections by any registered voter who was eligible to vote in the election or by any person who was a candidate for nomination or election in the election.

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

- (1) The protest shall be in writing and shall be signed by the protester. It shall include the protester's name, address, and telephone number and a statement that the person is a registered voter in the jurisdiction or a candidate.
- (2) The protest shall state whether the protest concerns the manner in which votes were counted and results tabulated or concerns some other irregularity.
- (3) The protest shall state what remedy the protester is seeking.
- (4) The timing for filing a protest shall be as follows:
  - a. If the protest concerns the manner in which votes were counted or results tabulated, the protest shall be filed before the beginning of the county board of election's canvass meeting.
  - b. If the protest concerns the manner in which votes were counted or results tabulated and the protest states good cause for delay in filing, the protest may be filed until 5:00 P.M. on the second business day after the county board of elections has completed its canvass and declared the results.
  - c. If the protest concerns an irregularity other than vote counting or result tabulation, the protest shall be filed no later than 5:00 P.M. on the second business day after the county board has completed its canvass and declared the results.
  - d. If the protest concerns an irregularity on a matter other than vote counting or result tabulation and the protest is filed before election day, the protest proceedings shall be stayed, unless a party defending against the protest moves otherwise, until after election day if any one of the following conditions exists:
    1. The ballot has been printed.
    2. The voter registration deadline for that election has passed.

3. Any of the proceedings will occur within 30 days before election day.

(c) State Board to Prescribe Forms. – The State Board shall prescribe forms for filing protests. (2001-398, s. 3; 2005-428, s. 4; 2017-6, s. 3.)

**§ 163A-1178. Consideration of protest by county board of elections.**

(a) Preliminary Consideration. – The following principles shall apply to the initial consideration of election protests by the county board of elections:

- (1) The county board shall, as soon as possible after the protest is filed, meet to determine whether the protest substantially complies with G.S. 163A-1177 and whether it establishes probable cause to believe that a violation of election law or irregularity or misconduct has occurred. If the board determines that one or both requirements are not met, the board shall dismiss the protest. The board shall notify both the protester and the State Board. The protester may file an amended protest or may appeal to the State Board. If the board determines that both requirements are met, it shall schedule a hearing.
- (2) If a protest was filed before the canvass and concerns the counting and tabulating of votes, the county board shall resolve the protest before the canvass is completed. If necessary to provide time to resolve the protest, the county board may recess the canvass meeting, but shall not delay the completion of the canvass for more than three days unless approved by the State Board. Resolution of the protest shall not delay the canvass of ballot items unaffected by the protest. The appeal of a dismissal shall not delay the canvass.
- (3) If a protest concerns an irregularity other than the counting or tabulating of votes, that protest shall not delay the canvass.

(b) Notice of Hearing. – The county board shall give notice of the protest hearing to the protester, any candidate likely to be affected, any election official alleged to have acted improperly, and those persons likely to have a significant interest in the resolution of the protest. Each person given notice shall also be given a copy of the protest or a summary of its allegations. The manner of notice shall be as follows:

- (1) If the protest concerns the manner in which the votes were counted or the results tabulated, the protester shall be told at the time of filing that the protest will be heard at the time of the canvass. Others shall be notified as far in advance of the canvass as time permits.
- (2) If the protest concerns a matter other than the manner in which votes were counted or results tabulated, the county board shall comply with rules to be promulgated by the State Board concerning reasonable notice of the hearing.

Failure to comply with the notice requirements in this subsection shall not delay the holding of a hearing nor invalidate the results if it appears reasonably likely that all interested persons were aware of the hearing and had an opportunity to be heard.

(c) Conduct of Hearing. – The following principles shall apply to the conduct of a protest hearing before the county board of elections:

- (1) The county board may allow evidence to be presented at the hearing in the form of affidavits or it may examine witnesses. The chair or any two members of the board may subpoena witnesses or documents. Each witness must be placed under oath before testifying.

- (2) The county board may receive evidence at the hearing from any person with information concerning the subject of the protest. The person who made the protest shall be permitted to present allegations and introduce evidence at the hearing. Any other person to whom notice of hearing was given, if present, shall be permitted to present evidence. The board may allow evidence by affidavit. The board may permit evidence to be presented by a person to whom notice was not given, if the person apparently has a significant interest in the resolution of the protest that is not adequately represented by other participants.
  - (3) The hearing shall be recorded by a reporter or by mechanical means, and the full record of the hearing shall be preserved by the county board until directed otherwise by the State Board.
- (d) Findings of Fact and Conclusions of Law by County Board. – The county board shall make a written decision on each protest which shall state separately each of the following:
- (1) Findings of fact. – The findings of fact shall be based exclusively on the evidence and on matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting them.
  - (2) Conclusions of law. – The conclusions the county board may state, and their consequences for the board's order, are as follows:
    - a. "The protest should be dismissed because it does not substantially comply with G.S. 163A-1177." If the board makes this conclusion, it shall order the protest dismissed.
    - b. "The protest should be dismissed because there is not substantial evidence of a violation of the election law or other irregularity or misconduct." If the county board makes this conclusion, it shall order the protest dismissed.
    - c. "The protest should be dismissed because there is not substantial evidence of any violation, irregularity, or misconduct sufficient to cast doubt on the results of the election." If the county board makes this conclusion, it shall order the protest dismissed.
    - d. "There is substantial evidence to believe that a violation of the election law or other irregularity or misconduct did occur, and might have affected the outcome of the election, but the board is unable to finally determine the effect because the election was a multicounty election." If the county board makes this conclusion, it shall order that the protest and the county board's decision be sent to the State Board for action by it.
    - e. "There is substantial evidence to believe that a violation of the election law or other irregularity or misconduct did occur and that it was sufficiently serious to cast doubt on the apparent results of the election." If the county board makes this conclusion, it may order any of the following as appropriate:
      1. That the vote total as stated in the precinct return or result of the canvass be corrected and new results declared.
      2. That votes be recounted.

3. That the protest and the county board's decision be sent to the State Board for action by it.
  4. Any other action within the authority of the county board.
- (3) An order. – Depending on the conclusion reached by the county board, its order shall be as directed in subdivision (c)(2). If the county board is not able to determine what law is applicable to the Findings of Fact, it may send its findings of fact to the State Board for it to determine the applicable law.
- (e) Rules by State Board. – The State Board shall promulgate rules providing for adequate notice to parties, scheduling of hearings, and the timing of deliberations and issuance of decision. (2001-398, s. 3; 2017-6, s. 3.)

**§ 163A-1179. Appeal of a protest decision by the county board to the State Board.**

(a) Notice and Perfection of Appeal. – The decision by the county board of elections on an election protest may be appealed to the State Board by any of the following:

- (1) The person who filed the protest.
- (2) A candidate or elected official adversely affected by the county board's decision.
- (3) Any other person who participated in the hearing and has a significant interest adversely affected by the county board's decision.

Written notice of the appeal must be given to the county board within 24 hours after the county board files the written decision at its office. The appeal to the State Board must be in writing. The appeal must be delivered or deposited in the mail, addressed to the State Board, by the appropriate one of the following: (i) the end of the second day after the day the decision was filed by the county board in its office, if the decision concerns a first primary; or (ii) the end of the fifth day after the day the decision was filed in the county board office, if the decision concerns an election other than a first primary.

The State Board shall prescribe forms for filing appeals from the county board.

(b) Consideration of Appeal by State Board. – In its consideration of an appeal from a decision of a county board of elections on a protest, the State Board may do any of the following:

- (1) Decide the appeal on the basis of the record from the county board, as long as the county board has made part of the record a transcript of the evidentiary hearing.
- (2) Request the county board or any interested person to supplement the record from the county board, and then decide the appeal on the basis of that supplemented record.
- (3) Receive additional evidence and then decide the appeal on the basis of the record and that additional evidence.
- (4) Hold its own hearing on the protest and resolve the protest on the basis of that hearing.
- (5) Remand the matter to the county board for further proceedings in compliance with an order of the State Board.

The State Board shall follow the procedures set forth in subsections (c) and (d) of G.S. 163A-1178 except where they are clearly inapplicable.

The State Board shall give notice of its decision as required by G.S. 163A-1183, and may notify the county board and other interested persons in its discretion. (2001-398, s. 3; 2017-6, s. 3.)

**§ 163A-1180. Authority of State Board over protests.**

The State Board may consider protests that were not filed in compliance with G.S. 163A-1177, may initiate and consider complaints on its own motion, may intervene and take jurisdiction over protests pending before a county board, and may take any other action necessary to assure that an election is determined without taint of fraud or corruption and without irregularities that may have changed the result of an election. Where a known group of voters cast votes that were lost beyond retrieval or where a known group of voters was given an incorrect ballot style, the State Board may authorize a county board of elections to allow those voters to recast their votes during a period of two weeks after the canvass by the State Board required in G.S. 163A-1172(c). If there is no State Board canvass after the election, the State Board may authorize the county board to allow the recasting of votes during the two weeks after the county canvass set in G.S. 163A-1172(a). If the State Board approves a recasting of votes under this section, any procedures the county board uses to contact those voters and allow them to recast their votes shall be subject to approval by the State Board. Those recast votes shall be added to the returns and included in the canvass. The recasting of those votes shall not be deemed a new election for purposes of G.S. 163A-1181. (2001-398, s. 3; 2005-428, s. 17; 2007-391, s. 12; 2008-187, s. 33(a); 2017-6, s. 3.)

**§ 163A-1181. New elections.**

(a) When State Board May Order New Election. – The State Board may order a new election, upon agreement of at least five of its members, in the case of any one or more of the following:

- (1) Ineligible voters sufficient in number to change the outcome of the election were allowed to vote in the election, and it is not possible from examination of the official ballots to determine how those ineligible voters voted and to correct the totals.
- (2) Eligible voters sufficient in number to change the outcome of the election were improperly prevented from voting.
- (3) Other irregularities affected a sufficient number of votes to change the outcome of the election.
- (4) Irregularities or improprieties occurred to such an extent that they taint the results of the entire election and cast doubt on its fairness.

(b) State Board to Set Procedures. – The State Board shall determine when a new election shall be held and shall set the schedule for publication of the notice, preparation of absentee official ballots, and the other actions necessary to conduct the election.

(c) Eligibility to vote in the new election shall be determined by the voter's eligibility at the time of the new election, except that in a primary, no person who voted in the initial primary of one party shall vote in the new election in the primary of another party. The State Board shall adopt rules to effect the provisions of this subsection.

(d) Jurisdiction in Which New Election Held. – The new election shall be held in the entire jurisdiction in which the original election was held.

(e) Which Candidates to Be on Official Ballot. – All the candidates who were listed on the official ballot in the original election shall be listed in the same order on the official ballot for the new election, except in either of the following:

- (1) If a candidate dies or otherwise becomes ineligible between the time of the original election and the new election, that candidate may be replaced in the same manner as if the vacancy occurred before the original election.
- (2) If the election is for a multiseat office, and the irregularities could not have affected the election of one or more of the candidates, the new election, upon agreement of at least five members of the State Board, may be held among only those candidates whose election could have been affected by the irregularities.

(f) Tie Votes. – If ineligible voters voted in an election and it is possible to determine from the official ballots the way in which those votes were cast and to correct the results, and consequently the election ends in a tie, the provisions of G.S. 163A-1176 concerning tie votes shall apply. (2001-398, s. 3; 2003-278, s. 8(a); 2008-150, s. 2(a); 2016-125, 4th Ex. Sess., s. 5(j); 2017-6, ss. 2, 3, 7(j).)

### **§ 163A-1182. Contested elections for Council of State offices.**

(a) Application of Procedures. – A contested election for any elective office established by Article III of the Constitution shall be determined by joint ballot of both houses of the General Assembly under Article VI, Section 5 of the Constitution in accordance with the provisions of this section. Except as provided by this section, the provisions of Article 3 of Chapter 120 shall apply to contested elections under this section and shall govern standing, notice of intent to contest, answers, service of process, evidence, the petition, procedures, grounds, and relief except as provided in this section. All filings shall be with the Principal Clerk of the House of Representatives.

(b) Notice of Intent. – Notice of the intent to contest the election under this section shall be filed with the Principal Clerk of the House of Representatives as if it were a contested election for the House of Representatives as prescribed in Article 3 of Chapter 120.

(c) Jurisdiction. – When a contest arises out of the general election, the General Assembly elected at the same time shall hear and decide it. Any other contest shall be heard by the General Assembly sitting at the time of the election.

(d) Committee. – A contest filed under this section shall initially be heard before a select committee consisting of five Senators appointed by the President Pro Tempore and five Representatives appointed by the Speaker of the House of Representatives. Not more than three members of the Senate appointed by the President Pro Tempore shall be members of the same political party. Not more than three members of the House of Representatives appointed by the Speaker shall be members of the same political party. That committee shall have the same power as a committee under Article 3 of Chapter 120 and may adopt supplemental rules as necessary to govern its proceedings. The committee shall report its findings as to the law and the facts and make recommendations to the General Assembly for its action.

(e) Final Determination. – The final determination on the recommendations of the committee shall be made by the General Assembly, both houses sitting in joint session in the Hall of the House of Representatives, with the Speaker of the House of Representatives presiding. The vote shall be taken as provided by Article VI, Section 5 of the Constitution. In order to find for the contestant or contestee and order the contestant or contestee elected, the vote on the joint ballot must include the affirmative vote of a majority of the members of the General Assembly voting on the issue. The ballots shall be in writing and are subject to the provisions of G.S. 143-318.13(b).

(f) Basis for Decision. –

- (1) If the contest is as to the eligibility or qualifications of the contestee, the General Assembly shall determine if the contestee is eligible and qualified. If it determines that the contestee is not eligible or not qualified, it shall order a new election.
- (2) If the contest is as to the conduct or results of the election, the General Assembly shall determine which candidate received the highest number of votes. If it can determine which candidate received the highest number of votes, it shall declare that candidate to be elected. If it cannot determine which candidate received the highest number of votes, it may order a new election, or may order such other relief as may be necessary and proper. If it determines that two or more candidates shall be equal and highest in votes, the provisions of G.S. 147-4 shall apply.

(g) Final Determination. – A copy of the final determination of the General Assembly under this section shall be filed with the Secretary of State and with the State Board.

(h) Copies. – The Principal Clerk of the House of Representatives shall make copies of any filings and transmit them to the Principal Clerk for the Senate.

(i) Applicability. – This section applies only to a general or special election and does not apply to the primary or any other part of the nominating process.

(j) Judicial Proceedings Abated. – Notwithstanding any other provision of law, upon the initiation of a contest under this Part, any judicial proceedings involving either the contestant or the contestee encompassing the issues set forth in the notice of intent or an answer thereto concerning the election that is the subject of the contest shall abate. The clerk shall file a copy of the notice of intent and final determination with the court in any judicial proceeding pending prior to the filing of the notice of intent.

(k) General Assembly Determination Not Reviewable. – The decision of the General Assembly in determining the contest of the election pursuant to this section may not be reviewed by the General Court of Justice.

(l) Definition. – As used in this section, "contest" means a challenge to the apparent election for any elective office established by Article III of the Constitution or to request the decision of an undecided election to any elective office established by Article III of the Constitution, where the challenge or the request is filed in accordance with the timing and procedures of this section. (2005-3, s. 3(a); 2017-6, s. 3.)

### **§ 163A-1183. Appeal of a final decision to superior court; appeal to the General Assembly or a house thereof.**

(a) Final Decision. – A copy of the final decision of the State Board on an election protest shall be served on the parties personally or through delivery by U.S. mail or a designated delivery service authorized under 26 U.S.C. § 7502(f)(2) if that delivery provides a record of the date and time of delivery to the address provided by the party. A decision to order a new election is considered a final decision for purposes of seeking review of the decision.

(b) Timing of Right of Appeal. – Except in the case of a general or special election to either house of the General Assembly or to an office established by Article III of the Constitution, an aggrieved party has the right to appeal the final decision to the Superior Court of Wake County within 10 days of the date of service.

After the decision by the State Board has been served on the parties, the certification of nomination or election or the results of the referendum shall issue pursuant to G.S. 163A-1184

unless an appealing party obtains a stay of the certification from the Superior Court of Wake County within 10 days after the date of service. The court shall not issue a stay of certification unless the petitioner shows the court that the petitioner has appealed the decision of the State Board, that the petitioner is an aggrieved party, and that the petitioner is likely to prevail in the appeal.

If service is by mail or a designated delivery service, the additional time after service provided in Rule 6(e) of the North Carolina Rules of Civil Procedure shall apply to both the time for appeal and the time to obtain a stay under this subsection.

(c) Contests for General Assembly and Executive Branch Offices. – In the case of a general or special election to either house of the General Assembly or to an office established by Article III of the Constitution, an unsuccessful candidate has the right to appeal the final decision to the General Assembly in accordance with Article 3 of Chapter 120 and G.S. 163A-1182, as appropriate.

After the decision by the State Board has been served on the parties, the certification of nomination or election shall issue pursuant to G.S. 163A-1184 unless a contest of the election is initiated pursuant to Article 3 of Chapter 120 or G.S. 163A-1182, as appropriate.

(d) Attorney's fees shall not be awarded against the State Board in any election protest brought under this Part. (2001-398, s. 3; 2003-278, s. 8(b); 2005-3, s. 4; 2008-150, s. 4(a); 2009-541, s. 27; 2017-6, s. 3.)

**§ 163A-1184. Certificate of nomination or election, or certificate of the results of a referendum.**

(a) Issued by County Board of Elections. – In ballot items within the jurisdiction of the county board of elections, the county board shall issue a certificate of nomination or election, or a certificate of the results of the referendum, as appropriate. The certificate shall be issued by the county board six days after the completion of the canvass pursuant to G.S. 163A-1172, unless there is an election protest pending. If there is an election protest, the certificate of nomination or election or the certificate of the result of the referendum shall be issued in one of the following ways, as appropriate:

- (1) The certificate shall be issued five days after the protest is dismissed or denied by the county board of elections, unless that decision has been appealed to the State Board.
- (2) The certificate shall be issued on the tenth day after the final decision of the State Board, unless the State Board has ordered a new election or the issuance of the certificate is stayed by the Superior Court of Wake County pursuant to G.S. 163A-1183.
- (3) If the decision of the State Board has been appealed to the Superior Court of Wake County and the court has stayed the certification, the certificate shall be issued five days after the entry of a final order in the case in the Superior Court of Wake County, unless that court or an appellate court orders otherwise.
- (4) No certificate of election need be issued for any member of the General Assembly following a contest of the election pursuant to Article 3 of Chapter 120.

(b) Issued by State Board. – In ballot items within the jurisdiction of the State Board, the State Board shall issue a certificate of nomination or election, or a certificate of the results of the referendum, as appropriate. The certificate shall be issued by the State Board six days after the



completion of the canvass pursuant to G.S. 163A-1172, unless there is an election protest pending. If there is an election protest, the certificate of nomination or election or the certificate of the result of the referendum shall be issued in one of the following ways, as appropriate:

- (1) The certificate shall be issued 10 days after the final decision of the State Board on the election protest, unless the State Board has ordered a new election or the issuance of the certificate is stayed by the Superior Court of Wake County pursuant to G.S. 163A-1183.
- (2) If the decision of the State Board has been appealed to the Superior Court of Wake County and the court has stayed the certification, the certificate shall be issued five days after the entry of a final order in the case in the Superior Court of Wake County, unless that court or an appellate court orders otherwise.
- (3) The certificate shall be issued immediately upon the filing of a copy of the determination of the General Assembly with the State Board in contested elections involving any elective office established by Article III of the Constitution.
- (4) No certificate of election need be issued for any member of the General Assembly following a contest of the election pursuant to Article 3 of Chapter 120.

(c) Copy to Secretary of State. – The State Board shall provide to the Secretary of State a copy of each certificate of nomination or election, or certificate of the results of a referendum, issued by it. The Secretary shall keep the certificates in a form readily accessible and useful to the public.

(d) Determining Results. – In a primary for party nomination, the results shall be determined in accordance with G.S. 163A-984. In a general election, the individuals having the highest number of votes for each office shall be declared elected to the office, and the certificate shall be issued accordingly. In a referendum, the ballot proposal receiving the highest number of votes shall be declared to have prevailed, and the certificate shall be issued accordingly. (2001-398, s. 3; 2003-278, s. 10(k); 2005-3, s. 5; 2005-428, s. 13; 2007-391, s. 11; 2007-484, s. 22; 2008-187, s. 33(a); 2017-6, s. 3.)

#### **§ 163A-1185. Governor to issue commissions for certain offices.**

The Secretary of State shall send a notice to the Governor that a certificate of election has been issued for any of the following offices, and upon receiving the notice, the Governor shall provide to each such elected official a commission attesting to that person's election or retention:

- (1) Members of the United States House of Representatives.
- (2) Justices, judges, and district attorneys of the General Court of Justice. (2001-398, s. 3; 2015-66, s. 5; 2017-6, s. 3.)

#### **§ 163A-1186. Summary of officials' duties under this Part.**

(a) This Section a Summary. – The provisions of this section provide a nonexclusive summary of the duties given to officials under this Part. The legal duty is contained, not in this section, but in the other sections of this Part.

(b) Duties of the Precinct Officials. – Precinct officials, in accordance with rules of the State Board and under the supervision of the county board of elections, shall perform all of the following:

- (1) Count votes when votes are required to be counted at the voting place. G.S. 163A-1169.
  - (2) Make an unofficial report of returns to the county board of elections. G.S. 163A-1169.
  - (3) Certify the integrity of the vote and the security of the official ballots at the voting place. G.S. 163A-1169.
  - (4) Return official ballots and equipment to the county board of elections. G.S. 163A-1169.
- (c) Duties of the County Board of Elections. – The county board of elections, in accordance with rules of the State Board, shall perform all of the following:
- (1) Count absentee and provisional official ballots and other official ballots required to be initially counted by the county board of elections. G.S. 163A-1169.
  - (2) Canvass results in all ballot items on the official ballot in the county. G.S. 163A-1172.
  - (3) Order a recount in any ballot item on the official ballot in the county, where necessary to complete the canvass, and where not prohibited from doing so. G.S. 163A-1174.
  - (4) Conduct any recount that has been ordered by the county board of elections or the State Board or that has been properly demanded in accordance with G.S. 163A-1174(b).
  - (5) Conduct hearings in election protests as provided in G.S. 163A-1178.
  - (6) Prepare abstracts of returns in all the ballot items in the county. G.S. 163A-1173.
  - (7) Retain one original abstract and distribute the other two originals as follows:
    - a. One to the clerk of superior court in the county.
    - b. One to the State Board. G.S. 163A-1173.
  - (8) Issue a certificate of nomination or election or a certificate of the results of a referendum in each ballot item within the jurisdiction of the county board of elections. Provide a copy of the certificate to the clerk of court. G.S. 163A-1184.
- (d) Duties of the State Board. – The State Board shall perform all the following:
- (1) Promulgate rules as directed in this Part. G.S. 163A-1166, 163A-1169, 163A-1174, 163A-1178, and 163A-1181.
  - (2) Provide supervisory direction to the county boards of elections as provided in this Part. G.S. 163A-1166 and G.S. 163A-1169.
  - (3) Canvass the results in ballot items within the jurisdiction of the State Board. G.S. 163A-1172.
  - (4) Order and supervise a recount in any ballot item within the jurisdiction of the State Board, where necessary to complete the canvass. G.S. 163A-1174.
  - (5) Hear and decide appeals from decisions of county boards of elections in election protests. G.S. 163A-1179.
  - (6) Order new elections in accordance with G.S. 163A-1184.
  - (7) Prepare, in duplicate originals, composite abstracts of ballot items within the jurisdiction of the State Board. G.S. 163A-1173.

(8) Retain one original of the composite abstract and deliver to the Secretary of State the other original composite abstract of the results of ballot items within the jurisdiction of the State Board. G.S. 163A-1173.

(9) Certify the results of any election within the jurisdiction of the State Board and provide a copy to the Secretary of State. G.S. 163A-1184.

(e) Duties of the Secretary of State. – The Secretary of State shall retain and compile in a useful form all the abstracts and returns provided by the county boards of elections and the State Board. G.S. 163A-1173.

(f) Duty of the Governor. – The Governor shall issue a commission to any person elected to an office listed in G.S. 163A-1185 upon notification from the Secretary of State that a certificate of election has been issued to the person. G.S. 163A-1185. (2001-398, s. 3; 2017-6, s. 3.)

§ 163A-1187: Reserved for future codification purposes.

§ 163A-1188: Reserved for future codification purposes.

§ 163A-1189: Reserved for future codification purposes.

§ 163A-1190: Reserved for future codification purposes.

§ 163A-1191: Reserved for future codification purposes.

§ 163A-1192: Reserved for future codification purposes.

§ 163A-1193: Reserved for future codification purposes.

§ 163A-1194: Reserved for future codification purposes.

§ 163A-1195: Reserved for future codification purposes.

§ 163A-1196: Reserved for future codification purposes.

§ 163A-1197: Reserved for future codification purposes.

§ 163A-1198: Reserved for future codification purposes.

§ 163A-1199: Reserved for future codification purposes.

§ 163A-1200: Reserved for future codification purposes.

§ 163A-1201: Reserved for future codification purposes.

§ 163A-1202: Reserved for future codification purposes.

§ 163A-1203: Reserved for future codification purposes.

§ 163A-1204: Reserved for future codification purposes.

Part 5. Members of United States House of Representatives

§ 163A-1205. (See editor's note) Congressional districts specified.

(a) For purposes of nominating and electing members of the House of Representatives of the Congress of the United States in 2016 and every two years thereafter; the State of North Carolina shall be divided into 13 districts as follows:

**District 01:** Bertie County, Durham County: VTD 01, VTD 02, VTD 03, VTD 04, VTD 05, VTD 06, VTD 07, VTD 08, VTD 09, VTD 10, VTD 12, VTD 13, VTD 14, VTD 15, VTD 16, VTD 17, VTD 18, VTD 19, VTD 20, VTD 21, VTD 22, VTD 23, VTD 24, VTD 25, VTD 26, VTD 27, VTD 28, VTD 29, VTD 30-1, VTD 30-2, VTD 31, VTD 32, VTD 34, VTD 36, VTD 37, VTD 38, VTD 39, VTD 40, VTD 41, VTD 42, VTD 43, VTD 44, VTD 45, VTD 46, VTD 47, VTD 48, VTD 50, VTD 51, VTD 52, VTD 54, VTD 55; Edgecombe County, Gates County, Granville County, Halifax County, Hertford County, Martin County, Northampton County, Pitt County: VTD 0301, VTD 0401, VTD 0501, VTD 1201, VTD 1501, VTD 1503, VTD 1504, VTD 1505A, VTD 1505B, VTD 1506, VTD 1507, VTD 1507B, VTD 1508A, VTD 1508B, VTD 1509: Block(s) 1470003021000, 1470003021001, 1470003021002, 1470003021003, 1470003021004, 1470003021005, 1470003021006, 1470003021007, 1470003021008, 1470003021009, 1470003021010, 1470003021011, 1470003021012, 1470003021013, 1470003021014, 1470003021015, 1470003021016, 1470003022000, 1470003022001, 1470003022002, 1470003022003, 1470003022004, 1470003022005, 1470003022006, 1470003022007, 1470003022008, 1470003022009, 1470003022010, 1470003022011, 1470003022012, 1470003022013, 1470003022014, 1470003022015, 1470003022016, 1470003022021, 1470003023000, 1470003023001, 1470003023002, 1470003023003, 1470003023004, 1470003023005, 1470003023006, 1470003023007, 1470003023008, 1470003023009, 1470003023010, 1470003023013, 1470003023014, 1470003023025, 1470003023026, 1470004003005, 1470004003015, 1470004004003, 1470004004004, 1470009002028, 1470009002029, 1470009002030, 1470009002043, 1470009002059, 1470009002060, 1470009002061, 1470009002062, 1470009002063, 1470009002064, 1470009002065, 1470009002066, 1470009002067, 1470009002068, 1470009002069, 1470009002070, 1470009002071, 1470009002072, 1470009002074, 1470009002075, 1470009002102, 1470009002103, 1470009002104, 1470009002105, 1470009002106, 1470010011033, 1470010011034, 1470010011035, 1470010011036, 1470010011037, 1470010011038, 1470010011039, 1470010011040, 1470010011041, 1470010011042, 1470010011043, 1470010011044, 1470010011045, 1470010011046, 1470010011047, 1470010011048, 1470010011049, 1470010011050; VTD 1512A, VTD 1512B; Vance County, Warren County, Washington County, Wilson County: VTD PRGA, VTD PRSA, VTD PRST, VTD PRTA: Block(s) 1950014001025, 1950014001033, 1950014001042, 1950014001043, 1950014001045, 1950014001046, 1950014001047, 1950014001048, 1950014001051, 1950014001054, 1950014001055, 1950014001056, 1950014001057, 1950014001059; VTD PRTO, VTD PRWA, VTD PRWB, VTD PRWC, VTD PRWD, VTD PRWE, VTD PRWH, VTD PRWI, VTD PRWJ, VTD PRWK, VTD PRWL, VTD PRWM, VTD PRWN, VTD PRWP, VTD PRWQ, VTD PRWR.

**District 02:** Franklin County, Harnett County, Johnston County: VTD PR05, VTD PR09, VTD PR10, VTD PR11A, VTD PR11B, VTD PR12, VTD PR19, VTD PR20, VTD PR21, VTD PR24, VTD PR25, VTD PR26: Block(s) 1010406001016, 1010408001000, 1010408001001,

1010408001002, 1010408001017, 1010408001018; VTD PR27, VTD PR28, VTD PR29A, VTD PR29B, VTD PR30, VTD PR31A, VTD PR31B, VTD PR32, VTD PR34; Nash County, Wake County: VTD 01-42, VTD 01-47, VTD 02-01, VTD 02-02, VTD 02-03, VTD 02-04, VTD 02-05, VTD 02-06, VTD 03-00, VTD 04-07, VTD 06-01, VTD 06-04, VTD 06-05, VTD 06-06, VTD 06-07, VTD 08-04, VTD 08-07, VTD 08-08, VTD 09-01, VTD 09-02, VTD 09-03, VTD 10-01, VTD 10-02, VTD 10-03, VTD 10-04, VTD 12-01, VTD 12-02, VTD 12-04, VTD 12-05, VTD 12-06, VTD 12-07, VTD 12-08, VTD 12-09, VTD 13-10, VTD 13-11, VTD 14-01, VTD 14-02, VTD 15-01, VTD 15-02, VTD 15-03, VTD 15-04, VTD 16-01, VTD 16-05: Block(s) 1830528021000, 1830528021001, 1830528021002, 1830528021003, 1830528021004, 1830528021005, 1830528021006, 1830528021007, 1830528021008, 1830528021009, 1830528021010, 1830528021011, 1830528021012, 1830528021013, 1830528021014, 1830528021015, 1830528021016, 1830528021017, 1830528021018, 1830528021019, 1830528021021, 1830528021022, 1830528021023, 1830528021024, 1830528021025, 1830528021026, 1830528021027, 1830528021028, 1830528021029, 1830528021030, 1830528021032, 1830528023006, 1830528023007, 1830528023008, 1830528023009, 1830528023010, 1830528023011, 1830528023012, 1830528023014, 1830528023015, 1830528023016, 1830528023017, 1830528023018, 1830528023019, 1830528023020, 1830528023021, 1830528024008, 1830528024010, 1830528024012, 1830528024014, 1830528024017, 1830528024018, 1830528024019, 1830528024021, 1830530093000, 1830530093001, 1830530093002, 1830530093003, 1830530093004, 1830530093005, 1830530093006, 1830530093007, 1830530093008, 1830530093009, 1830530093010, 1830530093011, 1830530093012, 1830530093013, 1830530093014, 1830530093015, 1830530093016, 1830530093017, 1830530093018, 1830530093019, 1830530093020, 1830530093021, 1830545002052, 1830545002069, 1830545002071, 1830545002078, 1830545002079; VTD 16-09, VTD 17-06, VTD 18-02, VTD 18-03, VTD 18-04, VTD 18-05, VTD 18-07, VTD 19-03, VTD 19-04, VTD 19-05, VTD 19-06, VTD 19-07, VTD 19-09, VTD 19-10, VTD 19-11, VTD 19-12, VTD 20-05, VTD 20-06, VTD 20-08, VTD 20-11, VTD 20-12; Wilson County: VTD PRBL, VTD PRCR, VTD PROL, VTD PRSP, VTD PRTA: Block(s) 1950014001000, 1950014001001, 1950014001002, 1950014001003, 1950014001004, 1950014001005, 1950014001006, 1950014001007, 1950014001008, 1950014001009, 1950014001010, 1950014001011, 1950014001012, 1950014001013, 1950014001014, 1950014001015, 1950014001016, 1950014001017, 1950014001018, 1950014001019, 1950014001020, 1950014001021, 1950014001022, 1950014001023, 1950014001024, 1950014001026, 1950014001027, 1950014001028, 1950014001029, 1950014001030, 1950014001031, 1950014001032, 1950014001034, 1950014001035, 1950014001036, 1950014001037, 1950014001038, 1950014001039, 1950014001040, 1950014001041, 1950014001044, 1950014001049, 1950014001050, 1950014001052, 1950014001053, 1950014001058, 1950014001060, 1950014001061, 1950014002000, 1950014002001, 1950014002002, 1950014002003, 1950014002004, 1950014002005, 1950014002006, 1950014002007, 1950014002008, 1950014002009, 1950014002010, 1950014002011, 1950014002012, 1950014002013, 1950014002014, 1950014002015, 1950014002016, 1950014002017, 1950014002018, 1950014002019, 1950014002020, 1950014002021, 1950014002022, 1950014002023, 1950014002024, 1950014002025, 1950014002026, 1950014002027, 1950014002028, 1950014002029, 1950014002030, 1950014002031, 1950014002032, 1950014002033, 1950014002034, 1950014002035, 1950014002036, 1950014002037, 1950014002038, 1950014002039, 1950014002040,

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1950014002076, 1950015002000, 1950015002001, 1950015002002, 1950015002013,  
1950015002014, 1950015002015, 1950015002017, 1950015002019.

**District 03:** Beaufort County, Camden County, Carteret County, Chowan County, Craven County, Currituck County, Dare County, Greene County, Hyde County, Jones County, Lenoir County, Onslow County, Pamlico County, Pasquotank County, Perquimans County, Pitt County: VTD 0101, VTD 0200A, VTD 0200B, VTD 0601, VTD 0701, VTD 0800A, VTD 0800B, VTD 0901, VTD 1001, VTD 1101, VTD 1102A, VTD 1102B, VTD 1301, VTD 1402A, VTD 1402B, VTD 1403A, VTD 1403B, VTD 1509: Block(s) 1470001005024, 1470002021024, 1470002021025, 1470002021026, 1470003022017, 1470003022018, 1470003022019, 1470003022020, 1470004003010, 1470004003011, 1470004003012, 1470004003013, 1470004003014, 1470004003016, 1470004003017, 1470004003018, 1470004003019, 1470004003020, 1470004003021, 1470004003022, 1470004003023, 1470004003024, 1470004003025, 1470004003026, 1470004003027, 1470004003028, 1470004003029, 1470004003030, 1470004003031, 1470004004005; VTD 1510A, VTD 1510B, VTD 1511A, VTD 1511B; Tyrrell County.

**District 04:** Durham County: VTD 33, VTD 35, VTD 53-1, VTD 53-2; Orange County, Wake County: VTD 01-01, VTD 01-02, VTD 01-03, VTD 01-04, VTD 01-05, VTD 01-06, VTD 01-07, VTD 01-09, VTD 01-10, VTD 01-11, VTD 01-12, VTD 01-13, VTD 01-14, VTD 01-15, VTD 01-16, VTD 01-17, VTD 01-18, VTD 01-19, VTD 01-20, VTD 01-21, VTD 01-22, VTD 01-23, VTD 01-25, VTD 01-26, VTD 01-27, VTD 01-28, VTD 01-29, VTD 01-30, VTD 01-31, VTD 01-32, VTD 01-33, VTD 01-34, VTD 01-35, VTD 01-36, VTD 01-37, VTD 01-38, VTD 01-39, VTD 01-40, VTD 01-41, VTD 01-43, VTD 01-44, VTD 01-45, VTD 01-46, VTD 01-48, VTD 01-49, VTD 01-50, VTD 01-51, VTD 04-01, VTD 04-02, VTD 04-03, VTD 04-04, VTD 04-05, VTD 04-06, VTD 04-08, VTD 04-09, VTD 04-10, VTD 04-11, VTD 04-12, VTD 04-13, VTD 04-14, VTD 04-15, VTD 04-16, VTD 04-17, VTD 04-18, VTD 04-19, VTD 04-20, VTD 04-21, VTD 05-01, VTD 05-03, VTD 05-04, VTD 05-05, VTD 05-06, VTD 07-01, VTD 07-02, VTD 07-03, VTD 07-04, VTD 07-05, VTD 07-06, VTD 07-07, VTD 07-09, VTD 07-10, VTD 07-11, VTD 07-12, VTD 07-13, VTD 08-02, VTD 08-03, VTD 08-05, VTD 08-06, VTD 08-09, VTD 08-10, VTD 08-11, VTD 11-01, VTD 11-02, VTD 13-01, VTD 13-02, VTD 13-05, VTD 13-06, VTD 13-07, VTD 13-08, VTD 13-09, VTD 16-02, VTD 16-03, VTD 16-04, VTD 16-05: Block(s) 1830528021031, 1830528023013, 1830528023025, 1830528023026, 1830528024007, 1830528024009, 1830528024011, 1830528024013, 1830528024015, 1830528024016; VTD 16-06, VTD 16-07, VTD 16-08, VTD 17-01, VTD 17-02, VTD 17-03, VTD 17-04, VTD 17-05, VTD 17-07, VTD 17-08, VTD 17-09, VTD 17-10, VTD 17-11, VTD 18-01, VTD 18-06, VTD 18-08, VTD 19-16, VTD 19-17, VTD 20-01, VTD 20-02, VTD 20-03, VTD 20-04, VTD 20-09, VTD 20-10.

**District 05:** Alexander County, Alleghany County, Ashe County, Avery County, Catawba County: VTD 29: Block(s) 0350103011000, 0350103011003, 0350103011004, 0350103011005, 0350103011006, 0350103011007, 0350103011008, 0350103011009,

0350103011010, 0350103011011, 0350103011012, 0350103011013, 0350103011014,  
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0350103032006, 0350103032014; VTD 38, VTD 39; Forsyth County, Stokes County, Surry  
County, Watauga County, Wilkes County, Yadkin County.

**District 06:** Alamance County, Caswell County, Chatham County, Guilford County: VTD CG1,  
VTD CG2, VTD CG3A, VTD CG3B, VTD G02, VTD G03, VTD G04, VTD G05, VTD G06,  
VTD G07, VTD G08, VTD G09, VTD G10, VTD G24, VTD G25, VTD G26, VTD G27, VTD  
G28, VTD G29, VTD G40A2, VTD G68, VTD G71: Block(s) 0810110001038,  
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VTD JEF3, VTD JEF4, VTD MON1, VTD MON2, VTD MON3, VTD NCGR1, VTD NCGR2,  
VTD NCLAY2, VTD NMAD, VTD NWASH, VTD OR1, VTD OR2, VTD RC1, VTD RC2,  
VTD SCLAY, VTD SF1, VTD SF2, VTD SF3, VTD SF4, VTD SMAD, VTD STOK, VTD  
SWASH; Lee County, Person County, Randolph County, Rockingham County.

**District 07:** Bladen County: VTD P25: Block(s) 0179506004038, 0179506004039, 0179506005007, 0179506005008, 0179506005009, 0179506005010, 0179506005011, 0179506005012, 0179506005013, 0179506005014, 0179506005015, 0179506005016, 0179506005017, 0179506005018, 0179506005022, 0179506005038, 0179506005039, 0179506005040, 0179506005041, 0179506005043, 0179506005044, 0179506005045, 0179506005046, 0179506005048, 0179506005049, 0179506005050, 0179506005051, 0179506005052, 0179506005054, 0179506005055, 0179506005056, 0179506005057, 0179506005058, 0179506005059, 0179506005060, 0179506005061, 0179506005062, 0179506005063, 0179506006000, 0179506006001, 0179506006002, 0179506006003, 0179506006004, 0179506006005, 0179506006006, 0179506006007, 0179506006010, 0179506007012; VTD P30, VTD P502, VTD P55, VTD P65, VTD P75; Brunswick County, Columbus County, Duplin County, Johnston County: VTD PR01, VTD PR02, VTD PR03, VTD PR04, VTD PR06, VTD PR07, VTD PR08, VTD PR13, VTD PR14, VTD PR15, VTD PR16, VTD PR17, VTD PR18, VTD PR22, VTD PR23, VTD PR26: Block(s) 1010406001000, 1010406001001, 1010406001002, 1010406001003, 1010406001004, 1010406001005, 1010406001006, 1010406001007, 1010406001008, 1010406001009, 1010406001010, 1010406001011, 1010406001012, 1010406001013, 1010406001014, 1010406001015, 1010406001017, 1010406001018, 1010406001019, 1010406001020, 1010406001021, 1010406001022, 1010406001023, 1010406001024, 1010406001025, 1010406001026, 1010406001027, 1010406001028, 1010406001029, 1010406001030, 1010406001031, 1010406001032, 1010406001033, 1010406001034, 1010406002001, 1010406002002, 1010406002003, 1010406002004, 1010406002005, 1010406002006, 1010406002007, 1010406002008, 1010406002009, 1010406002010, 1010406002011, 1010406002012, 1010406002013, 1010406002014, 1010406002015, 1010406002016, 1010406002017, 1010406002018, 1010406002019, 1010406002020, 1010406002021, 1010406002022, 1010406002023, 1010406002025, 1010406002026, 1010406002027, 1010406002028, 1010406002029, 1010406002030, 1010406002031, 1010406002032, 1010406002037, 1010406002038, 1010406002039, 1010406003000, 1010406003001, 1010406003002, 1010406003003, 1010406003004, 1010406003005, 1010406003006, 1010406003007, 1010406003008, 1010406003009, 1010406003010, 1010406003011, 1010406003012, 1010406003013, 1010406003014, 1010406003015, 1010406003016, 1010406003017, 1010406003018, 1010406003019, 1010406003020, 1010406003021, 1010406003022, 1010406003032, 1010406003033, 1010406003034, 1010406003035, 1010407002018, 1010407002019, 1010407002020, 1010407002021, 1010407002022, 1010407002023, 1010407002024, 1010407002025, 1010407002026, 1010407002027, 1010407002028, 1010407002029, 1010407002030, 1010407002031, 1010407002035, 1010407002036, 1010407002037, 1010407002038, 1010407002039, 1010407002040, 1010407002041, 1010407002042, 1010407002043, 1010407002044, 1010407002045, 1010407002046, 1010407002047, 1010407002054, 1010407002055, 1010407003029, 1010407003030, 1010407003031, 1010407003032, 1010407003033, 1010407003034, 1010407003035, 1010407003036, 1010407003041, 1010407003042, 1010408001003, 1010408001004, 1010408001008, 1010408001009, 1010408001010, 1010408001011, 1010408001012, 1010408001013, 1010408001014, 1010408001015, 1010408001016, 1010408001019, 1010408001020, 1010408001021, 1010408001022, 1010408001023, 1010408001024, 1010408001025, 1010408001026, 1010408001027, 1010408001030, 1010408001031, 1010408001032, 1010408001033, 1010408001034, 1010408001035, 1010408001036,



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County, Sampson County, Wayne County.

**District 08:** Cabarrus County, Cumberland County: VTD AH49, VTD CC03, VTD CC04, VTD  
CC06, VTD CC07, VTD CC08: Block(s) 0510007021000, 0510007021001, 0510007021002,  
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VTD CC14, VTD CC15, VTD CC17, VTD CC18, VTD CC19, VTD CC21, VTD CC24, VTD  
CC25, VTD CC26, VTD CC27, VTD CC29, VTD CC31, VTD CC32, VTD CC33, VTD CC34,  
VTD CL57, VTD CU02, VTD G10, VTD G11, VTD G2, VTD G4, VTD G5, VTD G7, VTD  
G8, VTD LI65, VTD LR63, VTD MB62, VTD MR02; Hoke County, Montgomery County,  
Moore County, Rowan County: VTD 01, VTD 02, VTD 03, VTD 04, VTD 05, VTD 06, VTD  
08, VTD 09, VTD 10, VTD 13, VTD 14, VTD 15, VTD 16, VTD 17, VTD 18, VTD 19, VTD  
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**District 09:** Anson County, Bladen County: VTD P10, VTD P15, VTD P201, VTD P202, VTD P25: Block(s) 0179506005064, 0179506005065, 0179506006008, 0179506006009, 0179506006011, 0179506006012, 0179506006013, 0179506006014, 0179506006015, 0179506006016, 0179506006017, 0179506006018, 0179506006019, 0179506006020, 0179506006021, 0179506006022, 0179506006023, 0179506006024, 0179506006025, 0179506006026, 0179506006027, 0179506006028, 0179506006029, 0179506006030, 0179506006031, 0179506006032, 0179506006033, 0179506006034, 0179506006035, 0179506006036, 0179506006037, 0179506006038, 0179506006039, 0179506006040, 0179506006041, 0179506006042, 0179506006043, 0179506006044, 0179506006045, 0179506006046, 0179506006047, 0179506006048, 0179506006049, 0179506006050, 0179506006051, 0179506006052, 0179506006053, 0179506006054, 0179506006055, 0179506006056, 0179506006057, 0179506006058, 0179506006059, 0179506006060, 0179506006061, 0179506006062, 0179506006063, 0179506006064, 0179506006065, 0179506006066, 0179506006067, 0179506007000, 0179506007003, 0179506007004, 0179506007011, 0179506007029, 0179506007030, 0179506007060, 0179506007061, 0179506007062, 0179506007063, 0179506007064, 0179506007065, 0179506007066, 0179506007067, 0179506007068, 0179506007069, 0179506007070, 0179506007071, 0179506007072, 0179506007073, 0179506007074, 0179506007075, 0179506007076, 0179506007077, 0179506007078, 0179506007082, 0179506007083, 0179506007084, 0179506007085, 0179506007086, 0179506007087, 0179506007088, 0179506007089; VTD P35, VTD P40, VTD P45, VTD P501, VTD P60, VTD P70, VTD P80; Cumberland County: VTD AL51, VTD CC01, VTD CC05, VTD CC08: Block(s) 0510007021019, 0510007021022, 0510007021023, 0510007021024, 0510007021025, 0510007022000, 0510007022001, 0510007022009, 0510007022012, 0510008003029, 0510008003037; VTD CC16, VTD EO61-1, VTD EO61-2, VTD G1, VTD G3, VTD G6, VTD G9, VTD SH77; Mecklenburg County: VTD 001, VTD 002: Block(s) 1190026001002, 1190026001003, 1190026001004, 1190026001005, 1190026001011, 1190026001012, 1190026001013, 1190026001014, 1190026001015, 1190026001016, 1190026001017, 1190026001018, 1190026001019, 1190026001020; VTD 008, VTD 018, VTD 019, VTD 032, VTD 048, VTD 057, VTD 069, VTD 070, VTD 071, VTD 072, VTD 073, VTD 074, VTD 075, VTD 076, VTD 086, VTD 090, VTD 091, VTD 092, VTD 093, VTD 096, VTD 100, VTD 101, VTD 103, VTD 110, VTD 111, VTD 112, VTD 113, VTD 114, VTD 118, VTD 119, VTD 121, VTD 131, VTD 136, VTD 137, VTD 139.1, VTD 144, VTD 215, VTD 216, VTD 217, VTD 218, VTD 219, VTD 220, VTD 221, VTD 226, VTD 227, VTD 232, VTD 233, VTD 236; Richmond County, Robeson County, Scotland County, Union County.

**District 10:** Buncombe County: VTD 01.1, VTD 02.1, VTD 03.1, VTD 06.1, VTD 07.1, VTD 09.1, VTD 10.1, VTD 100.1, VTD 102.1, VTD 103.1, VTD 104.1, VTD 11.1, VTD 12.1, VTD 14.2: Block(s) 0210002001019, 0210002001020, 0210002001035, 0210003001031, 0210003001032, 0210009002023, 0210010001000, 0210010001001, 0210010001002, 0210010001003, 0210010001004, 0210010001005, 0210010001006, 0210010001008, 0210010001009, 0210010001042, 0210011001000, 0210011001001, 0210011001002, 0210011001003, 0210011001004, 0210011001005, 0210011001006, 0210011001007, 0210011001008, 0210011001009, 0210011001010, 0210011001011, 0210011001012, 0210011001013, 0210011001014, 0210011001015, 0210011001016, 0210011001017,

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 64.1, VTD 65.1, VTD 66.1; Catawba County: VTD 01, VTD 02, VTD 03, VTD 04, VTD 05,  
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 VTD 36, VTD 37, VTD 40, VTD 41; Cleveland County, Gaston County, Iredell County: VTD  
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0970612054070, 0970612054071, 0970612054072, 0970612054073, 0970612054074,  
0970612054075, 0970612054076, 0970612054077, 0970612054078, 0970612054079,  
0970612054080, 0970612054081, 0970612054082, 0970612054083, 0970612054084,  
0970612054085, 0970612054086, 0970612054087, 0970612054088, 0970612054089,  
0970612054090, 0970612054091; Lincoln County, Polk County, Rutherford County.

**District 11:** Buncombe County: VTD 04.1, VTD 05.1, VTD 101.1, VTD 105.1, VTD 106.1, VTD 107.1, VTD 13.1, VTD 14.2; Block(s) 0210011001023, 0210011001030, 0210011001036; VTD 15.1, VTD 24.1, VTD 26.1, VTD 30.1, VTD 31.1, VTD 41.1, VTD 44.1, VTD 45.1, VTD 46.1, VTD 47.1, VTD 48.1, VTD 49.1, VTD 50.1, VTD 52.1, VTD 53.1, VTD 58.1, VTD 59.1, VTD 63.1, VTD 67.1, VTD 68.1, VTD 69.1, VTD 70.1, VTD 71.1; Burke County, Caldwell County, Cherokee County, Clay County, Graham County, Haywood County, Henderson County, Jackson County, Macon County, Madison County, McDowell County, Mitchell County, Swain County, Transylvania County, Yancey County.

**District 12:** Mecklenburg County: VTD 002: Block(s) 1190024001000, 1190024001001, 1190024001002, 1190024001003, 1190024001004, 1190024001005, 1190024001006, 1190024001007, 1190024001009, 1190024001010, 1190024001011, 1190024001012, 1190024001013, 1190024001014, 1190024001015, 1190024001016, 1190024001017, 1190024001018, 1190024001019, 1190024002000, 1190024002001, 1190024002002, 1190024002003, 1190024002004, 1190024002005, 1190024002006, 1190024002007, 1190024002008, 1190024002009, 1190024002010, 1190024002011, 1190024002012, 1190024003000, 1190024003001, 1190024003002, 1190024003003, 1190024003004, 1190024003007, 1190024003008, 1190024003018, 1190025001013, 1190025001014, 1190025001015, 1190025001016, 1190025001017, 1190025001018, 1190025001019, 1190025001020, 1190025002027, 1190025002029, 1190025002030, 1190025002031, 1190025002032, 1190025002041, 1190025002042, 1190025002043, 1190026001000, 1190026001001, 1190026001006, 1190026001007, 1190026001008, 1190026001009, 1190026001010, 1190026001021, 1190026001022, 1190026001023, 1190026001024, 1190026001025, 1190026001026, 1190026001027, 1190026001028, 1190026001029, 1190026001030, 1190026001032; VTD 003, VTD 004, VTD 005, VTD 006, VTD 007, VTD 009, VTD 010, VTD 011, VTD 012, VTD 013, VTD 014, VTD 015, VTD 016, VTD 017, VTD

020, VTD 021, VTD 022, VTD 023, VTD 024, VTD 025, VTD 026, VTD 027, VTD 028, VTD 029, VTD 030, VTD 031, VTD 033, VTD 034, VTD 035, VTD 036, VTD 037, VTD 038, VTD 039, VTD 040, VTD 041, VTD 042, VTD 043, VTD 044, VTD 045, VTD 046, VTD 047, VTD 049, VTD 050, VTD 051, VTD 052, VTD 053, VTD 054, VTD 055, VTD 056, VTD 058, VTD 059, VTD 060, VTD 061, VTD 062, VTD 063, VTD 064, VTD 065, VTD 066, VTD 067, VTD 068, VTD 077, VTD 078.1, VTD 079, VTD 080, VTD 081, VTD 082, VTD 083, VTD 084, VTD 085, VTD 087, VTD 088, VTD 089, VTD 094, VTD 095, VTD 097, VTD 098, VTD 099, VTD 102, VTD 104, VTD 105, VTD 106, VTD 107.1, VTD 108, VTD 109, VTD 115, VTD 116, VTD 117, VTD 120, VTD 122, VTD 123, VTD 124, VTD 125, VTD 126, VTD 127, VTD 128, VTD 129, VTD 130, VTD 132, VTD 133, VTD 134, VTD 135, VTD 138, VTD 140, VTD 141, VTD 142, VTD 143, VTD 145, VTD 146, VTD 147, VTD 148, VTD 149, VTD 150, VTD 151, VTD 200, VTD 201, VTD 202, VTD 203, VTD 204.1, VTD 205, VTD 206, VTD 207, VTD 208, VTD 209, VTD 210, VTD 211, VTD 212, VTD 213, VTD 214, VTD 222, VTD 223.1, VTD 224, VTD 225, VTD 228, VTD 229, VTD 230, VTD 231, VTD 234, VTD 235, VTD 237, VTD 238.1, VTD 239, VTD 240, VTD 241, VTD 242, VTD 243.

**District 13:** Davidson County, Davie County, Guilford County: VTD FEN1, VTD FEN2, VTD FR1, VTD FR2, VTD FR3, VTD FR4, VTD FR5, VTD G01, VTD G11, VTD G12, VTD G13, VTD G14, VTD G15, VTD G16, VTD G17, VTD G18, VTD G19, VTD G20, VTD G21, VTD G22, VTD G23, VTD G30, VTD G31, VTD G32, VTD G33, VTD G34, VTD G35, VTD G36, VTD G37, VTD G38, VTD G39, VTD G40A1, VTD G40B, VTD G41, VTD G42, VTD G43, VTD G44, VTD G45, VTD G46, VTD G47, VTD G48, VTD G49, VTD G50, VTD G51, VTD G52, VTD G53, VTD G54, VTD G55, VTD G56, VTD G57, VTD G58, VTD G59, VTD G60, VTD G61, VTD G62, VTD G63, VTD G64, VTD G65, VTD G66, VTD G67, VTD G69, VTD G70, VTD G71: Block(s) 0810111012038; VTD G73, VTD G74, VTD G75, VTD H01, VTD H02, VTD H03, VTD H04, VTD H05, VTD H06, VTD H07, VTD H08, VTD H09, VTD H10, VTD H11, VTD H12, VTD H13, VTD H14, VTD H15, VTD H16, VTD H17, VTD H18, VTD H19A, VTD H19B, VTD H20A, VTD H20B, VTD H21, VTD H22, VTD H23, VTD H24, VTD H25, VTD H26, VTD H27, VTD HP, VTD JAM1, VTD JAM2, VTD JAM3, VTD JAM4, VTD JAM5, VTD NCLAY1, VTD NDRI, VTD PG1, VTD PG2, VTD SDRI, VTD SUM1, VTD SUM2, VTD SUM3, VTD SUM4; Iredell County: VTD BA, VTD BE, VTD CC1, VTD CC2, VTD CC3, VTD CC4, VTD CD, VTD CH-A, VTD CH-B, VTD CS, VTD DV1-A, VTD DV1-B, VTD DV2-A, VTD DV2-B, VTD EM, VTD FT: Block(s) 0970612012021, 0970612012022, 0970612012023, 0970612012024, 0970612012025, 0970612012026, 0970612012027, 0970612012028, 0970612012029, 0970612012030, 0970612012031, 0970612013029, 0970612013030, 0970612013031, 0970612013032, 0970612013033, 0970612013034, 0970612013039, 0970612013040, 0970612013041, 0970612013042, 0970612021000, 0970612021001, 0970612021002, 0970612021003, 0970612021004, 0970612021005, 0970612021006, 0970612021007, 0970612021008, 0970612021009, 0970612021010, 0970612021011, 0970612021012, 0970612021013, 0970612021014, 0970612021017, 0970612021020, 0970612021021, 0970612021022, 0970612021023, 0970612021024, 0970612021025, 0970612021026, 0970612021027, 0970612021028, 0970612021029, 0970612021030, 0970612021031, 0970612021032, 0970612021033, 0970612021034, 0970612021035, 0970612021037, 0970612021038, 0970612021039, 0970612021040, 0970612021048, 0970612021049, 0970612022009, 0970612022010, 0970612022011, 0970612022012, 0970612022014, 0970612022015, 0970612022016, 0970612022017, 0970612022018, 0970612022019, 0970612022020, 0970612022021,

0970612022022, 0970612022023, 0970612022024, 0970612022025, 0970612022026, 0970612022027, 0970612022028, 0970612022029, 0970612022033, 0970612022036, 0970612022037, 0970612022038, 0970612022052, 0970612023000, 0970612023001, 0970612023002, 0970612023003, 0970612023004, 0970612023005, 0970612023006, 0970612023007, 0970612023008, 0970612023009, 0970612023010, 0970612023011, 0970612023016, 0970612023022, 0970612023023, 0970612023024, 0970612023025, 0970612023030, 0970612023031, 0970612023032, 0970612023033, 0970612023034, 0970612023035, 0970612023036, 0970612023037, 0970612023047, 0970612023048, 0970612023049, 0970612023053, 0970612031004, 0970612031005, 0970612031006, 0970612031013, 0970612031014, 0970612031015, 0970612052001, 0970612052015; VTD NH, VTD OL, VTD SB, VTD SH-A, VTD SH-B, VTD ST1, VTD ST2, VTD ST3, VTD ST4, VTD ST5, VTD ST6, VTD TB, VTD UG; Rowan County: VTD 07, VTD 11, VTD 12, VTD 21, VTD 24, VTD 27, VTD 28: Block(s) 1590505001000, 1590505001001, 1590505001004, 1590505001005, 1590505001007, 1590505001008, 1590505001037, 1590507003000, 1590507003009, 1590507003011, 1590507003023, 1590507003027, 1590507003028, 1590507003029, 1590507003031, 1590507003032, 1590507004000, 1590507004001, 1590507004002, 1590507004003, 1590507004004, 1590507004005, 1590507004007, 1590507004008, 1590507004009, 1590507004010, 1590507004011, 1590507004012, 1590507004013, 1590507004014, 1590507004015, 1590507004016, 1590507004017, 1590507004018, 1590507004024, 1590507004025, 1590507004026, 1590507004027, 1590507004028, 1590507004029, 1590507004030, 1590507004033, 1590507004034, 1590507004035, 1590507004036, 1590507004037, 1590507004038, 1590507004039, 1590507004040, 1590507004041, 1590507004042, 1590520002000; VTD 29, VTD 32, VTD 34, VTD 35, VTD 36, VTD 38, VTD 39, VTD 40, VTD 41, VTD 42, VTD 45.

(b) The names and boundaries of voting tabulation districts, tracts, block groups, and blocks specified in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles.

(c) If any voting tabulation district boundary is changed, that change shall not change the boundary of a congressional district, which shall remain the same as it is depicted by the 2010 Census Redistricting TIGER/Line Shapefiles.

(d) The Legislative Services Officer shall certify a true copy of the block assignment file associated with any mapping software used to generate the language in subsection (a) of this section. The certified true copy of the block assignment file shall be delivered by the Legislative Services Officer to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives. If any area within North Carolina is not assigned to a specific district by subsection (a) of this section, the certified true copy of the block assignment file delivered to the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives shall control. (Rev., s. 4366; 1911, c. 97; C.S., s. 6004; 1931, c. 216; 1941, c. 3; 1961, c. 864; 1966, Ex. Sess., c. 7, s. 1; 1967, c. 775, s. 1; c. 1109; 1971, c. 257; 1981, c. 894; 1982, Ex. Sess., c. 7; 1991, c. 601, s. 1; c. 761, s. 33(a), (b); 1991, Ex. Sess., c. 7, s. 1; 1993, c. 553, s. 66; 1997-11, ss. 1, 2; 1997-456, ss. 27, 52; 1998-2, ss. 1, 1.1; 2001-471, s. 1; 2001-479, ss. 1, 2; 2011-403, s. 1; 2011-414, s. 2; 2016-1, Ex. Sess., s. 1; 2017-6, s. 3.)

### **§ 163A-1206. Severability of congressional apportionment acts.**

If any provision of any act of the General Assembly that apportions congressional districts is held invalid by any court of competent jurisdiction, the invalidity shall not affect other provisions

that can be given effect without the invalid provision; and to this end the provisions of any said act are severable. (1981, c. 771, s. 2; 2017-6, s. 3.)

**§ 163A-1207. Election after reapportionment of members of House of Representatives.**

Whenever, by a new apportionment of members of the United States House of Representatives, the number of Representatives from North Carolina shall be changed, and neither the Congress nor the General Assembly shall provide for electing them, the following procedures shall apply:

- (1) If the number of Representatives is increased, the Representative from each of the existing congressional districts shall be elected by the qualified voters of his district, and the additional Representatives apportioned to North Carolina shall be elected on a single ballot by the qualified voters of the whole State.
- (2) If the number of Representatives is decreased, existing congressional district lines shall be ignored, and all Representatives apportioned to North Carolina shall be elected on a single ballot by the qualified voters of the whole State. (1901, c. 89, s. 58; Rev., s. 4368; C.S., s. 6006; 1967, c. 775, s. 1; 2017-6, s. 3.)

**§ 163A-1208:** Reserved for future codification purposes.

**§ 163A-1209:** Reserved for future codification purposes.

**§ 163A-1210:** Reserved for future codification purposes.

**§ 163A-1211:** Reserved for future codification purposes.

**§ 163A-1212:** Reserved for future codification purposes.

**§ 163A-1213:** Reserved for future codification purposes.

**§ 163A-1214:** Reserved for future codification purposes.

**§ 163A-1215:** Reserved for future codification purposes.

**§ 163A-1216:** Reserved for future codification purposes.

**§ 163A-1217:** Reserved for future codification purposes.

**§ 163A-1218:** Reserved for future codification purposes.

**§ 163A-1219:** Reserved for future codification purposes.

**§ 163A-1220:** Reserved for future codification purposes.

**§ 163A-1221:** Reserved for future codification purposes.

**§ 163A-1222:** Reserved for future codification purposes.

§ 163A-1223: Reserved for future codification purposes.

§ 163A-1224: Reserved for future codification purposes.

#### Part 6. Presidential Electors.

##### **§ 163A-1225. Conduct of presidential election.**

Unless otherwise provided, the election of presidential electors shall be conducted and the returns made in the manner prescribed by this Subchapter for the election of State officers. (1901, c. 89, s. 79; Rev., s. 4371; C.S., s. 6009; 1933, c. 165, s. 11; 1967, c. 775, s. 1; 2017-6, s. 3.)

##### **§ 163A-1226. Names of presidential electors not printed on ballots; notification.**

(a) The names of candidates for electors of President and Vice-President nominated by any political party recognized in this State under G.S. 163A-950, or nominated under G.S. 163A-700(c) by a candidate for President of the United States who has qualified to have his or her name printed on the general election ballot as an unaffiliated candidate under G.S. 163A-1005, shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of State no later than 12:00 noon on the first Friday in August. In place of their names, there shall be printed on the ballot the names of the candidates for President and Vice-President of each political party recognized in this State, and the name of any candidate for President who has qualified to have his or her name printed on the general election ballot under G.S. 163A-1005. A candidate for President who has qualified for the general election ballot as an unaffiliated candidate under G.S. 163A-1005 shall, no later than 12:00 noon on the first Friday in August, file with the State Board the name of a candidate for Vice-President, whose name shall also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for the electors of the party or unaffiliated candidate by which those candidates were nominated and whose names have been filed with the Secretary of State.

(b) Upon receiving the filing of a name as a candidate for elector under this section, the Secretary of State shall notify that candidate of the dual-office holding requirements of the North Carolina Constitution and the General Statutes, including specifically that if a person elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office. (1901, c. 89, s. 78; Rev., s. 4372; C.S., s. 6010; 1933, c. 165, s. 11; 1949, c. 672, s. 2; 1967, c. 775, s. 1; 1991 (Reg. Sess., 1992), c. 782, s. 2; 2001-460, s. 5; 2009-96, s. 2; 2017-6, s. 3.)

##### **§ 163A-1227. Notification of political parties of dual-office holding rules.**

During January of each year in which electors are elected, the Secretary of State shall notify each political party authorized to nominate electors of (i) the requirement under G.S. 163A-700(c) to nominate first and second alternate electors, and (ii) the dual-office holding requirements of the North Carolina Constitution and the General Statutes, including specifically that if a person elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office. (2009-96, s. 3; 2017-6, s. 3.)

##### **§ 163A-1228. Elector may be held in addition to other appointive offices.**

The office of elector may be held in addition to the maximum number of appointive offices allowed by G.S. 128-1.1. (2009-96, s. 1; 2017-6, s. 3.)



**§ 163A-1229. Governor to proclaim results; casting State's vote for President and Vice-President.**

Upon receipt of the certifications prepared by the State Board and delivered in accordance with G.S. 163A-1184, the Secretary of State, under seal of the office, shall notify the Governor of the names of the persons elected to the office of elector for President and Vice-President of the United States as stated in the abstracts of the State Board. Thereupon, the Governor shall immediately issue a proclamation setting forth the names of the electors and instructing them to be present in the old Hall of the House of Representatives in the State Capitol in the City of Raleigh at noon on the first Monday after the second Wednesday in December next after their election, at which time the electors shall meet and vote on behalf of the State for President and Vice-President of the United States. The Governor shall cause this proclamation to be published in the daily newspapers published in the City of Raleigh. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. The Secretary of State is responsible for making the actual arrangements for the meeting, preparing the agenda, and inviting guests.

Before the date fixed for the meeting of the electors, the Governor shall send by registered mail to the Archivist of the United States, either three duplicate original certificates, or one original certificate and two authenticated copies of the Certificates of Ascertainment, under the great seal of the State setting forth the names of the persons chosen as presidential electors for this State and the number of votes cast for each. These Certificates of Ascertainment should be sent as soon as possible after the election, but must be received before the Electoral College meeting. At the same time the Governor shall deliver to the electors six duplicate originals of the same certificate, each bearing the great seal of the State. At any time prior to receipt of the certificate of the Governor or within 48 hours thereafter, any person elected to the office of elector may resign by submitting his resignation, written and duly verified, to the Governor. Failure to so resign shall signify consent to serve and to cast his vote for the candidate of the political party which nominated such elector.

In case of the absence, ineligibility or resignation of any elector chosen, or if the proper number of electors shall for any cause be deficient, the first and second alternates, respectively, who were nominated under G.S. 163A-700(c), shall fill the first two vacancies. If the alternates are absent, ineligible, resign, or were not chosen, or if there are more than two vacancies, then the electors present at the required meeting shall forthwith elect from the citizens of the State a sufficient number of persons to fill the deficiency, and the persons chosen shall be deemed qualified electors to vote for President and Vice-President of the United States. (1901, c. 89, s. 81; Rev., s. 4374; 1917, c. 176, s. 2; C.S., ss. 5916, 6012; 1923, c. 111, s. 12; 1927, c. 260, s. 17; 1933, c. 165, s. 11; 1935, c. 143, s. 2; 1967, c. 775, s. 1; 1969, c. 949, ss. 1, 2; 1981, c. 35, s. 1; 1989, c. 93, s. 5; 1993 (Reg. Sess., 1994), c. 738, s. 1; 2001-398, s. 8; 2017-6, s. 3.)

**§ 163A-1230. Compensation of presidential electors.**

Presidential electors shall be paid, for attending the meeting held in the City of Raleigh on the first Monday after the second Wednesday in December next after their election, the sum of forty-four dollars (\$44.00) per day and traveling expenses at the rate of seventeen cents (17¢) per mile in going to and returning home from the required meeting. (1901, c. 89, s. 84; Rev., s. 2761; C.S., s. 3878; 1933, c. 5; 1967, c. 775, s. 1; 1979, c. 1008; 2017-6, s. 3.)

**§ 163A-1231. Penalty for failure of presidential elector to attend and vote.**

Any presidential elector having previously signified his consent to serve as such, who fails to attend and vote for the candidate of the political party which nominated such elector, for President and Vice-President of the United States at the time and place directed in G.S. 163A-1229 (except in case of sickness or other unavoidable accident) shall forfeit and pay to the State five hundred dollars (\$500.00), to be recovered by the Attorney General in the Superior Court of Wake County. In addition to such forfeiture, refusal or failure to vote for the candidates of the political party which nominated such elector shall constitute a resignation from the office of elector, his vote shall not be recorded, and the remaining electors shall forthwith fill such vacancy as hereinbefore provided.

The clear proceeds of forfeitures provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. (1901, c. 89, s. 83; Rev., s. 4375; C.S., s. 6013; 1933, c. 165, s. 11; 1967, c. 775, s. 1; 1969, c. 949, s. 3; 1998-215, s. 131; 2017-6, s. 3.)

**§ 163A-1232. Appointment of Presidential Electors by General Assembly in certain circumstances, by the Governor in certain other circumstances.**

(a) Appointment by General Assembly if No Proclamation by Six Days Before Electors' Meeting Day. – As permitted by 3 U.S.C. § 2, whenever the appointment of any Presidential Elector has not been proclaimed under G.S. 163A-1229 before noon on the date for settling controversies specified by 3 U.S.C. § 5, and upon the call of an extra session pursuant to the North Carolina Constitution for the purposes of this section, the General Assembly may fill the position of any Presidential Electors whose election is not yet proclaimed.

(b) Appointment by Governor if No Appointment by the Day Before Electors' Meeting Day. – If the appointment of any Presidential Elector has not been proclaimed under G.S. 163A-1229 before noon on the date for settling controversies specified by 3 U.S.C. § 5, nor appointed by the General Assembly by noon on the day before the day set for the meeting of Presidential Electors by 3 U.S.C. § 7, then the Governor shall appoint that Elector.

(c) Standard for Decision by General Assembly and Governor. – In exercising their authority under subsections (a) and (b) of this section, the General Assembly and the Governor shall designate Electors in accord with their best judgment of the will of the electorate. The decisions of the General Assembly or Governor under subsections (a) and (b) of this section are not subject to judicial review, except to ensure that applicable statutory and constitutional procedures were followed. The judgment itself of what was the will of the electorate is not subject to judicial review.

(d) Proclamation Before Electors' Meeting Day Controls. – If the proclamation of any Presidential Elector under G.S. 163A-1229 is made any time before noon on the day set for the meeting of Presidential Electors by 3 U.S.C. § 7, then that proclamation shall control over an appointment made by the General Assembly or the Governor. This section does not preclude litigation otherwise provided by law to challenge the validity of the proclamation or the procedures that resulted in that proclamation. (2001-289, s. 2; 2017-6, s. 3.)

**§ 163A-1233:** Reserved for future codification purposes.

**§ 163A-1234:** Reserved for future codification purposes.

**§ 163A-1235:** Reserved for future codification purposes.

§ 163A-1236: Reserved for future codification purposes.

§ 163A-1237: Reserved for future codification purposes.

§ 163A-1238: Reserved for future codification purposes.

§ 163A-1239: Reserved for future codification purposes.

§ 163A-1240: Reserved for future codification purposes.

§ 163A-1241: Reserved for future codification purposes.

§ 163A-1242: Reserved for future codification purposes.

§ 163A-1243: Reserved for future codification purposes.

§ 163A-1244: Reserved for future codification purposes.

§ 163A-1245: Reserved for future codification purposes.

§ 163A-1246: Reserved for future codification purposes.

§ 163A-1247: Reserved for future codification purposes.

§ 163A-1248: Reserved for future codification purposes.

§ 163A-1249: Reserved for future codification purposes.

#### Part 7. Presidential Preference Primary Act.

§ 163A-1250. **(See editor's note for 2016 primary) Short title.**

This Part may be cited as the "Presidential Preference Primary Act." (1971, c. 225; 1975, c. 744; 2017-6, s. 3.)

§ 163A-1251. **Primary to be held; date; qualifications and registration of voters.**

On the Tuesday after the first Monday in March, 2020, and every four years thereafter, the voters of this State shall be given an opportunity to express their preference for the person to be the presidential candidate of their political party.

Any person otherwise qualified who will become qualified by age to vote in the general election held in the same year of the presidential preference primary shall be entitled to register and vote in the presidential preference primary. Such persons may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163A-865 prior to the said primary. In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections. (1971, c. 225; 1975, c. 744; c. 844, s. 18;

1977, c. 19; c. 661, s. 7; 1983, c. 331, s. 5; 1985 (Reg. Sess., 1986), c. 927, s. 1; 1987, c. 457, s. 3; 1991, c. 689, s. 15(a); 1991 (Reg. Sess., 1992), c. 1032, s. 6; 1999-424, s. 7(j); 2013-381, s. 35.1; 2017-6, s. 3; 2018-21, s. 3.)

**§ 163A-1252. Conduct of election.**

The presidential preference primary election shall be conducted and canvassed by the same authority and in the manner provided by law for the conduct and canvassing of the primary election for the office of Governor and all other offices enumerated in G.S. 163A-1171(b) and under the same provisions stipulated in G.S. 163A-1172(c). The State Board shall have authority to promulgate reasonable rules and regulations, not inconsistent with provisions contained herein, pursuant to the administration of this Part. (1971, c. 225; 1975, c. 744; 1987, c. 81, s. 2; 1991, c. 689, s. 15(b); 2001-398, s. 9; 2017-6, s. 3.)

**§ 163A-1253. Nomination by State Board.**

No later than 90 days preceding the North Carolina presidential preference primary, the chair of each political party shall submit to the State Board a list of its presidential candidates to be placed on the presidential preference primary ballot. The list must be comprised of candidates whose candidacy is generally advocated and recognized in the news media throughout the United States or in North Carolina, unless any such candidate executes and files with the chair of the political party an affidavit stating without qualification that the candidate is not and does not intend to become a candidate for nomination in the North Carolina Presidential Preference Primary Election. The State Board shall prepare and publish a list of the names of the presidential candidates submitted. The State Board shall convene in Raleigh on the first Tuesday in March preceding the presidential preference primary election. At the meeting required by this section, the State Board shall nominate as presidential primary candidates all candidates affiliated with a political party, recognized pursuant to the provisions of Article 18 of this Chapter, who have been submitted to the State Board. Additionally, the State Board, by vote of at least three of its members in the affirmative, may nominate as a presidential primary candidate any other person affiliated with a political party that it finds is generally advocated and recognized in the news media throughout the United States or in North Carolina as candidates for the nomination by that party. Immediately upon completion of these requirements, the State Board shall release to the news media all such nominees selected. Provided, however, nothing shall prohibit the partial selection of nominees prior to the meeting required by this section, if all provisions herein have been complied with. (1971, c. 225; 1975, c. 744; 1983, c. 729; 1987, c. 81, s. 1; c. 549, s. 6.1; 1991, c. 689, s. 15(c); 2003-278, s. 9(a); 2007-391, s. 33; 2008-187, s. 33(a); 2013-381, ss. 35.2, 36.1; 2017-6, s. 3.)

**§ 163A-1254. Nomination by petition.**

Any person seeking the endorsement by the national political party for the office of President of the United States, or any group organized in this State on behalf of, and with the consent of, such person, may file with the State Board petitions signed by 10,000 persons who, at the time they signed are registered and qualified voters in this State and are affiliated, by such registration, with the same political party as the candidate for whom the petitions are filed. Such petitions shall be presented to the county board of elections 10 days before the filing deadline and shall be certified promptly by the chairman of the board of elections of the county in which the signatures

were obtained and shall be filed by the petitioners with the State Board no later than 5:00 P.M. on the Monday prior to the date the State Board is required to meet as directed by G.S. 163A-1253.

The petitions must state the name of the candidate for nomination, along with a letter of approval signed by such candidate. Said petitions must also state the name and address of the chairman of any such group organized to circulate petitions authorized under this section. The requirement for signers of such petitions shall be the same as now required under provisions of G.S. 163A-950(b)(1) and (2). The requirement of the respective chairmen of county boards of elections shall be the same as now required under the provisions of G.S. 163A-950 as they relate to the chairman of the county board of elections.

The State Board shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the chairman of such group organized to circulate petitions. The form and style of petition shall be as prescribed by the State Board. (1971, c. 225; 1975, c. 744; 2002-159, s. 55(e); 2003-278, s. 9(b); 2004-127, s. 6; 2017-6, s. 3.)

#### **§ 163A-1255. Notification to candidates.**

The State Board shall forthwith contact each person who has been nominated by the State Board or by petition and notify him in writing that his name will be printed as a candidate of a specified political party on the North Carolina presidential preference primary ballot. A candidate who participates in the North Carolina presidential preference primary of a particular party shall have his name placed on the general election ballot only as a nominee of that political party. The State Board shall send a copy of the "Presidential Preference Primary Act" to each candidate with the notice specified above. (1971, c. 225; 1975, c. 744; 1987, c. 549, s. 6.2; 2017-6, s. 3.)

#### **§ 163A-1256. Voting in presidential preference primary; ballots.**

The names of all candidates in the presidential preference primary shall appear at an appropriate place on the ballot or voting machine. In addition the State Board shall provide a category on the ballot or voting machine allowing voters in each political party to vote an "uncommitted" or "no preference" status. The voter shall be able to cast his ballot for one of the presidential candidates of a political party or for an "uncommitted" or "no preference" status, but shall not be permitted to vote for candidates or "uncommitted" status of a political party different from his registration. Persons registered as "Unaffiliated" shall not participate in the presidential primary except as provided in G.S. 163A-989. (1971, c. 225; 1975, c. 744; 1993 (Reg. Sess., 1994), c. 762, s. 52; 2004-127, s. 11; 2017-6, s. 3.)

#### **§ 163A-1257. Allocation of delegate positions to reflect division of votes in the primary.**

(a) Upon completion and certification of the primary results by the State Board, the Secretary of State shall certify the results to the State chairman of each political party.

Each political party shall allocate delegate positions in a manner which reflects the division of votes of the party primary consistent with the national party rules of that political party.

(b) In case of conflict between subsection (a) of this section and the national rules of a political party, the State executive committee of that party has the authority to resolve the conflict by adopting for that party the national rules, which shall then supercede any provision in subsection (a) of this section with which it conflicts, provided that the executive committee shall take only such action under this subsection necessary to resolve the conflict. (1971, c. 225; 1975, c. 744; 1979, c. 800; 1983, c. 216, ss. 1, 2; 2017-6, s. 3.)

**§ 163A-1258. National committee to be notified of provisions under this Part.**

It shall be the responsibility of the State chairman of each political party, qualified under the laws of this State, to notify his party's national committee no later than January 30 of each year in which such presidential preference primary shall be conducted of the provisions contained under this Part. (1971, c. 225; 1975, c. 744; 2017-6, s. 3.)

**§ 163A-1259:** Reserved for future codification purposes.

**§ 163A-1260:** Reserved for future codification purposes.

**§ 163A-1261:** Reserved for future codification purposes.

**§ 163A-1262:** Reserved for future codification purposes.

**§ 163A-1263:** Reserved for future codification purposes.

**§ 163A-1264:** Reserved for future codification purposes.

**§ 163A-1265:** Reserved for future codification purposes.

**§ 163A-1266:** Reserved for future codification purposes.

**§ 163A-1267:** Reserved for future codification purposes.

**§ 163A-1268:** Reserved for future codification purposes.

**§ 163A-1269:** Reserved for future codification purposes.

**§ 163A-1270:** Reserved for future codification purposes.

**§ 163A-1271:** Reserved for future codification purposes.

**§ 163A-1272:** Reserved for future codification purposes.

**§ 163A-1273:** Reserved for future codification purposes.

**§ 163A-1274:** Reserved for future codification purposes.

Part 8. Petitions for Elections and Referenda.

**§ 163A-1275. Registration of notice of circulation of petition.**

From and after July 1, 1957, notice of circulation of a petition calling for any election or referendum shall be registered with the county board of elections with which the petition is to be filed, and the date of registration of the notice shall be the date of issuance and commencement of circulation of the petition. (1957, c. 1239, s. 1; 1967, c. 775, s. 1; 2017-6, s. 3.)

**§ 163A-1276. Petition void after one year from registration.**

Petitions calling for elections and referenda shall be and become void and of no further effect one year after the date the notice of circulation is registered with the county board of elections with which it is required to be filed; and notwithstanding any public, special, local, or private act to the contrary, no election or referendum shall thereafter be called or held pursuant to or based upon any such void petition. (1957, c. 1239, s. 2; 1967, c. 775, s. 1; 2017-6, s. 3.)

**§ 163A-1277. Limitation on petitions circulated prior to July 1, 1957.**

Petitions calling for elections or referenda which were circulated prior to July 1, 1957, shall be and become void and of no further force and effect one year after the date of issuance of such petitions for circulation; and notwithstanding any public, special, local, or private act to the contrary, no election or referendum shall be called or held pursuant to or based upon any such void petition from and after July 1, 1957. (1957, c. 1239, s. 3; 1967, c. 775, s. 1; 2017-6, s. 3.)

**§ 163A-1278. Persons may not sign name of another to petition.**

- (a) No person may sign the name of another person to any of the following:
- (1) Any petition calling for an election or referendum.
  - (2) Any petition under G.S. 163A-950 for the formulation of a new political party.
  - (3) Any petition under G.S. 163A-980 requesting a person to be a candidate.
  - (4) Any petition under G.S. 163A-1005 to have the name of an unaffiliated candidate placed on the general election ballot, or under G.S. 163A-1624 to have the name of an unaffiliated or nonpartisan candidate placed on the regular municipal election ballot.
  - (5) Any petition under G.S. 163A-1254 to place a name on the ballot under the Presidential Preference Primary Act.
  - (6) Any petition under G.S. 163A-1006 to qualify as a write-in candidate.
- (b) Any name signed on a petition, in violation of this section, shall be void.
- (c) Any person who willfully violates this section is guilty of a Class 2 misdemeanor. (1977, c. 218, s. 1; 1979, c. 534, s. 1; 1987, c. 565, s. 6; 1993, c. 539, s. 1104; 1994, Ex. Sess., c. 24, s. 14(c); 2003-278, s. 7; 2017-6, s. 3.)

**§ 163A-1279:** Reserved for future codification purposes.

**§ 163A-1280:** Reserved for future codification purposes.

**§ 163A-1281:** Reserved for future codification purposes.

**§ 163A-1282:** Reserved for future codification purposes.

**§ 163A-1283:** Reserved for future codification purposes.

**§ 163A-1284:** Reserved for future codification purposes.

**§ 163A-1285:** Reserved for future codification purposes.

**§ 163A-1286:** Reserved for future codification purposes.

§ **163A-1287**: Reserved for future codification purposes.

§ **163A-1288**: Reserved for future codification purposes.

§ **163A-1289**: Reserved for future codification purposes.

§ **163A-1290**: Reserved for future codification purposes.

§ **163A-1291**: Reserved for future codification purposes.

§ **163A-1292**: Reserved for future codification purposes.

§ **163A-1293**: Reserved for future codification purposes.

§ **163A-1294**: Reserved for future codification purposes.