TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director
RE: Inclement Weather Preparations
DATE: January 29, 2020

The weather over the past few weeks reminds us that winters in North Carolina can be very unpredictable. While we hope for a mild winter, we must prepare for the unknown as we approach one-stop early voting and the March 3, 2020 Primary.

Have a plan in place. County boards of elections should review their emergency plans and update them as needed. Plans should consider absentee by mail deadlines, one-stop early voting, Election Day, and the canvass period. If not already established, develop emergency procedures for voting places to operate during power outages and weather conditions that may impede the opening or closing of sites. If you use an electronic pollbook, you must ensure each voting place has backup labels and other necessary supplies, such as tape and scissors, to ensure that in the event of an equipment or power failure voting can continue uninterrupted.

Being mindful that this is an election year for certain law enforcement officials, including for the office of Sheriff, we are working with state officials at the North Carolina Department of Public Safety and the State Emergency Response Team to develop alternative methods of transporting election materials. County boards of elections should coordinate operations with these entities in advance of weather events. Please keep in mind that it is not permissible for anyone other than elections officials to transport results media, official ballots, security keys, and any other voting items, though they may be escorted by one of the above-identified entities for safety purposes. See 08 NCAC 10B .0105.

Coordinate with Emergency Management. As best practice, the elections director or staff should inform county emergency management services of election schedules prior to each election so they can help with power outages, road construction issues, or other incidents that may impede voting. Also, convey your contact information to emergency management and establish a two-way communication plan. This partnership is critical during adverse or inclement weather situations. Other county departments may also need to be informed and maintain established lines of
communications for such weather events, including IT, the county manager, law enforcement, and those responsible for county public relations/media relations.

**Communication plan.** Identify inbound and outbound communication plans and contact information including how information will be conveyed with county board staff and members, poll workers, polling places, political parties, candidates, media, and the identified partners.

Please provide via helpdesk ticket the telephone numbers and email addresses of key office staff, board members, and essential county government staff. This includes telephone and email contacts for the director and chair of the county boards of elections. All counties should provide this information, even if they do not anticipate inclement weather. This information should also be exchanged among your county board members and the director.

County board members and staff should ensure they are able to monitor their county email in order to respond quickly to any action that may need to be taken. If possible, you should update your website and office voicemail with information about any closures or hours changes, which should also be communicated to the identified stakeholders, including county political party chairs and other groups. County board members should be on standby for possible emergency meetings.

**Board policy and emergency meetings.** Should your board need to meet to address a weather-related issue, a quorum of three members must be present. A majority of members present must vote for an action for the motion to pass. An exception to this general rule involves county board actions regarding one-stop plans. To adopt a plan or make changes to it, a county board must have a unanimous vote of all its appointed members. Your county board is expected to work collaboratively to serve the voters in the county, and this includes ensuring both their safety and access to voting.

Ordinarily, a meeting must be noticed at least 48 hours in advance, but a meeting may be called with less than 48 hours’ notice if an emergency arises that the board must address. Only business connected with the emergency may be considered at the meeting, and the notice provisions of G.S. § 143-318.12(b)(3), including notice to members of the media, must be followed. A meeting may be conducted telephonically provided the public is given access to listen to the meeting, which may be accomplished by providing a call-in number. Services such as FreeConferenceCall.com and Zoom have free telephone conference options if your county does not have a service.

In advance of inclement weather, county boards of elections are encouraged to discuss these matters and establish an emergency plan, including policy regarding closure of one-stop sites and county offices. If your county government offices will be closed due to the impact of a weather event, this means that your county has determined it is not safe for the county to be open. Winter weather may also prompt a State of Emergency declaration. Due to the need to protect elections officials and voters, your board may find it necessary to determine whether a one-stop site or sites should also be closed. Because the county board of elections, not county commissioners, establish
one-stop sites for the county, your county board of elections will need to make a unanimous determination about any modifications to its adopted plan. County boards may not extend one-stop hours beyond the hours permitted by law, but you may unanimously adopt plans to close a site(s) due to inclement weather or to change the site(s) hours as permitted by law.

**Emergency Powers**

Pursuant to G.S. § 163-27.1 and 08 NCAC 01 .0106, the Executive Director of the State Board of Elections may exercise emergency powers to conduct an election in districts where the normal schedule has been disrupted by a natural disaster or extremely inclement weather. The Executive Director is required to consider a specific list of factors when emergency powers are exercised, such that any remedy is tailored to the nature and scope of the disruption. Should your county board of elections become aware of a need for these powers to be exercised, the county elections director or staff should notify the State Board via a helpdesk ticket and carbon copy (cc:) to SBE General Counsel Katelyn Love and me. Remedies may include additional hours or days of early voting, extension of when absentee ballots may be received, or other tailored solutions. There must be a disruption before any emergency powers may be exercised, and only the Executive Director, not county boards of elections, may exercise emergency powers to extend voting beyond the hours or deadlines prescribed by law.

We are mindful of the need to balance voter access to the polls with the practical ability of a county board of elections to administer elections in the wake of a weather event, when voting sites may become unusable and precinct officials may be unavailable. We must also ensure the safety of county boards of elections staff, elections officials, and voters. While we extended early voting hours in certain counties after Hurricane Dorian, we did so because voters could not be alerted of any closures in advance and counties could still prepare for Election Day given the nature of that election. Since we know that winter weather may impede voting and counties cannot sufficiently prepare for the volume of tasks necessary for the presidential primary between the close of early voting on the last Saturday before the election, and the start of voting on Election Day, we will begin messaging to voters to vote absentee by mail or during early voting in case winter weather issues arise. **We do not intend to extend one-stop early voting beyond 3 p.m. on Saturday, February 29, 2020.**

**Official weather information.** The SBE receives daily weather bulletins and emergency alerts from the state’s meteorologists. We will share these emergency alerts with county boards in the event of inclement weather. Please rely on credible weather forecasts such as those issued by the National Weather Service and alerts from state and county emergency management.

**Previous guidance.** Previous guidance that may be helpful in developing emergency plans and taking preparatory steps are included in [Numbered Memo 2014-7](#) (Emergency Plans), [Numbered Memo 2018-11](#) (Hurricane Preparations), and [Numbered Memo 2019-05](#) (Emergency Preparations for Hurricane Dorian).