



NORTH CAROLINA

STATE BOARD OF ELECTIONS

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Numbered Memo 2019-03

TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director
RE: Municipal Elections
DATE: July 19, 2019

1. Canvass Dates for 2019 Municipal Elections

This year the statutorily required canvass date for the September 10th election falls after the beginning of the one-stop period for the October 8th election. Similarly, the canvass date for the October 8th election falls after the beginning of the one-stop period for the November 5th election. In general, the State Board does not have the authority to adjust the canvass date to account for this issue. However, Section 2(a) of Session Law 2019-119 gives the Executive Director the authority to “reduce the canvass period by whatever amount of time the Executive Director believes is necessary in order to ensure orderly elections on the election schedule otherwise required by law,” for 2019 elections only.

I hereby exercise my authority pursuant to S.L. 2019-119 to reduce the canvass periods to six days in 2019 as follows:

September 10 Election: Canvass September 16 at 11:00 a.m.

October 8 Election: Canvass October 14 at 11:00 a.m.

Other deadlines that are tied to the date of the county canvass, such as deadlines for filing election protests, submitting abstracts to the State Board, sample audit counts, and recount requests, are adjusted accordingly. The deadline for provisional voters to submit HAVA documents to the county board of elections¹ is September 13 at 5:00 p.m. for the September election and October 11 at 5:00 p.m. for the October election. The canvass date for the November 5 election will remain the same.

The time reductions dramatically decrease the amount of time to complete the essential post-election audits but do not eliminate the need to conduct all audits. We are working to make sure each of you has the support you need to ensure the accuracy of every contest conducted this year.

¹ See G.S. 163A-863(f).

2. Hand-Counting of Ballots for Municipal Elections

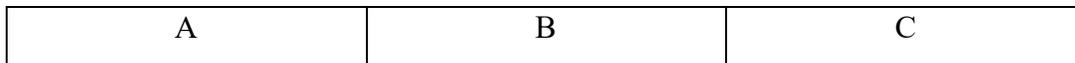
In past years, the State Board has allowed hand-counting of ballots to tabulate election results in municipal elections in some counties in very limited circumstances provided that all election contests on the ballot were uncontested and the population of the municipality was very small. **Due to concerns with ADA compliance and HAVA requirements, hand counting is no longer permitted for municipal elections.**

We understand this decision may impose additional costs on small municipalities that seek to have the municipality’s ballots hand counted. However, we are also cognizant of the burden imposed on voters with disabilities when they are not able to access voting equipment that allows them to vote independently.

3. Temporary Transfer of Voters to an Adjacent Precinct Under G.S. 163A-1045

County boards of elections may temporarily transfer voters from one precinct to another only upon resolution adopted by the county board of elections and approved by the Executive Director. Any such transfer shall be approved for the specific election(s) identified in the request. Approval shall not extend beyond the calendar year in which the request is made. The CBE must maintain separate registration and voting records for the transferred voters.

Precinct transfers made under G.S. 163A-1045 must be to an adjacent precinct. Each of the precincts the CBE is requesting voters be transferred from must be adjacent to the precinct the voters would be transferred to. For example, if the Town Hall is located in Precinct C, it is not permissible to transfer voters from Precinct A to Precinct B, and then to transfer voters from Precincts A&B to Precinct C so that they can all vote at the Town Hall.



If a precinct transfer is made, the CBE must report the election results according to the precinct in which the voter resides, not the precinct in which the voter voted. The CBE must code by precinct or submit an exception waiver to the State Board. Precinct-specific pollbooks and check-in station are required, but separate poll workers and judges are not required.

4. Cross-County Municipal Elections

Municipal elections involving more than one county pose unique challenges to county boards of elections, which must ensure the right of voters to cast a ballot in their county of residence. This numbered memo reflects a concerted effort to comply with statutory requirements while acknowledging administrative constraints during the 2019 Municipal Election Cycle. County

boards of election must comply with this section of the numbered memo when handling any part of a cross-county municipal election for another county.

The requirements outlined below reflect the limitation in statute that county boards of elections have jurisdiction only over their own voters. G.S. 163A-769, which provides the powers and duties of county boards of elections, states:

“county boards of elections *within their respective jurisdictions* shall exercise all powers granted such boards in this subchapter...”

(emphasis added). The jurisdictional limitation occurs elsewhere, both explicitly and implicitly, in Chapter 163A. For example, a challenge to a vote on Election Day “shall be heard and decided by the chief judge and judges of election of the precinct in which the challenged registrant is registered.” G.S. 163A-914. Municipal boards of elections, which previously provided a statutory mechanism for a single board of elections to serve all voters in an election for a cross-county municipality, no longer exist.

For the purposes of this memo, “host county” means the county physically hosting voting for another county. A non-host county is the county whose voters may be permitted to physically vote in the adjacent county. To qualify, there must be 3,000 or fewer registered voters in the portion of the municipality in the non-host county. Any transfer of voters must be to an adjacent precinct in the host county. County boards of elections are specifically limited as follows:

- **Absentee by-Mail (if authorized)**
 - Each county may only handle absentee voting for voters who are registered in that county.
- **One-Stop (if authorized)**
 - Voters from the non-host county may be permitted to vote at a one-stop site in the host county. Each county must have separate pollbooks, check-in sites, tabulators, and one-stop workers. Hand counting is not permitted. Ideally, each county would have a separate room within the voting site. If a separate room is not possible, a physical barrier must be created to separate voting areas for each county.
 - The non-host county must also offer one-stop voting for its voters. The statutory minimum for one-stop voting is regular business hours at the county board of elections office. It is not permissible for the non-host county to *require* its voters to vote at a one-stop site in the host county.

- **Election Day**

- Voters from the non-host county may be permitted to vote in the host county on Election Day only if the host county's precinct is adjacent to the non-host county. Each county must have separate pollbooks, check-in sites, tabulators, poll workers, and judges. Hand counting is not permitted. Ideally, each county would have a separate room within the voting site. If a separate room is not possible, a physical barrier must be created to separate voting areas for each county.
- Voters must also be able to vote at the CBE office in the non-host county from 6:30 am to 7:30 pm. Ballots must be counted using a tabulator; hand counting is not permitted.

- **Notice to Voters**

- In addition to statutorily required notices, notice must also be posted at the municipal government building. Notice must be placed in a daily or weekly paper. Notice must be sent to municipal officials explaining the methods by which voters who reside in the municipality may vote.
- The non-host CBE must send notice to its voters advising them that they may vote:
 - (1) absentee by-mail (it is advisable enclose an absentee request form), if absentee voting is authorized; (2) absentee one-stop in the county of residence, or in the host county if applicable, if absentee voting is authorized; or (3) on Election Day at non-host CBE office or in the host county at the designated adjacent precinct.