TO: County Boards of Elections
FROM: Kim Strach, Executive Director
RE: One-stop early voting in the 2014 primary and Session Law 2013-381’s hours-matching requirement
DATE: October 17, 2013

Session Law 2013-381, passed by the General Assembly and signed into law by Governor McCrory this year, makes several changes to the conduct of one-stop early voting starting in 2014. The three most important changes:

- There will no longer be in-person registration during one-stop voting.
- The early voting period, which previously began on the third Thursday before the day of the primary or election, will begin on the second Thursday before the primary or election (a reduction of one week).
- For elections in even-numbered years, counties are required to match the cumulative total number of scheduled hours of one-stop early voting (the total hours of operation, combined from each one-stop site) offered for the same type of election from four years prior.

This memorandum and attachments provide information about the third requirement, specifically for the 2014 statewide primary to be held in May 2014. For the May 2014 statewide primary, the new law requires that counties provide the same cumulative total number of early voting hours that were offered in each county for the May 2010 statewide primary.

Two other law changes will also affect the scheduling of one-stop sites:

- On the final Saturday of the early voting period, previous law required at least the County Board of Elections office (or site in lieu of the County Board of Elections office) to be open until at least 1:00 p.m., but also allowed any site to be open until as late as 5:00 p.m. The new law does not allow any site to remain open later than 1:00 p.m. on that final Saturday of early voting.
If a county opens one-stop sites in addition to the County Board of Elections office, all additional sites in the county must be open for the same days and hours.

Please keep in mind existing law regarding the staffing of one-stop sites. The individuals staffing the sites must be members or full-time employees of the County Board of Elections or employees of the County Board of Elections that have been given training equivalent to that given a full-time employee. This means you can hire temporary employees but they must have the same training a full-time employee would have with respect to these duties.

One-Stop Implementation Plans

General Statute § 163-227.2(g) requires a county to submit a One-Stop Implementation Plan in three situations: (1) For the County Board of Elections office to be open additional hours beyond regular business hours on weekdays; (2) for one-stop voting to be conducted at a nearby alternative site in lieu of the County Board of Elections office; or (3) for additional one-stop voting sites.

Because the new law requires counties in the 2014 primary to match the cumulative total number of hours offered in each county for the 2010 primary, this will have the effect of requiring all counties to submit a One-Stop Implementation Plan to open additional sites or hours. Even counties that only had the County Board of Elections office open for the minimum hours in 2010 will need to make up the lost week’s worth of hours, either through an additional site or longer hours.

Attached is this office’s record of One-Stop sites open for the 2010 primary. If your county’s records show any difference in the schedule reflected in this document, please contact George McCue at george.mccue@ncsbe.gov with the State Board of Elections staff immediately.

Also attached is a cumulative hours calculation based on the schedules in the first attachment. Please review this document as well. The “TOTAL HOURS” column (Column T) shows the number of hours from the 2010 primary that each county will be required to match for the 2014 primary.

One-Stop Implementation Plans will be due by Monday, March 14, 2014. The State Board of Elections staff is developing a more automated format to submit Implementation Plans that will streamline the process. More details on this process will be provided in a future Numbered Memo and other communications. This Numbered Memo is intended to provide advance information about the law’s requirements, because we appreciate that this will be a major change.

Counties should begin making arrangements for 2014 primary one-stop sites now. Please remember the basic legal requirements:

- The One-Stop Implementation Plan must be approved unanimously by the County Board. Please communicate this information to your Board members prior to these plans being put before the County Board.
- Each site must provide adequate security for voting equipment, ballots, and any materials that remain in the building when the building/area is not open for one-stop voting.
- Each site must be accessible.
Covering the new law’s hours-matching requirement

The new law’s hours-matching requirement will have the practical effect of requiring many counties to open an additional one-stop site or sites beyond what was offered in the May 2010 primary. It should be noted that counties could also generate extra hours by opening their sites earlier or closing them later (all sites must close at 1:00 p.m. on the final Saturday).

For counties that are seeking new buildings to use as early voting sites, a section of existing law provides two important considerations:¹

- County Boards of Elections may use non-public buildings as One-Stop sites if “other equally suitable sites were not available and the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county.”
- The County Board of Elections may make a binding request to conduct One-Stop voting in any public, tax-supported building if the request is made at least 90 days before the start of One-Stop voting (for the May 2014 primary, the last day to make this request to the government entity in control of the building would be Friday, January 24, 2014).

Requesting a reduction in the number of required hours

A new law, G.S. § 163-227.2(g3), allows a County Board of Elections to make a request, upon a unanimous vote of all Members, to reduce the number of hours required.

A request for a reduction in the number of required hours must be supported by data. For example, a county could show that voter traffic is not high enough to justify an exact match of the cumulative one-stop hours offered in 2010, and propose a lower number of hours to be scheduled for the May 2014 primary that would meet the foreseeable voter traffic for the primary.

Along with the more automated Implementation Plan format, staff of the State Board of Elections is developing a form to help streamline this request process for counties that are interested. This will also be addressed in a future Numbered Memo.

¹ G.S. § 163-227.2(g1): “The State Board of Elections shall not approve, either in a Plan approved unanimously by a county board of elections or in an alternative Plan proposed by a member or members of that board, a one-stop site in a building that the county board of elections is not entitled under G.S. 163-129 to demand and use as an election-day voting place, unless the State Board of Elections finds that other equally suitable sites were not available and that the use of the sites chosen will not unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county. In providing the site or sites for one-stop absentee voting under this section, the county board of elections shall make a request to the State, county, city, local school board, or other entity in control of the building that is supported or maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of one-stop absentee voting under this section. The request shall clearly identify the building, or any specific portion thereof, requested the dates and times for which that building or specific portion thereof is requested and the requirement of an area for election related activity. If the State, local governing board, or other entity in control of the building does not respond to the request within 20 days, the building or specific portion thereof may be used for one-stop absentee voting as stated in the request. If the State, local governing board, or other entity in control of the building or specific portion thereof responds negatively to the request within 20 days, that entity and the county board of elections shall, in good faith, work to identify a building or specific portion thereof in which to conduct one-stop absentee voting under this section. If no building or specific portion thereof has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the State Board of Elections.”
More information to come

As has been mentioned, this Numbered Memo is intended to provide information several months in advance about major changes to One-Stop voting in 2014. More details will be forthcoming.

Finally, included is the text of the relevant provisions of Session Law 2013-381.

PART 25. EARLY VOTING SITES WITHIN A COUNTY

SECTION 25.1. G.S. 163-227.2(b) and (g) read as rewritten:

"§ 163-227.2. Alternate procedures for requesting application for absentee ballot; "one-stop" voting procedure in board office.

... (b) Not earlier than the third-second Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee 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, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person.

... (g) Notwithstanding any other provision of this section, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under this section. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board of Elections as part of a Plan for Implementation approved by both the county board of elections and by the State Board of Elections which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board of Elections to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another...
member or members of that county board. The State Board of Elections may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county. Any plan adopted by either the county board of elections or the State Board of Elections under this subsection shall provide for the same days of operation and same number of hours of operation on each day for all sites in that county for that election. The requirement of the previous sentence does not apply to the county board of elections office itself nor, if one-stop voting is not conducted at the county board of elections office, to the reasonably proximate alternate site approved under this subsection."

SECTION 25.2. G.S. 163-227.2 is amended by adding a new subsection to read:

"(g2) Notwithstanding the requirements of subsection (g) and (g1) of this section, for any county board of elections that provided for one or more sites as provided in subsection (g) of this section during the 2010 or 2012 general election, that county shall provide, at a minimum, the following:

(1) The county board of elections shall calculate the cumulative total number of scheduled voting hours at all sites during the 2012 primary and general elections, respectively, that the county provided for absentee ballots to be applied for and voted under this section. For elections which include a presidential candidate on the ballot, the county shall ensure that at least the same number of hours offered in 2012 is offered for absentee ballots to be applied for and voted under this section through a combination of hours and numbers of one-stop sites during the primary or general election, correspondingly.

(2) The county board of elections shall calculate the cumulative total number of scheduled voting hours at all sites during the 2010 primary and general elections, respectively, that the county provided for absentee ballots to be applied for and voted under this section. For elections which do not include a presidential candidate on the ballot, the county shall ensure that at least the same number of hours offered in 2010 is offered for absentee ballots to be applied for and voted under this section through a combination of hours and numbers of one-stop sites during the primary or general election, correspondingly.

The State Board of Elections, to ensure compliance with this subsection, may approve a one-stop site in a building that the county board of elections is not entitled under G.S. 163-129 to demand and use as an election-day voting place, but may deny approval if a member of that board presents evidence that other equally suitable sites were available and the use of the sites chosen would unfairly advantage or disadvantage geographic, demographic, or partisan interests of that county."

SECTION 25.3. G.S. 163-227.2 is amended by adding a new subsection to read:

"(g3) A county board of elections by unanimous vote of the board, with all members present and voting, may submit a request to the State Board to reduce the number of hours established in subsection (g2) of this section for a primary or a general election. The reduction shall take effect for that primary or general election only if approved by unanimous vote of the State Board with all members present and voting."