



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (800) 522-4723
Fax: (919) 715-0135

NUMBERED MEMO 2017-06

TO: County Boards of Elections
FROM: Kim Strach, Executive Director
RE: Emergency Preparedness for Hurricane Season
DATE: September 7, 2017

Last night [Governor Cooper declared a state of emergency](#) effective today for all 100 counties in North Carolina due to the predicted arrival of Hurricane Irma. Tropical storm conditions are possible across the state beginning Monday, September 11 and Tuesday, September 12. As with any tropical storm, areas could experience power outages, flash flooding, high-speed winds, and other severe weather.

Several counties are currently conducting early voting, which will conclude this Saturday, September 9, with municipal primaries scheduled for Tuesday, September 12. Deadlines for October elections are fast-approaching, which also may be affected by the severity of the storm.

Pursuant to the authority granted by [G.S. § 163-27.1](#), as the State's Chief Election Official, my office may exercise emergency authority if it becomes necessary to respond to extremely inclement weather conditions or a natural disaster. This statutory authority is reserved for situations of extreme emergency when the normal elections schedule has been disrupted. I am closely monitoring conditions.

In the event Hurricane Irma disrupts the elections schedule, I will apply the criteria set out in proposed rule 08 NCAC 01.0106 (attached) to craft any necessary relief.

Directors and county staff are best positioned to identify problems on the ground as they unfold. It is critical that county directors contact the helpdesk immediately if a situation develops that may merit the exercise of emergency powers. Directors should also stay in contact with your county board members, precinct officials, local emergency officials, and media outlets.

Every precaution should be taken to ensure the safety of election officials and voters. Please review the following guidelines for ensuring the safety and security of voters, staff, and equipment:

- Be familiar with your emergency plans. CBE offices should have emergency backup

procedures in place for all aspects of office operations, including one-stop voting, Election Day, canvass, and other times. You should ensure that election officials and staff are aware of your office's emergency plan and their roles in the event of an emergency. For every office and voting location, key team members, including chief judges and site managers, should be familiar with the backup plan and other emergency protocols.

- In the event of a life-threatening emergency, remember that the safety of your voters, election officials, and county office staff is your first priority. If conditions merit evacuation, you should do so immediately, and notify relevant parties and the State Board as soon as it is safe to do so. Stay tuned to news and weather updates as threatening weather conditions or other emergency situations may rapidly change.
- Have cell phone numbers for your board members, county IT manager, and county manager on paper and saved in your cell phone. Whenever possible, get a backup phone number for each person you may need to reach in an emergency. Share this information with key staff in your office and your chief judges and one-stop site managers.
- Ensure that your voting sites have sufficient backup power available, including access to a backup power generator, backup battery life of voting machines and other equipment, etc. If iVotronic machines are on battery backup, the printer may need to be reset after each voter.
- If a voting site becomes unusable, contact the State Board as soon as possible and we will work with you to resolve the situation and ensure that all voters have access to a polling place. If an alternate site is unavailable, a county board of elections, with the approval of the Executive Director, may temporarily transfer voters to another precinct or to the board of elections office on Election Day. See [G.S. § 163-128\(a\)](#). Remember to post any changes on your website.
- Work with your county manager if necessary and consider moving electronic equipment (e.g., server, voting equipment, printers, etc.) to higher ground in advance of a storm.
- Consider how an event such as a power outage might affect voters with disabilities. For example, automatic doors or elevators might not be working. Also, consider lighting issues in the event of a power outage.
- Maintain contacts for local emergency authorities, including police, fire, and utilities services. The N.C. Division of Public Safety maintains an Emergency Management section, which may be a resource to you. That office has created a free website and smartphone app, [ReadyNC](#), with real-time updates on weather and other conditions. Contact information for emergency management agencies across the state is available [here](#).
- Document the occurrence and resolution of any emergency by using incident reports for voting systems and non-voting systems, which are available in [STEPPs on the Elections Resource Center](#). This will allow other counties to better prepare for similar emergencies in the future.

-
- Make sure that your county board office is prepared for the storm. Ensure that electronic equipment, files, and other essential items are protected from the storm. Records should be located 3-6 inches off the floor if possible and should be relocated from areas near windows or flood-prone areas such as basements or attics. If the storm threatens your office, SEIMS backup drives should be taken offsite. Ensure the SEIMS server is raised off the floor as high as possible, is not near windows, and is protected from rain or wind. If your office loses power or closes, let the helpdesk know right away. Our office can perform an emergency backup to the backup drives before they are taken offsite.

We will be closely monitoring weather conditions across the State and are available to assist you as needed. Do not hesitate to contact us if you have any questions or concerns.

Statute

G.S. § 163-27.1. EMERGENCY POWERS

The Executive Director, as chief State elections official, may exercise emergency powers to conduct an election in a district where the normal schedule for the election is disrupted by any of the following:

- (1) A natural disaster.
- (2) Extremely inclement weather.
- (3) An armed conflict involving Armed Forces of the United States, or mobilization of those forces, including North Carolina National Guard and reserve components of the Armed Forces of the United States.

In exercising those emergency powers, the Executive Director shall avoid unnecessary conflict with the provisions of this Chapter. The Executive Director shall adopt rules describing the emergency powers and the situations in which the emergency powers will be exercised.

Proposed Rule

08 NCAC 01 .0106 EMERGENCY POWERS OF EXECUTIVE DIRECTOR

(a) The Executive Director acting under G.S. 163-27.1, as chief State elections official, may exercise emergency power to conduct an election when, having reviewed the totality of the circumstances, the Executive Director finds a substantial likelihood that one or more critical components of election administration has been impaired by a disruption arising from any of the following:

- (1) A natural disaster or extremely inclement weather, which may include any of the following:
 - (A) Hurricane;
 - (B) Tornado;
 - (C) Storm or snowstorm;
 - (D) Flood;
 - (E) Tidal wave or tsunami;
 - (F) Earthquake or volcanic eruption;
 - (G) Landslide or mudslide; or
 - (H) Catastrophe arising from natural causes resulted in a disaster declaration by the President of the United States or the Governor.
- (2) A military conflict that includes mobilization, pre-deployment, or deployment of active or reserve members of the United States armed forces or National Guard during a national emergency or time of war

(b) The Executive Director acting under G.S. 163-27.1 must ensure that remedial measures are substantially calculated to offset the practical effects of the disruption(s) found under Paragraph (a) of this Rule. In crafting appropriate relief, the Executive Director shall consider:

- (1) Geographic scope of disruption;
- (2) Effects on contests spanning effected and non-effected areas;
- (3) Length of forewarning and foreseeability of disruption;
- (4) Availability of alternative registration or voting opportunities;
- (5) Duration of disruption;
- (6) Displacement of voters or election workers;
- (7) Access to secure voting locations;
- (8) Sufficiency of time remaining for the General Assembly and the Governor to adopt emergency legislation addressing the disruption;
- (9) Detrimental effects on election integrity and ballot security; and
- (10) Aggregate effects on important Federal and State certification deadlines.