Numbered Memo 2020-14

TO: County Boards of Elections

FROM: Karen Brinson Bell, Executive Director

RE: Emergency Order of July 17, 2020

DATE: July 23, 2020

Emergency Order

Last week I issued an Emergency Order pursuant to my authority under G.S. § 163-27.1 and 08 NCAC 01.0106, which authorize me to exercise emergency powers to conduct an election where the normal schedule is disrupted by a catastrophe arising from natural causes that has resulted in a disaster declaration by the President of the United States or the Governor, while avoiding unnecessary conflict with the laws of North Carolina. The emergency measures are calculated to offset the nature and scope of the disruption from the COVID-19 disaster.

The order directs that county boards of elections comply with the following requirements:

1. All county boards of elections shall open each one-stop early voting site in their county for a minimum of ten hours total for each of the first and second weekends of the 17-day early voting period. A county-board office or in-lieu-of site (as defined in N.C. Gen. Stat. § 163-227.6) that is open only during regular business hours shall be excluded from the requirement in this paragraph, provided that there is at least one other one-stop site in the county.

2. Each county board of elections shall open at least one one-stop early voting site per 20,000 registered voters in the county, as reflected in the voter registration records as of July 11, 2020. A county board of elections may apply to the Executive Director for a waiver of the requirement in this paragraph if its proposed plan is sufficient to serve the voting population, maintain social distancing and reduce the likelihood of long lines.

3. Any county board of elections that only has only one one-stop early voting site shall arrange for a backup site and backup staff in the event that its site must be shut down or in the event that there is a lack of sufficient staffing due to COVID-19.
4. Any county board of elections may open its sites earlier than 8:00 a.m. and/or may stay open later than 7:30 p.m., provided that the sites (other than the county-board office or in-lieu-of site, if only open regular business hours) are all open at the same time.

5. All county boards of elections shall post visible signage outside each one-stop site to inform voters of the location and hours of all one-stop sites in the county so voters can assess, while abiding by social distancing guidelines outside the polling location, whether to go to a different location.

6. If a county board of elections learns that one of its polling places for a precinct is inaccessible because of the COVID-19 pandemic, the county board of elections may request a transfer of some voters to an adjacent precinct. The request is subject to approval by the Executive Director and shall explain why the partial transfer is necessary due to the COVID-19 pandemic and how the proposal is consistent with the criteria in N.C. Gen. Stat. § 163-130.2(3)-(7). The request must be received at least 45 days prior to the election. No later than 30 days prior to the election, the county board of elections shall mail a notice of precinct change to each registered voter who, as a result of the change, will be assigned to a different voting place.

7. All county boards shall:
   a. Provide for social distancing at voting sites, including by applying appropriate markings and providing appropriate barriers, including barriers between elections officials and voters at check-in;
   b. Provide for frequent sanitation of common surfaces, hand-sanitizer, and single-use ballot-marking devices;
   c. Require that elections officials wear face coverings, and make face coverings available to voters who do not bring their own. Voters will not be required to wear a face covering to vote;
   d. Require face shields or partitions and gloves for all election officials where appropriate for the task.

The order is effective until November 4, 2020, and does not apply to future elections.

One-Stop Plans
Submission Deadline
The deadline for submission of one-stop plans is extended to Friday, August 7, 2020. This modifies Numbered Memo 2020-13, which had set a deadline of July 31, 2020.

We anticipate that the State Board will hold its meeting to consider non-unanimous plans on August 31, 2020. The three weeks between the submission deadline and the State Board’s meeting...
is necessary to compile data and research for the State Board’s consideration of non-unanimous one-stop plans.

**Modification of Existing Plans**

If a county board has already adopted a plan, the board will need to meet again to modify its plan unless the plan complies with all requirements. All board members must attend and vote for a plan for it to be unanimous. You must also submit a new plan to the State Board using the survey link.

To modify a plan, a county board must notice a meeting at least 48 hours in advance. The meeting notice must be sent to the list of members of the public and media who have requested notice of board meetings. The notice must also be posted on the county board website, if maintained by the county board, and on the principle bulletin board, or if none, then the door of the usual meeting room. We encourage county boards to hold meetings remotely, if possible. A call-in number must be provided for the public to listen in to remote meetings, and we recommend you provide this service for any board meeting so that members of the public who are unable to attend may listen to the meeting. Your board may choose to accept public comment during its board meeting and/or in writing in advance of the meeting. While public comment is not required, we recommend your board accept public comment to provide a source of input from voters who have an interest in their county’s one-stop plan.

**Requirement of 1 site per 20,000 voters**

Pursuant to the emergency order, one-stop plans for the 2020 general election must include one site per 20,000 registered voters. For example, if a county board that has 19,000 registered voters, the requirement is satisfied by opening one site, either the county board office or in lieu of site. Because there is only one site, that site must be open at least the following hours: weekdays from 8 a.m. to 7:30 p.m., 10 hours on the first weekend, 10 hours on the second weekend, and the last Saturday from 8 a.m. to 3 p.m. If a county has 21,000 registered voters, for example, they are required to open two sites. Similarly, if a county has 117,000 registered voters, they are required to open six sites. If a county has at least two sites, they are not required to open their county board office or in lieu of site on the weekends if it is only open regular business hours.

**Waiver Requests**

A county board may request a waiver of the requirement of one site per 20,000 registered voters. The request must be made in writing in the form of a resolution or letter from the county board of elections and should indicate whether the request is unanimous. No particular form is required.

The waiver request must specify in detail how the board’s proposed plan meets the requirements of the emergency order. If the resolution or letter from the county board does not include this information, the director may provide a supplemental letter with the necessary details.
A county board must demonstrate in its request that the proposed plan is sufficient to:

1. Serve the voting population;
2. Maintain social distancing; and
3. Reduce the likelihood of long lines.

The request should include details about the proposed sites, such as the square footage and number of voting booths or machines that may be accommodated, and the anticipated number of voters who will be able to vote at the site. Keep in mind that it will take slightly longer for voters to vote this fall due to the protective measures in place. We encourage you to include in your request references to prior elections, including comparisons of the number of one-stop sites, turnout, average wait time, and days on which voter turnout was highest, to demonstrate why the proposed plan meets the required criteria. The burden is on the county board of elections to demonstrate why a waiver is justified.

A waiver will not be approved based on a summarily stated concern for lack of pollworkers or the cost of additional sites. Please be mindful that this emergency order was issued to ensure proper social distancing, reduce long lines, and accommodate the voting population so that we reduce the exposure to coronavirus. The more we spread the opportunity for voters to vote during the 17-day early voting period the less their exposure to coronavirus, including reducing long lines and issues with social distancing on Election Day.

Unanimous requests will be considered by the Executive Director, and non-unanimous requests will be considered by the State Board. Waiver requests should be submitted to Davy Lowman, In-person Voting Program Specialist, at davy.lowman@ncsbe.gov.

**Use of Federal Funds**

State Emergency Management and DHHS will be supplying personal protective equipment (PPE) needs for all 100 county boards of elections. Provided PPE will include face masks for voters and elections officials, face shields and gloves for elections officials, disposable cotton swabs as styluses for ballot marking devices, screen wipes, and disinfecting wipes for all polling locations. We are also finalizing plans for the SBE to provide single-use pens to all counties and are working with a national distillery to provide hand sanitizer for all voting locations in the state.

These contributions free up several million dollars in CARES Act funds to allow county boards of elections to pay for other needs related to efforts to respond to the pandemic. County boards may use CARES Act funds to pay for additional one-stop sites and workers needed because of the pandemic, including due to the requirements outlined in the July 17, 2020 Emergency Order. You may also use the funds for things such as poll worker pay, lease fees on alternative polling sites, increased postage costs due to increased absentee by mail requests, and other efforts to respond to coronavirus.