NORTH CAROLINA
State Board *of* Elections

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Executive Director

NUMBERED MEMO 2016-26

TO: County Boards of Elections

FROM: Kim Westbrook Strach, Executive Director

RE: Election Protests

DATE: November 18, 2016

We are aware that many of you have received and may be continuing to receive election protests. The following guidelines are provided to help the county boards of election properly deal with these protests:

- Once you receive a protest, you are required to provide a copy to the SBE within 24 hours.

- Any protest concerning the <u>tabulation of votes</u> must be completed prior to the county canvass.

- Once you receive a protest, your board is required to hold a preliminary hearing on the protest. The purpose of this hearing is to determine whether the protest was properly filed and whether there is probable cause of an election law violation, irregularity, or misconduct. Make sure that you provide public notice of this hearing.

- If your board finds probable cause at the preliminary hearing, the board should schedule a full hearing to take evidence and testimony. Provide public notice for the hearing and ensure that all interested parties are informed. If individual voters' eligibility is the subject of the protest, these individuals must be notified. You may need to send the notice by overnight mail if there is not enough time for regular mail delivery.

- Election rules require that a court reporter be present to record the full hearing. *See* 8 NCAC 2.0110(d)(3) for more information.

- Your board must take final action on any protest before retrieving the protested ballots and adjusting the vote tabulation. This process is essential to ensuring the secrecy of the ballot.

- You may want to consult your county attorney for legal guidance during this process. For additional information on the legal framework for protests, *see* G.S. § 163-182.9-182.13 and 8 NCAC .0101-.0113.