



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

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NUMBERED MEMO 2018-02

TO: County Boards of Elections
FROM: Kim Strach, Executive Director
RE: **March 27th State Board Meeting**
DATE: March 28, 2018

The *new* Bipartisan State Board of Elections & Ethics Enforcement met yesterday, March 27, by teleconference for the purpose of appointing county boards of elections, establishing panels to hear multi-county candidate challenges, and recognizing the North Carolina Green Party. The purpose of this Memorandum is to notify you of Board actions taken yesterday and to address questions received as a result of the summary email sent after that meeting.

Appointment of County Boards of Elections

The State Board appointed four members to each county board of elections and instructed that those appointed members be sworn and meet for an organizational meeting no later than noon on Monday, April 2. **These members will serve until July 2019.** Prior to an appointee taking their oath of office, the State Board-created application must be received by our office. The purpose is to ensure no appointee takes the oath without being qualified.

Most applications from the Democratic Party have been received, and county directors can monitor whether the applications have been completed [here](#) (highlighted rows indicate no application). The Republican Party is actively scanning in applications, and county directors can monitor their progress [here](#). Due to the tight deadline to hold your first meeting and select officers, we encourage directors to reach out to the appointees and provide them a copy of the [application form](#). The contact information provided by the Democratic Party is [here](#), and the contact information provided by the Republican Party is [here](#). If an application has been submitted, you may assume that the appointee may be sworn, unless you hear otherwise.

The full list of yesterday's appointments is posted [here](#).

Several counties have communicated that appointments were made yesterday where the appointee is no longer qualified or does not wish to serve. We are passing that information to the political

parties so that they can provide the State Board with two replacement recommendations from which the State Board will appoint one. Continue to let us know about these vacancies.

A “quorum” for your four-member board is three members. A “majority” for your four-member board is also three members.

Three members shall constitute a quorum for the transaction of board business. Except where required by law to act unanimously, a majority vote for action of the board shall require three of the four members.

G.S. § 163A-767 (not yet posted on the General Assembly’s website). Therefore, if you have three qualified appointees, you can conduct your organizational meeting. In the event you do not have three members who can appear in person for the organizational meeting, please inquire as to whether the appointee(s) can be sworn prior to the meeting and join the meeting by phone. An appointee can be sworn by a notary public (not necessarily a judge or clerk of court) and it doesn’t need to be in a public meeting. A full list of those able to administer oaths is available at [G.S. § 11-7.1](#). A county staff member who is a notary public is authorized to administer the oath of office. The prescribed oath is as follows:

“I,, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the County Board of Elections to the best of my knowledge and ability, according to law; so help me God.”

G.S. § 163A-766(d). The organizational meeting should include the appointment of a Chair, — Vice-Chair and Secretary. The Chair must be a Democrat and the Vice-Chair must be a Republican. The Secretary can be of either party. An officer cannot serve dual roles. For example, the Vice-Chair cannot also serve as Secretary. This coming July, your Board will need to reorganize and elect a Chair that is Republican and a Vice-Chair that is Democrat.

In the meantime, the presence of new board chairs will not require counties to order new ballots with new signatures.

State Board Directives

With many county boards having been unable to meet for weeks due to quorum requirements, there is likely much work new county boards will need to do prior to the first absentee meeting and in advance of one-stop early voting beginning on April 19. Therefore, the State Board has directed this work be done as quickly as possible. For county boards that have not adopted a

unanimous one-stop early voting plan, the desire is for your new board to do so. This is a great opportunity to demonstrate bipartisan cooperation. In the event your new board cannot adopt a unanimous plan, the State Board will need to hear any petitions by your board members in advance of April 19. County boards that have not adopted unanimous one-stop plans should meet for this purpose no later than April 6 so that the State Board would have time to hear any petitions if the county board could not reach unanimity.

Multi-County Candidate Challenge Panels

The State Board appointed panels to hear candidate challenges in the following districts:

House District 22: Bobby Ludlum, R-Bladen, chair; G.H. Wilson, D-Sampson; and Horace Bass, D-Sampson

House District 67: Karmen Mock, R-Stanly; **Ronald Wayne Burris, D-Stanly, chair;** David Black, R-Cabarrus

Senate District 1: Johnny Sessoms III, D-Hertford; Alice Malesky, R-Currituck; William M. Sawyer, D-Camden; **Donna Elms, R-Dare, chair;** Alice Mackey, D-Hyde

Senate District 11: John Shallcross, R-Johnston; Gordon C. Woodruff, D-Johnston; Kelly Shore, D-Nash

Senate District 21: Jeff Long, R-Cumberland; **Harvey Wright Raynor III, D-Cumberland, chair;** Robert Vaughn, R-Hoke

Senate District 34: Alan G. Carpenter, D-Iredell, chair; Paul Mills, R-Iredell; Claude Wiseman, R-Yadkin

Once county boards have been seated, the Chair of each panel should arrange a time for the panel to meet to hear the challenge. The State Board did not provide a deadline for the panels to meet, however, with these challenged candidates appearing on the ballot it is advised that the panels meet as quickly as possible so that voters will know if the challenged candidate will be qualified when they cast their ballot. The elections staff of the county where the chair resides will be the best source of information on exactly when the challenges will be heard.

North Carolina Green Party Recognition

The North Carolina Green Party is now a recognized political party and voters can choose to affiliate with this recognized party when they register to vote. We will be printing new voter registration forms that include the Green Party in the party affiliation section. Until that time, voters can check “other” and write in “Green”.

We will be running a script tonight to include the Green Party in SEIMS. There are SEIMS system processes that will need to be done once this party is added:

1. The county will need to request their ballot styles be unlocked and regenerated so the new party affiliation can be related to the nonpartisan ballot, if there is one.
2. Any SOSA machines that have been prepped for the election will need to have their data updated through the export/import process after ballot styles have been re-enabled, so as to include the new party.

Please refer to instructions sent today from Amanda Penny via email.

Voters who affiliate with the Green Party will only be eligible to vote a non-partisan ballot in the primary election.