



CHAPTER 163
ARTICLE 14A - VOTING

N.C.G.S. § 163-166.40.

Early voting procedures.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-140, recodified from N.C. Gen. Stat. 163-227.2 by 2023-140, ss. 1(a), 27(c) — thirty-seventh act in the lineage	RETRIEVED 21 September 2026, 04:49 UTC	SOURCE FINGERPRINT 4b24f33c94102ca3217e742a - f816f598b6c315458c390215 - 9cf06a09ab648feb
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- § 163-166.40(a)

Any voter eligible to vote may vote a ballot under this Part.
- § 163-166.40(b)

Not earlier than the third Thursday before an election in which a voter seeks to vote and not later than 3:00 P.M. on the last Saturday before that election, the voter may appear in person only at the office of the county board of elections, except as provided in G.S. 163-166.35. A county board of elections shall conduct early voting on the last Saturday before the election from 8:00 A.M. until 3:00 P.M.
- § 163-166.40(c)

The voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once do all of the following:

(1)

State his or her name to an authorized member or employee of the board or election official.

(2)

State the voter's place of residence to an authorized member or employee of the board or election official.

(3)

Present photo identification in accordance with G.S. 163-166.16.

(4)

State the political party with which the voter affiliates and in whose primary the voter desires to vote. If the voter is an unaffiliated voter voting in the primary of a particular party under G.S. 163-119, the voter shall state the name of the political party in whose primary the voter wishes to vote.
- § 163-166.40(d)

The board member or employee or election official to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, he or she shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may vote a ballot under this Part.

§ 163-166.40(e) All actions required by this section shall be performed in the office of the board of elections, except that the voting may take place in an adjacent room as provided by subsection (f) of this section.

§ 163-166.40(f) The voter shall vote that voter's ballot during early voting in a voting booth in the office of the county board of elections, and the county board of elections shall provide a voting booth for that purpose, provided however, that the county board of elections may in the alternative provide a private room for the voter adjacent to the office of the board, in which case the voter shall vote that voter's ballot in that room. A voter at an early voting site shall be entitled to the same assistance as a voter at a voting place on election day under G.S. 163-166.8. The State Board shall, where appropriate, adapt the rules it adopts under G.S. 163-166.8. to early voting.

§ 163-166.40(g) At any site where early voting is conducted, there shall be a curtained or otherwise private area where the voter may mark the ballot unobserved.

§ 163-166.40(h) 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 early voting site, as long as the early voting 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 ballot as other voters voting a ballot during early voting.

§ 163-166.40(i) Notwithstanding the exception specified in G.S. 163-36, counties which operate a modified full-time office shall remain open five days each week during regular business hours consistent with daily hours presently observed by the county board of elections, commencing with the date prescribed in subsection (b) of this section and continuing until 5:00 P.M. on the Friday prior to that election and shall also be open on the last Saturday before the election. A county board may conduct early voting during evenings or on weekends, as long as the hours are part of a plan

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

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20	2001	S.L. 2001-337, s. 2	AMENDED
21	2001	S.L. 2001-353, s. 9	AMENDED
22	2003	S.L. 2003-278, s. 11	AMENDED
23	2005	S.L. 2005-428, ss. 5(a), 6(a), 7	AMENDED
24	2007	S.L. 2007-253, s. 3	AMENDED
25	2007	S.L. 2007-391, s. 34(a)	AMENDED
26	2009	S.L. 2009-541, s. 23	AMENDED
27	2013	S.L. 2013-381, ss. 2.7, 16.5, 25.1, 25.2, 25.3, 30.7	AMENDED
28	2014	S.L. 2014-111, s. 3	AMENDED
29	2015	S.L. 2015-103, ss. 6(b), 8(b), (c)	AMENDED
30	2017	S.L. 2017-6, s. 3	AMENDED
31	2018	S.L. 2018-13, s. 3.11(b)	AMENDED
32	2018	S.L. 2018-112, s. 1	AMENDED
33	2018	S.L. 2018-129, s. 1(a)	AMENDED
34	2018	S.L. 2018-144, ss. 1.4(b), 3.4(e), (f)	AMENDED
35	2018	S.L. 2018-146, s. 3.1(a), (b)	AMENDED
36	2019	S.L. 2019-239, s. 2(a)	AMENDED
37	2023	S.L. 2023-140, recodified from N.C. Gen. Stat. 163-227.2 by 2023-140, ss. 1(a), 27(c)	AMENDED

APPARATUS II
5 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 163-166.35	(b)	"of elections, except as provided in"
G.S. 163-166.16	(c)(3)	"Present photo identification in accordance with"
G.S. 163-119	(c)(4)	"primary of a particular party under"
G.S. 163-166.8	(f)	"voting place on election day under"
G.S. 163-36	(i)	"Notwithstanding the exception specified in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 163-166.40 (2023).

PINPOINT

N.C. Gen. Stat. § 163-166.40(a) (2023).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 536, s. 1; 1975, c. 844, s. 12; 1977, c. 469, s. 1; c. 626, s. 1; 1979, c. 107, s. 14; c. 799, ss. 1-3; 1981, c. 305, s. 2; 1985, c. 600, s. 4; 1987, c. 583, s. 4; 1989, c. 520; 1989 (Reg. Sess., 1990), c. 991, s. 2; 1993 (Reg. Sess., 1994), c. 762, s. 53; 1995, c. 243, s. 1; c. 509, ss. 117, 118; 1995 (Reg. Sess., 1996), c. 561, s. 4; 1997-510, s. 2; 1999-455, s. 6; 2000-136, s. 2; 2001-319, s. 5(a)-(c); 2001-337, s. 2; 2001-353, s. 9; 2003-278, s. 11; 2005-428, ss. 5(a), 6(a), 7; 2007-253, s. 3; 2007-391, s. 34(a); 2009-541, s. 23; 2013-381, ss. 2.7, 16.5, 25.1, 25.2, 25.3, 30.7; 2014-111, s. 3; 2015-103, ss. 6(b), 8(b), (c); 2017-6, s. 3; 2018-13, s. 3.11(b); 2018-112, s. 1; 2018-129, s. 1(a); 2018-144, ss. 1.4(b), 3.4(e), (f); 2018-146, s. 3.1(a), (b); 2019-239, s. 2(a); 2023-140, recodified from N.C. Gen. Stat. 163-227.2 by 2023-140, ss. 1(a), 27(c).)

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