



# NORTH CAROLINA

## State Board of Elections & Ethics Enforcement

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### NUMBERED MEMO 2018-14

**TO:** County Boards of Elections  
**FROM:** Kim Strach, Executive Director  
**RE:** Voting Site Setup, Voter Challenges, and New Rules  
**DATE:** October 15, 2018

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This numbered memo addresses various aspects of voting site setup, signage, voter challenges, and recent changes to election rules.

#### Voting Site Setup and Signage

Effective October 1, 08 NCAC 10B .0109 codifies previous guidance to ensure uniform voting site setup throughout the state. Among other things, this rule clarifies the authority of the Executive Director to specify what supplies, signage, and other materials must be present at each voting site. The below guidance regarding signage is provided pursuant to this rule and to [G.S. § 163A-1137](#).

The **“You Certify” poster** was designed to reduce the number of ineligible voters by highlighting voting qualifications in plain language, and 18” x 24” color copies will be provided to you in both English and Spanish. There is also a letter-sized grayscale version of the “You Certify” poster for you to print and have available for curbside voters.

**Official explanations and the proposed text of the constitutional amendments** have been combined into [one document](#). State law does not describe what county boards should do with the official explanations once received. However, you should have copies in your office if the public requests more information about the amendments. It is important that you remind your precinct officials that that they may not provide any substantive information about the amendments.

You should not display **“No Photo ID Required” signs**. With a constitutional amendment on the ballot regarding photo voter ID, there are concerns this signage could ultimately be more confusing than it is helpful to voters, and that it could be perceived as taking a position on the merits of the amendment. Voters who ask should be told verbally that they do not need a photo ID.

The following chart summarizes new required signage for the 2018 general election:

Poster Style	Quantity	Display Instructions
<b><u>“You Certify”</u></b> English/Color 18” x 24”	2 per voting site 10% overage per county	Prominently place signs in a location that will be seen by voters (1) before they enter the voting enclosure and (2) before they reach the Check-in Station.
<b><u>“You Certify”</u></b> Spanish/Color 18” x 24”	1 per voting site 10% overage per county	Prominently place sign in a location that will be seen by voters before they enter the voting enclosure.
<b><u>“You Certify”</u></b> English & Spanish Grayscale 8.5” x 11”	Printed by county	Print English and Spanish versions (can be double-sided) to provide to every voter at curbside. For multiple uses, place in a sheet protector or laminate.
<b>No Photo ID Required Signs</b>	0	DO NOT display voter ID posters this election.

## Voter Challenges

The voter challenge form has been revised based on Judge Biggs’ order in *NC Conf. of NAACP v. State Board*, 1:16-CV-01274, 2018 WL 3748172. As detailed in [Numbered Memo 2018-7](#), a federal court order prohibits holding a hearing or taking any other action on voter challenges based on (1) change of residency or (2) non-individualized evidence if filed within 90 days before a federal election. The updated challenge form reflects these changes and also provides information to individuals interested in submitting a challenge. The form is available in STEPPS and on the State Board website [here](#).

The Election Day challenge envelope has also been updated. Each precinct must be provided with envelopes, which include the required affidavit for challenged ballots pursuant to [G.S. § 163A-915](#). You should discard any old challenge envelopes and use the updated challenge envelope at precincts on Election Day. The new version is available in STEPPS.

## New Rules

A number of rules were recently approved by the Rules Review Commission and are now law. Please review these rules carefully. Some of them are entirely new rules and others are revised rules where the text may have changed substantially. The following list highlights some of the changes for these rules:

### [08 NCAC 02 .0110 Actions of County Board as to Election Protests](#)

Amended to clarify that a county board shall not delay canvass for election protests that do not relate to (1) the vote count or (2) a number of votes that could change the outcome of an election within the jurisdiction of the county board

### [08 NCAC 02 .0111 Election Protest Form](#)

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Rewrites the election protest form. Requires an addendum if the protestor is represented by counsel.

[08 NCAC 18 .0101 Absentee Ballot Delivery](#)

Permits a qualifying voter with a disability to receive assistance taking the ballot to the nearest mailbox

[08 NCAC 01 .0104 Procedures for Political Committees](#)

[08 NCAC 01 .0106 Emergency Powers of Executive Director](#)

Adopts standards for the Executive Director's exercise of emergency authority in the event of natural disaster, extremely inclement weather, or an armed conflict

[08 NCAC 02 .01114 Dismissal of Improper Protest Filings](#)

Requires a county board to dismiss frivolous or improperly filed election protests. Establishes a process for administrative dismissal of a protest if recommended by the county elections director and if no board member or Executive Director raises an objection. Appeals of the administrative dismissal must be filed on the required [form](#).

[08 NCAC 10B .0108 Curbside Voting](#)

Now requires that one-stop and Election Day curbside ballots be tabulated separately from each other and from other precincts and/or reporting groups in counties using DREs

[08 NCAC 10B .0109 Voting Site Uniformity](#)

Details how to set up the voting site, including check-in station, ballot station, help station, exit station, and curbside. Affirms Executive Director's authority to require guides, signage, and materials necessary for effective administration of elections. Codifies requirement that sites using e-pollbooks have a backup hardcopy on site.

[08 NCAC 20 .0101 Election Observers](#)

Codifies existing best practices and provides answers to frequently asked questions regarding observer lists and conduct at the polls. Provides examples of prohibited observer behavior. Permits unaffiliated candidates to appoint observers.

**Links to election statutes, rules, forms for the public, etc. are now available in one place on the State Board's [Legal Resources](#) webpage.**