

# Election Statute Navigator: North Carolina

The Election Law Program prepared this Election Law Navigator to highlight state election statutes particularly relevant to the 2020 cycle. The Election Law Navigator is updated as of March 1, 2021. Please contact [elect@wm.edu](mailto:elect@wm.edu) with questions or suggestions. To access COVID-specific legal information impacting this state's election process, please use this link: <https://ebenchbook.org/north-carolina/covid/#tracker>.

## Voter Registration

- Voter permitted to register up to and including Election Day (aka Same Day Registration ) – [§ 163-82-6\(f\)](#)
  - only if person becomes qualified to register and vote between 25<sup>th</sup> day before a primary or election day (see [§ 163.82.6\(g\)](#)) AND applies by submitting an application to a member of the county board of elections, county director of elections, or chief judge or a judge of the precinct in which the person is eligible to vote
- Voters (other than above) register prior to Election Day
  - [§ 163-82-6\(d\)](#) – Deadlines:
    - If by mail: 25 days before primary or election.
    - If In person, facsimile transmission, or scanned doc: By the county board established time, but no earlier than 5 p.m. on the 25<sup>th</sup> day before primary or election.
    - If through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the primary or election
- Registration via mail available – [§ 163-82.6\(a\)](#)
- In-Person registration available – [§ 163-82.6\(a\)](#)
- Residency requirements
  - See [§ 163-57](#) for all rules
- Voter list maintenance guidelines
  - See [§ 163-82.14](#) for all rules
- Other:
  - Every person registered to vote by a county board of elections shall remain permanently registered – [§ 163-82.1\(c\)](#)
  - Every public high school shall make available to its students and others who are eligible to register to vote the application forms (see [§ 163-82.1](#)), and shall keep a sufficient supply of the forms so that they are always available – [§ 163-82.23](#)

## State Absentee, Early, and Mail Voting

- Early voting allowed – [§ 163-227.2\(b\)](#) [Oct 15, 2020 – Oct 31, 2020]

- In-Person early voting only – [§ 163-227.2\(b\)](#) – At “one-stop sites”
- No-excuse absentee voting – [§ 163-230.2](#)
- Absentee ballot application is verified – [§ 163-230.2\(d\)](#)
- Notary or witness signatures required on return envelope – [§ 163-231\(a\)\(5\)](#)
  - Two persons (OR one notary public) in whose presence the voter marked that voter’s ballots must sign the application and certificate as witnesses and to indicate those person’s addresses. Failure to list a ZIP code does not invalidate the application and certificate
- Someone other than the voter can return an absentee or mail ballot on behalf of the voter – [§ 163-231\(b\)\(1\)](#)
  - Voter’s near relative or verifiable legal guardian
- Deadline by which election official must receive absentee/mailed ballots – [§ 163-231\(b\)\(1\)](#)
  - No later than 5 p.m. on the day of the statewide primary or general election or county bond election
- State accepts postmarked ballots that arrive after election day – [§ 163-231\(b\)\(2\)](#)
- Absentee/Mail ballot processing and counting procedures – [§ 163-234](#)
- Absentee ballots are reported separately from precinct totals – [§ 163-234](#)

## In-Person Voter ID

- Photo ID requirements – [§ 163-166.16](#)
- Exceptions to Voter ID Requirements – [§ 163-166.16\(d\)](#)

## Provisional Voting

- Provisional ballot availability – [§ 163-166.11](#)
- Time allotted to determine the status of provisional ballot
  - [§ 163-182.2\(a\)\(1\)](#)
    - Immediately after the polls close and shall be continuous until completed
- Provisional ballot rejection reasons:
  - [§ 163-182.2\(a\)\(4\)](#)
    - Not in proper precinct
    - Not registered in county
    - Otherwise not eligible to vote

## Polling Place

- Polling Place availability and requirements – [§ 163-129](#)
- Electioneering or campaigning buffer zone must not be set to more than 50 feet from forum entrance, nor less than 25 feet from the forum entrance – [§ 163-166.4](#)
- Rules governing poll observers – [§ 163-45](#)
- Poll watcher qualifications – [§ 163-45](#)

- County party chairs can designate two observers per polling place and 10 at-large observers who are residents of the county and can observe at any polling place in the county
- County party chairs can also appoint a runner to receive voting lists
- Observers must be registered voters of the county in which they are appointed and must have “good moral character.”
- Prohibits candidates from serving as observers or runners.
- Curbside voting – [§ 163-166.9](#)
- Police presence – [§ 163-48](#)
  - In the discharge of the duties of the statute, the chief judge and judges may call upon the sheriff, the police, or other peace officers to aid them. They may order the arrest of any person violating any provision of the election laws, but the arrest shall not prevent the person arrested from registering or voting if he is entitled to do so.
  - Chief judge and judges of election of any precinct, or any two of such election officials, shall have the authority to deputize any person or persons as police officers to aid in maintaining order at the place of registration or voting.
- Photography restrictions
  - [§ 163-166.3\(b\)](#) – 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.
  - [§ 163-166.3\(c\)](#) – No person shall photograph, videotape, or otherwise record the image of a voted official ballot for any purpose not otherwise permitted under law
- Other:
  - [§ 163-166.4](#) – County board of elections prescribes the “Buffer Zone” ([§ 163-166.4\(a\)](#))

## State Emergency Rules and How Elections are Affected

- Executive Director, as chief State elections official, may exercise emergency powers to conduct an election in a district where the normal schedule is disrupted – [§ 163-27.1\(a\)](#)
- Listed triggers for Emergency Rules – [§ 163-27.1\(a\)](#)
  - Natural disaster
  - Extremely inclement weather
  - An armed conflict involving Armed Forces of the United States, or mobilization of those forces, including North Carolina National Guard and reserve components of the Armed Forces of the United States
- Other:
  - [§ 163-258.31](#) – Emergency situations that affect overseas voters
  - [§ 163-27.1\(b\) and \(c\)](#) --Limits to State Board authority

## Counting Rules

- Voting system requirements
  - [§ 163-165.7](#) -- Requirements; powers and duties of State Board
  - [§ 163-165.4C](#) – Voting system must produce a ballot
  - [§ 163-165.9A](#) – Vendor duties
- Counting procedure – [§ 163-182.2](#)
- Other:
  - [§ 163-182.1A](#) – Counting provisional ballots due to failure to provide Photo ID
  - [§ 163-111](#) – Determination of primary results; second primaries; ties
  - [§ 163-182.8](#) – Determining result in case of tie

## Contest/Protest, Recount Rules

- Voter protesting – [§ 163-182.9](#)
- Candidate protesting – [§ 163-182.9](#)
- Challenging a candidate – [§ 163-127.2](#)
- Challenging a voter
  - [§ 163-85](#) – Not on day of primary or election
- Contest/Protest recount – [§ 163-182.7\(b\) and \(c\)](#)
  - Mandatory recount within the jurisdiction of the County Board of Elections
    - 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 multi-seat ballot item not more than one percent (1%) of the votes cast for those two candidates
  - Mandatory recount within the jurisdiction of the State Board
    - 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 non-statewide ballot item, one percent (1%) of the total votes cast in the ballot item, or in the case of a multi-seat 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
- Other:
  - [§ 163-182.7\(a\)](#) – County board of elections or the State Board may order a recount when necessary to complete the canvass in an election. They may not order a recount where the State Board has already denied a recount to the petitioner
  - [§ 163-182.1](#) – Procedure the county board must follow upon initial review of an election protest