



CHAPTER 163
ARTICLE 20 - ABSENTEE BALLOT

N.C.G.S. § 163-226.3.

Certain acts declared felonies.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2023-140, s. 35 — sixteenth act in the lineage	RETRIEVED 21 September 2026, 02:28 UTC	SOURCE FINGERPRINT a91fde45cdfb16c8ace89344 - d2550d103df65cacf9c2a985 - 29ce6913a5d1af62
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§ 163-226.3(a)
CLASS I FELONY

Any person who, in connection with absentee voting in any election held in this State, violates any of the provisions of this section is guilty of a Class I felony. It shall be unlawful to do any of the following:

- (1) For any person except the voter's near relative or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance.
- (2) Repealed by Session Laws 2023-140, s. 35, effective January 1, 2024, and applicable to elections on or after that date.
- (3) For a voter who votes a ballot in accordance with Part 5 of Article 14A of this Chapter to vote that voter's ballot outside of the voting booth or private room provided to the voter for that purpose or to receive assistance except as provided in Article 14A of this Chapter.

- (4) For any owner, manager, director, employee, or other person, other than the voter's near relative or verifiable legal guardian, to (i) make a written request pursuant to G.S. 163-230.1 or (ii) sign an application or certificate as a witness, on behalf of a registered voter, who is a patient in any hospital, clinic, nursing home or rest home in this State or for any owner, manager, director, employee, or other person other than the voter's near relative or verifiable legal guardian, to mark the voter's absentee ballot or assist such a voter in marking an absentee ballot. This subdivision does not apply to members, employees, or volunteers of the county board of elections, if those members, employees, or volunteers are working as part of a multipartisan team trained and authorized by the county board of elections to assist voters with absentee ballots. Each county board of elections shall train and authorize such teams, pursuant to procedures which shall be adopted by the State Board. If neither the voter's near relative nor a verifiable legal guardian is available to assist the voter, and a multipartisan team is not available to assist the voter within seven calendar days of a telephonic request to the county board of elections, the voter may obtain such assistance from any person other than (i) an owner, manager, director, employee of the hospital, clinic, nursing home, or rest home in which the voter is a patient or resident; (ii) an individual who holds any elective office under the United States, this State, or any political subdivision of this State; (iii) an individual who is a candidate for nomination or election to such office; or (iv) an individual who holds any office in a State, congressional district, county, or precinct political party or organization, or who is a campaign manager or treasurer for any candidate or political party; provided that a delegate to a convention shall not be considered a party office. None of the persons listed in (i) through (iv) of this subdivision may sign the application or certificate as a witness for the patient.
- (5) For any person to take into that person's possession for delivery to a voter or for return to a county board of elections the absentee ballot of any voter, provided, however, that this prohibition shall not apply to a voter's near relative or the voter's verifiable legal guardian.
- (6) Except as provided in subsections (1), (2), (3) and (4) of this section and G.S. 163-231(a), for any voter to permit another person to assist the voter in marking that voter's absentee ballot, to be in the voter's presence when a voter votes an absentee ballot, or to observe the voter mark that voter's absentee ballot.

§ 163-226.3(b)

The State Board or a county board of elections, upon receipt of a sworn affidavit from any qualified voter of the State or the county, as the case may be, attesting to first-person knowledge of any violation of subsection (a) of this section, shall transmit that affidavit to the appropriate district attorney, who shall investigate and prosecute any person violating subsection (a).

§ 163-226.3(c)

For the purposes of this section, a "multipartisan team" shall consist of at least two registered voters of the county. The two political parties having the highest number of affiliated voters in the State, as reflected by the registration statistics published by the State Board on January 1 of the current year, shall each be represented by at least one team member of the party's affiliation, as recommended by the members of that political party serving on the county board of elections. If the team consists of more than two members, voters who are unaffiliated or affiliated with other political parties recognized by the State may be team members. If a county board of elections finds an insufficient number of voters available to meet this requirement, the county board of elections, upon a unanimous vote of all of its sworn members, may appoint an unaffiliated team member to serve instead of a team member representing one of the two political parties having the highest number of affiliated voters in the State.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
16 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1979	c. 799, s. 4	ENACTED
02	1983	c. 331, s. 2	AMENDED
03	1985	c. 563, s. 4	AMENDED
04	1987	c. 565, s. 7	AMENDED
05	1987	c. 583, ss. 8, 10	AMENDED
06	1995	c. 243, s. 1	AMENDED
07	1999	S.L. 1999-455, s. 3	AMENDED

08	2005	S.L. 2005-428, s. 5(b)	AMENDED
09	2007	S.L. 2007-391, s. 29(a)	AMENDED
10	2013	S.L. 2013-381, s. 4.6(a)	AMENDED
11	2014	S.L. 2014-111, s. 15(a)	AMENDED
12	2017	S.L. 2017-6, s. 3	AMENDED
13	2018	S.L. 2018-144, s. 3.4(d)	AMENDED
14	2018	S.L. 2018-146, s. 3.1(a), (b)	AMENDED
15	2020	S.L. 2020-17, s. 2.5(a)	AMENDED
16	2023	S.L. 2023-140, s. 35	AMENDED

APPARATUS II
2 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. 163-230.1 or (ii)	(a)(4)	<i>"make a written request pursuant to"</i>
G.S. 163-231(a)	(a)(6)	<i>"and (4) of this section and"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 163-226.3 (2023).

PINPOINT

N.C. Gen. Stat. § 163-226.3(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

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1979, c. 799, s. 4; 1983, c. 331, s. 2; 1985, c. 563, s. 4; 1987, c. 565, s. 7; c. 583, ss. 8, 10; 1995, c. 243, s. 1; 1999-455, s. 3; 2005-428, s. 5(b); 2007-391, s. 29(a); 2013-381, s. 4.6(a); 2014-111, s. 15(a); 2017-6, s. 3; 2018-144, s. 3.4(d); 2018-146, s. 3.1(a), (b); 2020-17, s. 2.5(a); 2023-140, s. 35.)

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