



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

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VIA ELECTRONIC MAIL

The Hon. Roy Cooper
Governor
North Carolina

The Hon. Phil Berger
President Pro Tempore
North Carolina Senate

The Hon. Tim Moore
House Speaker
North Carolina House

Re: Election considerations following Hurricane Florence.

North Carolina has been served well by your deliberate and bipartisan action during this critical time. This letter summarizes election deadlines and requirements that may be of interest to you in any special session convened to ensure the safety and recovery of communities affected by the winds and waters of Hurricane Florence.

Authorization for emergency action under G.S. § 163A-750 requires that my office consider a number of factors regarding election disruptions. Among them is the “[s]ufficiency of time remaining for the General Assembly and the Governor to adopt emergency legislation addressing the disruption.” 08 NCAC 01 .0106(c)(8). Given this limitation, please let me know if the agency can provide additional information regarding the statutes, past voter turnout data, or other information regarding the effect of the hurricane. Current law provides as follows:

- **Voter Registration.** Voter registration opportunities are not available between the regular registration deadline on **October 12** and the start of early voting on **October 17**. So-called “same-day” voter registration is available at early voting sites operating between **October 17** and **November 3** if a registrant provides acceptable proof of residence. Displaced persons who have no definite plan to return to their home county may have limited access to acceptable proof of residence sufficient to register in their new county during the early voting period. All voters must reside within their voting precinct for the 30 days preceding an election (**October 7**). If a voter relocates to a new county after October 7, that voter must vote by mail or in person at their previous county of registration.
- **Voting by Mail.** Registered voters, their near relatives or legal guardians may request a mail-in ballot through 5 p.m. until **October 30**. Current law requires qualified requestors to sign and submit a standard form. Voters bear the expense for postage to return their ballot. Ballots must ordinarily be delivered to the appropriate county board of elections by 5 p.m. on Election Day (**November 6**). A ballot may be accepted until 5 p.m. on November 9 only if it is postmarked on or before Election Day. Different requirements and deadlines apply to military and overseas voters.

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- **Election Workers.** More than 26,000 workers staff precincts on Election Day (**November 6**). A large proportion of those precinct officials are selected from lists submitted by political parties. Thousands of others staff early voting sites. It is not yet clear whether the impact of Florence will reduce the availability of election workers.
- **Voting Sites.** We continue to assess whether voting sites have sustained damage. For sites not otherwise affected, road access remains a key concern. We will likely gain more information about the situation in affected counties in the coming days. Previously, emergency authority has been used to switch voting locations following flood damage, etc. The deadline to notice any change of precinct locations has passed (September 22).
- **Displaced Voters.** Voters displaced by Florence may vote by mail or at any early voting site within their county of residence. If the voter appears on Election Day at the wrong precinct within their county of registration, they must vote a provisional ballot that will count for any race for which the voter is eligible. No ballot item will count for any voter who attempts to vote in a county other than her residence. Counties do not have access to the ballot styles of other counties. If a displaced voter casts a ballot outside their home county, the ballot items that would remain constant this cycle include the Supreme Court, Court of Appeals, and constitutional amendments. If a voter attempts to vote in an adjacent county, the correct congressional or legislative contests could be on the ballot, depending on district boundaries. Should any enactment alter current law, an extended canvass period would be necessary to allow for delivery of provisional ballots to the proper county.

Our agency has mailed thousands of absentee ballot request forms and voter registration forms to shelters servicing persons affected by Hurricane Florence. We are in the process of setting up a dedicated webpage with resources describing voting options for those displaced. As of this date, nearly 20,000 ballots have been mailed to voters. We have been in communication with the U.S. Postal Service to assess the effect of post office closures and mail delays on absentee ballot delivery

Again, we stand ready to provide whatever additional information may be useful in your efforts in the coming weeks.

Sincerely,



Kim Westbrook Strach
Executive Director

Cc. Co-Chairs, Joint Legislative Oversight Committee