



Numbered Memo 2020-02

TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director
RE: Ballot Preparation Instructions
DATE: January 9, 2020

Minimum Number of Ballots

Previously, a rule required county boards of elections to prepare ballots in a number equal to 100% of the number of registered voters in the primary or election. The rule expired in 2017, and therefore guidance is being provided regarding the minimum number of ballots that county boards of elections are required to order for the 2020 elections. This guidance is in line with [Numbered Memo 2018-10](#), which provided the minimum number of ballots to be ordered for the 2018 mid-term general election.

In the 2020 primary, we may see some of the highest turnout in years and have heavily contested primaries, particularly for the two largest political parties. Additionally, we must always ensure that voting sites have a sufficient supply of pre-printed ballots in the event of power failures or other disruptions. For 2020 primary election, county boards of elections are required to procure a supply of paper ballots as follows:

- For counties that use pre-printed paper ballots as their primary method of voting, order ballots at least equal to **100%** of the number of registered voters in the county, as calculated when ballots are ordered before the election;
- For counties that use ballot-marking devices and blank stock as their primary method of voting, prepare pre-printed paper ballots at least equal to **50%** of the number of registered voters in the county, as calculated when ballots are ordered before the election. Blank stock should be on hand equal to 100% of registered voters.

Distribution of ballots to one-stop sites should be based on the percentage of votes cast during the one-stop period in the 2016 presidential primary election. County boards should review voter registration numbers for each ballot style and previous turnout data in making determinations regarding the number of ballots of each ballot style to order and distribute among voting locations.

County boards should monitor same-day registrations and turnout during one-stop and order additional ballots as needed.

Pre-Printed Markings on Ballots

Several counties have asked about the permissibility of printing custom markings on certain ballots. Suggestions have included a unique color stripe for each party's primary ballot, custom-coded provisional ballots that can only be read by a central tabulator, and other pre-printed markings on provisional ballots to distinguish them from regular ballots. These types of markings would help ensure voters get the correct ballot style and prevent provisional ballots from being placed in the tabulator.

These suggestions are appreciated but require rulemaking to comply with the law regarding uniformity and ballot standards. We intend to move forward with adopting standards for when special markings may be used and limitations on such markings, such as what color would be associated with each political party since some associated colors are duplicative. In the meantime, after careful consideration, we are not allowing counties to use custom markings. G.S. § 163-165.4 requires the State Board to ensure that all official ballots “present all candidates and questions in a fair and nondiscriminatory manner” and are “uniform in content and form,” and therefore we need to adopt uniform standards before allowing any custom markings. These standards will ensure fairness to candidates and ensure that every voter's ballot presents the ballot items uniformly.

As a reminder, the barcode scan guns provide a check to ensure the voter is receiving the correct ballot style. If you need procedures for this process, please submit a helpdesk ticket.

Blank Ballots

County boards of elections must ensure that their tabulators are coded to accept blank ballots without notifying the voter of an error as it does with any other ballot that is not overvoted. This has been the consistent policy of the State Board in recent years and ensures voter privacy for individuals who wish to cast a “protest” vote or for some other reason do not wish to select any ballot items.¹

¹ Compare with G.S. § 163-182.1(b)(2), which requires the tabulator to notify a voter of an overvote and provide an opportunity to correct it.