

ELECTIONS REFERENCE GUIDE

for

North Carolina Law Enforcement

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About This Guide

Elections are fundamental to our society and governed by unique laws, including unique criminal laws. Law enforcement plays an important role in North Carolina's elections by helping to ensure voters can freely have access to voting. This reference guide was created in collaboration with the State Board of Elections, the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police to help law enforcement navigate and balance its role in maintaining peaceful and orderly elections and ensuring that voters are able to cast their ballot free from intimidation.

Officers should be prepared to respond promptly to behavior that disrupts or threatens to disrupt the peace and order of a voting site. They should avoid the appearance of monitoring or intimidating voters or policing the polls. When contacted by election officials, officers should respond to a voting site as promptly as possible, address the reasons they were called following their agency policy, and depart when the issue is resolved.

If permitted by their agency, officers may vote while in uniform.



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Election Preparation Reminders

Pre-Election

- Designate an Elections Liaison in advance of the election who will be the point of contact with the County Board of Elections officials and State Board of Elections investigators and counsel.
- Meet with the County Election Director or their representative and confirm dates and times of early voting, Election Day and post-election meetings.
- Coordinate response and determine jurisdictional response areas with other law enforcement agencies in the county.
- Know your local Election Day and early voting sites and the room within each site where voting takes place. Be familiar with surrounding areas and traffic routes to and from the location.
- Review applicable criminal election law statutes and classifications.
- Review key roles and responsibilities of election officials in this guide.

Early Voting and Election Day

- In-person voting takes place on Election Day and during the early voting period. Early voting begins the third Thursday before the election and ends at 3 p.m. on the Saturday before Election Day.
- All Election Day voting sites are open for voting from 6:30 a.m. to 7:30 p.m. If there is a disruption in voting for more than 15 minutes, the State Board of Elections may extend voting at the affected sites.
- If called, be prepared to respond to the voting location promptly.
- Be mindful that election workers are often volunteers and senior citizens.
- Anticipate the potential range of disruptive activities that could arise including violence.
- Pay close attention to the conduct of persons or groups that exhibit intimidating or harassing behavior (See Voter Intimidation in Elections section below).
- No person or group may hinder access, solicit votes, erect political signs, harass others, or distribute campaign literature within the buffer zone or inside the voting site. Lawful election-related activity is permissible outside of the buffer zone.
- Officers should not be stationed at a voting site.



- Be mindful not to record someone's voted ballot with your body worn camera or another device.
- Absent a threat to safety, allow eligible voters to cast their ballot before a criminal citation is issued or an arrest is made. Depart from the voting location once the situation is resolved and contact NC State Board of Elections investigators for follow up investigation.

Post-Election Day

- The canvass period takes place during the 10 days after Election Day, when the county board of elections counts provisional ballots and absentee ballots, and determines that all votes have been counted and tabulated correctly. Recounts, election protest hearings, or other proceedings may extend beyond the 10 days. Law enforcement assistance may be needed during the county board of election's canvass meeting, which, by law, is held on the 10th day after the election.
- Be available for follow up with state or federal investigators, district attorney, or US Attorney's office regarding any open complaints or citations.



Useful Definitions

Buffer Zone	Designated area outside of the voting place that is between 25 and 50 feet from the door of the entrance to the voting place. This area is marked with tape and/or cones by the county board of elections. Campaigning is prohibited within the buffer zone. (G.S. § 163-166.4)
Canvass	The entire post-election process of determining that all eligible votes have been counted and, upon completion, authenticating the official election results. (G.S. § 163-182.5)
Chief Judge	The chief judge is the lead official at an Election Day voting site. Two judges are also appointed for each site. The number of assistants will vary by site. The chief judge is authorized to maintain order at the place of registration and voting and is the point of contact for law enforcement officers when called upon to assist. (G.S. § 163-48)
Curbside Voting	Process during an election permitting any qualified voter who 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. Voter shall be allowed to vote either in the vehicle conveying that voter or in the immediate proximity of the voting place. Curbside voting area is designated by signage. (G.S. § 163-166.9(a))
Observer	Individuals designated by the political parties to observe inside of the voting place and curbside voting outside. Observers may not interfere with voters, election officials, or with the election process and may be removed from the voting place if they are disruptive. (G.S. § 163-273(a)(3)-(4))
Political Signs	County boards of elections do not have jurisdiction over the placement of signs outside of the buffer zone. Complaints about political signs and placement should be referred to the NC Department of Transportation or the municipality where the sign is located. (G.S. § 136-32)
Tabulator	Official state certified voting equipment that scans ballots and tabulates votes. When a voter completes their ballot, they are required to deposit the ballot into the tabulator before exiting the voting enclosure. Ballots may not be taken out of the voting site and voted ballots are not to be photographed or videoed. (G.S. § 163-273(a)(2) and G.S. § 163-166.3(c))



Voting Booth	Private space in which a voter is directed to mark an official ballot. (G.S. § 163-165)
Voting Enclosure	Room within the voting place that is used for voting. Candidates, electioneers, non-appointed “poll watchers”, and other members of the public are not permitted inside the voting enclosure unless they are engaging in the act of voting. (G.S. § 163-165 and G.S. § 163-45)
Voting Place	The building or area of the building that contains the voting enclosure whether used as an early voting site or on Election Day. (G.S. § 163-165)
Voting System	A system of casting and tabulating ballots. The term includes systems of paper ballots as well as systems utilizing mechanical and electronic voting equipment.



Signs of Voter Intimidation

- Verbal threats of violence or overtly threatening behaviors inside or outside the polling site.
- Bringing firearms inside a polling place that otherwise prohibits it by law.
- Disrupting, blocking, or hindering voting lines.
- Blocking the entrance to the voting place either physically or through intimidation.
- Aggressively approaching voters' vehicles, recording voters' license plate numbers, or following voters to, from or within the voting site.
- Harassing voters by aggressively questioning their eligibility to vote or voting intentions.
- Repeatedly following election workers, disrupting their work, or attempting to gain access to restricted areas.
- Providing misinformation about polling place hours, closures, or moves.



Maintenance and Order at Place of Registration and Voting (G.S. § 163-48)

The chief judge and judges of election shall enforce peace and good order in and about the place of registration and voting. They shall especially keep open and unobstructed the place at which voters or persons seeking to register or vote have access to the place of registration and voting. They shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting. They shall protect challenger and witnesses against molestation and violence in the performance of their duties, and they may eject from the place of registration or voting any challenger or witness for violation of any provisions of the election laws. They shall prevent riots, violence, tumult, or disorder.

In the discharge of the duties prescribed in the preceding paragraph of this section, the chief judge and judges may call upon the sheriff, the police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating any provision of the election laws, but such arrest shall not prevent the person arrested from registering or voting if he is entitled to do so. The sheriff, police officers, and other officers of the peace shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of the election laws. The 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.



Key Election Crime Statutes (Misdemeanors)

Intimidation of voters by officers made misdemeanor G.S. § 163-271

It shall be unlawful for any person holding any office, position, or employment in the State government, or under and with any department, institution, bureau, board, commission, or other State agency, or under and with any county, city, town, district, or other political subdivision, directly or indirectly, to discharge, threaten to discharge, or cause to be discharged, or otherwise intimidate or oppress any other person in such employment on account of any vote such voter or any member of his family may cast, or consider or intend to cast, or not to cast, or which he may have failed to cast, or to seek or undertake to control any vote which any subordinate of such person may cast, or consider or intend to cast, or not to cast, by threat, intimidation, or declaration that the position, salary, or any part of the salary of such subordinate depends in any manner whatsoever, directly or indirectly, upon the way in which subordinate or any member of his family casts, or considers or intends to cast, or not to cast his vote, at any primary or election.

Offenses of voters; interference with voters; penalty G.S. § 163-273

(a) Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this section to be unlawful, shall be guilty of a Class 2 misdemeanor. It shall be unlawful:

- (1) For a voter, except as otherwise provided in this Chapter, to allow his ballot to be seen by any person.
- (2) For a voter to take or remove, or attempt to take or remove, any ballot from the voting enclosure.
- (3) For any person to interfere with, or attempt to interfere with, any voter when inside the voting enclosure.
- (4) For any person to interfere with, or attempt to interfere with, any voter when marking his ballots.
- (5) For any voter to remain longer than the specified time allowed by this Chapter in a voting booth, after being notified that his time has expired.
- (6) For any person to endeavor to induce any voter, while within the voting enclosure, before depositing his ballots, to show how he marks or has marked his ballots.
- (7) For any person to aid, or attempt to aid, any voter by means of any mechanical device, or any other means whatever, while within the voting enclosure, in marking his ballots. (*See note below*)

(b) Election officers shall cause any person committing any of the offenses set forth in subsection (a) of this section to be arrested and shall cause charges to be preferred against the person so offending in a court of competent jurisdiction.



Interference with an election

G.S. § 163-274(4)

For any person to break up or by force or violence to stay or interfere with the holding of any primary or election, to interfere with the possession of any ballot box, election book, ballot, or return sheet by those entitled to possession of the same under the law, or to interfere in any manner with the performance of any duty imposed by law upon any election officer or member of any board of elections.

Boisterous and disruptive conduct

G.S. § 163-274(5)

For any person to be guilty of any boisterous conduct so as to disturb any member of any election board or any chief judge or judge of election in the performance of that person's duties as imposed by law.

Voter intimidation

G.S. § 163-274(7)

For any person, directly or indirectly, to discharge or threaten to discharge from employment, or otherwise intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not to cast, or which that voter may have failed to cast.



Key Election Crime Statutes (Felonies)

Vote buying

G.S. § 163-275(2)

For any person to give or promise or request or accept at any time, before or after any such primary or election, any money, property, or other thing of value whatsoever in return for the vote of any elector.

Alter, destroy, or conceal a ballot and false returns

G.S. § 163-275(9)

For any election official or other officer or person to make, certify, deliver or transmit any false returns of any primary or election, or to make any erasure, alteration, or conceal or destroy any election ballot, book, record, return or process with intent to commit a fraud.

Assaulting an election official

G.S. § 163-275(10)

For any person to assault any chief judge, judge of election or other election officer while in the discharge of duties in the registration of voters or in conducting any primary or election.

Intimidating an election official

G.S. § 163-275(11)

For any person, by threats, menaces or in any other manner, to intimidate or attempt to intimidate any chief judge, judge of election or other election officer in the discharge of duties in the registration of voters or in conducting any primary or election.

