



NORTH CAROLINA

State Board of Elections

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KIM WESTBROOK STRACH
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Numbered Memo 2016-03

TO: County Boards of Elections
FROM: Kim Strach, Executive Director
RE: Information regarding the March 15 and June 7 Primaries
DATE: February 26, 2016

Now that House Bill 2 ([Session Law 2016-02](#)) has been signed by Governor McCrory, we are moving forward with plans to conduct primaries for the U.S. House of Representatives on June 7, 2016. The purpose of this Numbered Memo is to provide information on events and processes affecting both the March and June primaries as a result of this new legislation.

Please keep in mind that our marching orders for the electoral process remain fluid. Plaintiffs opposing the 2011 congressional maps have filed a motion asking the three-judge federal court to reject the new district lines and draw a remedial plan. If the three-judge panel determines that the map approved last week by the NC General Assembly is an ineffective remedy, the court could impose its own map and additional changes to the elections schedule. We are monitoring all of these moving parts and will update you with any new information that could affect current plans.

Explanation of House Bill 2

S.L. 2016-02 provides procedures for conducting the 2016 primary elections only. The legislation provides for primary elections for the U.S. House of Representatives to be held on June 7, 2016. It establishes a new candidate filing period for each of the U.S. House of Representative districts, and gives temporary power to the State Board to suspend, change or add requirements where necessary to facilitate the new timeline.

There will be no second primaries in 2016. However, certain non-congressional contests may be added to the June 7 ballot, including two superior court judge primaries involving Wake and Union counties, a possible Supreme Court primary (pending the outcome of ongoing litigation), and a number of school board run-off elections that would otherwise have been scheduled on the date of any second primary.

The legislation further provides that election results involving U.S. House of Representative primaries on the ballot for March 15 will not be certified, are not a matter of public record, and must be kept confidential.

Redistricting Preparations

We begin work in SEIMS on March 23, 2016, to apply the newly drawn districts. For whole counties in congressional districts, work in this process will be minimal. We will work closely with the counties that have more than one congressional district to ensure proper jurisdictional assignments. After counties have made all jurisdictional changes, the State Board will conduct a jurisdictional audit.

Candidate Filing Period

The candidate filing period for the U.S. House of Representatives will take place from noon on March 16, 2016 to noon on March 25, 2016. All candidate filing will be conducted at the office of the State Board of Elections in Raleigh.

S.L. 2016-02 allows candidates from other contests to file for the U.S. House of Representatives. However, within one week after certification of the June 7, 2016 primaries, the winning candidate must withdraw his or her notice of candidacy in either the U.S. House of Representatives contest or the other contest in which that candidate prevailed. A candidate cannot run for both U.S. House of Representatives and another office in November.

S.L. 2016-02 provides that a candidate is only eligible to file a notice of candidacy in a partisan primary if that individual has affiliated with that political party for 75 days. A candidate who changed party affiliation on or prior to January 1, 2016 will be able file at any time during the candidate filing period. Otherwise, the following schedule provides the earliest date on which a candidate may file for a one of the U.S. House of Representatives seats after changing party affiliation. (This is provided for informational purposes only since filing takes place at the State Board of Elections.)

Filing Schedule

Change of Party Date	Eligible to File as of:
1/1/2016	Wednesday, March 16, 2016
1/2/2016	Thursday, March 17, 2016
1/3/2016	Friday, March 18, 2016
1/4/2016	Saturday, March 19, 2016 (file as of 3/21/16)
1/5/2016	Sunday, March 20, 2016 (file as of 3/21/16)
1/6/2016	Monday, March 21, 2016
1/7/2016	Tuesday, March 22, 2016
1/8/2016	Wednesday, March 23, 2016
1/9/2016	Thursday, March 24, 2016
1/10/2016	Friday, March 25, 2016

Confidentiality of March 15 U.S. House of Representatives Results

Section 4 of S.L. 2016-02 provides that no election results involving U.S. House of Representative contests on the March 15 primary ballot shall be certified by a county board of elections or by the State Board of Elections. Again, the results are **confidential** and are **not public records**.

We are testing and implementing technological changes to comply with this directive and ensure that no results of U. S. House of Representatives March 15 primary appear on the State Board's website reporting on election night. However, your county board of elections office must also take steps to ensure that results in the March 15 primary for U.S. House of Representatives are kept confidential. You may not disclose them to anyone -- and that includes candidates.

We must be very careful to ensure confidentiality. Because the integrity of election results is our first priority, I am giving the following protocol directive to all counties:

(1) On Election Night, upload the usual ASCII file to the State Board of Elections through the normal process (do not attempt to remove the U.S. House of Representatives results); and

(2) If you decide to produce public reports from Unity, or that are derived from Unity, do not include the March statewide primary results for the U.S. House of Representatives contests.

Please note that if you do not choose to produce any public reports from Unity, you will not need to change your normal procedures. However, if you find it necessary to produce reports directly from Unity, use the following procedure to exclude the U.S. House of Representatives contests:

1. Open Election Reporting Manager (ERM).
2. Go to the "Reports" menu.
3. Choose the report you would like to produce.
4. On the "selection" tab click the button for "Contest/Precinct".
5. Click the "Contest" button.
6. Click the first contest.
7. Hold the "Shift" button on the keyboard and click the last contest. All contests should now be highlighted.
8. Hold the "Ctrl" button on the keyboard and then individually select the U.S. House of Representative Contest(s) to be removed. The U.S. House of Representative contests should no longer be highlighted.
9. Click "OK".
10. Click "OK" again to produce the report.

Once again, do not use this procedure to upload your unedited ASCII file on Election Night.

Every county must instruct its precinct officials to withhold results from any U.S. House of Representatives contests of the March statewide primary. **Please ensure that your precincts do not post or disclose results for the U.S. House of Representatives contests in March.**

We know from past experience that Edison Research, the Associated Press, and others may request results from election officials when the precinct closes. It is imperative that no results be disclosed for the U.S. House of Representatives contests. We have received word that an Edison Research field representative may have tried to recruit poll workers to call-in results on Election Night. This is not permitted; Edison Research has apologized and will not attempt to hire poll workers.

Ballot Coding, Proofing and Printing

As always, accurate ballot coding is critical to ensuring successful primary elections. The candidate ballot order will be the same for the June primary as it is for the March primary. The ballot coding process will begin as soon as the candidate filing period is complete and candidates are properly ordered. Everyone involved must work accurately and timely to ensure that ballot preparations are completed in time for ballots to be printed and available by April 18, 2016 for absentee voting.

Ballot Requests

Absentee ballot requests from the March primary will be treated as having made standing requests for the June primary (as opposed to the normal process in which standing requests are made for any potential second primary). Our agency is working on technical solutions to ensure that all absentee ballot requests for the March primary will in fact apply to the June primary.

Precinct and Early Voting Education and Training

Comprehensive and uniform training of precinct officials and one-stop early voting workers is essential and required of every county board of elections for both the March and the June primaries. Every voter in our state should expect to be treated the same way by one-stop early voting workers and precinct officials regardless of where and when they vote in our state.

In addition to questions about photo ID and other election changes, voters will likely have questions about any U.S. House of Representative contests on their ballots. We want very much to avoid the possibility that a confused or misinformed voter would fail to vote for a contest that will be counted and certified. For example, it would be inappropriate for a poll worker to indicate that “votes for Congress will not count,” because Congress encompasses both the U.S. Senate and the U.S. House of Representatives, and votes in the U.S. Senate primaries will certainly count. For this reason, **we ask that you instruct your one-stop early voting officials and Election Day precinct officials to advise voters to vote the entire ballot.**

One-Stop/Early Voting Implementation Plans

One-stop early voting hours matching requirements as mandated in G.S. 163-227.2(g2) will apply for the June primary election in those counties for which a June primary is required. In accordance with statute, counties shall offer the same cumulative total number of hours of early voting as were offered in the May 2010 Primary.

The one-stop early voting period will include Memorial Day. In light of this and other scheduling considerations, I have directed staff to compile data regarding expected one-stop utilization. Many of you have expressed concerns about the matching hours requirement for June – and I hear you.

I will be providing the information from staff about one-stop utilization, the budgetary data you submitted (in response to our online questionnaire of February 23rd) and the other concerns you have relayed about the matching hours requirements to the State Board at the next meeting.

Mock Election

We will conduct our Mock Election on Thursday, May 12, 2016. Please mark this date on your calendar and stay tuned for preparation details to be provided specifically for this event.

Master Election Calendar

We have updated the Master Election Calendar that contains dates related to election administration and campaign finance. Please review the calendar. If you see any deadlines or important dates that have not been included, please let us know.

Notice to Candidates

More than 400 candidates are running in contests that under normal circumstances could have required second primaries. We are sending a letter to notify these candidates that there will be no second primary in the 2016 election cycle.

Voter ID, Same-Day Registration, and Out-of-Precinct Voting

Unless you hear otherwise from this office, all photo ID requirements and exceptions are in effect for the June primary. Same-day registration and out-of-precinct voting will also be available during the June primary. As you know, there is ongoing litigation that may affect our processes, but we are keeping abreast of the changes and will work hard to ensure that you are up to date on any resulting adjustments.

Thank you for all the work you do to support the democratic process in your county.