Numbered Memo 2020-13

TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director
RE: One-Stop Planning for the 2020 General Election
DATE: June 24, 2020

Submission of One-Stop Plans
The deadline for submission of one-stop plans is **Friday, July 31, 2020.** July 31 is the deadline for both unanimous and non-unanimous plans. We need to receive all proposed majority and minority plans by this deadline to ensure that our data team has time to complete its data analysis prior to the State Board’s meeting. Letters explaining the rationale for the proposed plan and other supporting documents may be submitted after July 31. Supporting documents may be sent directly to the Legal Division.

We anticipate that the State Board will hold its meeting to consider non-unanimous plans during the last week of August.

Recommendations for One-Stop Sites
Counties should begin work now on one-stop plans and have those ready for the final week of July. As Executive Director, I strongly encourage all counties to consider expanding the number of one-stop voting sites for the 2020 general election, for which Session Law 2020-17 appropriated funds.

Presidential elections traditionally have high turnout, and as we have seen in some other states and jurisdictions, conducting an election during the coronavirus pandemic has caused long lines for in-person voting, which conflicts with recommendations from public health officials about large gatherings and the spread of the virus. It may take longer to process voters as we employ health and safety measures and social distancing. Counties should also consider conducting one-stop early voting each of the 17 days permitted by law to further accommodate the large volume of voters and to adhere to health and safety measures.
Because of North Carolina’s tendency to have tremendous participation during the one-stop early voting period, we must prepare accordingly. While we believe we will see an increase in absentee by mail voting, the Congressional District 11 Republican second primary has shown that North Carolinians will continue to vote in-person. For voters who choose to vote in-person, one-stop early voting is the best means to ensure there is not a bottleneck on Election Day, when we may face additional challenges in administering voting including possible poll worker and polling place shortages.

As we have reiterated since March, no voter should fear disease when casting their ballot. Expanding the opportunity to vote during the one-stop period with an increase in the number of sites and providing in-person voting everyday of the 17-day period is the most proactive step we can take to ensure the health and safety for voters, poll workers, and all election officials during in-person voting since we know our Election Day polling places are often limited in size, availability, and accessibility.

**Statutory Requirements**

“**In Lieu of**” Site

G.S. § 163-227.6(a) permits a county board of elections to conduct one-stop voting at a site other than its office if the site is “reasonably proximate” to the office. These sites are typically referred to as “in lieu of sites.”

We have received questions about how county boards should determine whether a particular location may serve as an in lieu of site. I am not aware that the State Board has issued guidance on this matter. Because of the COVID-19 pandemic, some county board of elections offices or typical in lieu of sites are not large enough to accommodate social distancing needs this year. Therefore, I am issuing the following guidance that I will use in my review of unanimous one-stop plans to determine whether a site is reasonably proximate to the county board office.

The in lieu of site must be:

1. In the same city or town as the county board of elections office; and

2. Either (a) within 4 miles driving distance of the county board office; or (b) within 10 minutes driving time, using Google Maps or a similar online calculator.

Additionally, if the site is being moved to a different area of town, the county board must consider whether an additional site or sites are necessary to reduce the driving or commuting time for voters for whom the in lieu of site is less convenient than the previous office location.

**State Board Criteria**

Previously, statute required the State Board to consider the “factors including geographic, demographic, and partisan interests of that county” in adopting a plan for a county board of elections.
G.S. § 163-227.6, as amended by Session Law 2019-239, now requires that the State Board consider “whether the Plan disproportionately favors any party, racial or ethnic group, or candidate.” During its consideration of non-unanimous plans for the 2020 primary, the State Board interpreted the amendment to not constitute a substantial change in the criteria required for its consideration. The current statute requires that the entire plan, not an individual one-stop site, be considered in determining that a plan does not disproportionately favor a party, racial or ethnic group, or candidate. While the State Board must take the listed factors into consideration, it was not prohibited from considering other factors at the same time. Constitutional provisions, including the *NAACP v. McCrory* decision by the 4th Circuit in 2016 that struck down statutory changes designed to restrict Sunday voting, are also not affected by the change in state law.