

§ 163-166.11. Provisional voting requirements.

If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163-82.1 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. 163-82.1 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 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 absentee ballot as other early voters as provided in G.S. 163-166.40.
- (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, which shall be available to every provisional voter without charge and contain 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. No later than 12:00 P.M. two days after the close of the polls, the county board of elections shall publish the number of provisional ballots cast on election day, cast by early voting, cast by mail-in absentee ballots received as of election day, and cast by military and overseas absentee ballots cast under Article 21A of this Chapter and received as of election day. (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; 2018-146, s. 3.1(a), (b); 2020-17, s. 4.5(b); 2023-140, s. 25.)