Numbered Memo 2022-10

TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director
RE: Ballot Quantities in General Elections; Alerts for Casting Blank Ballots
DATE: August 26, 2022

This numbered memo provides updated information about the minimum number of ballots that must be ordered for even-year general elections, and modifies previous State Board instruction on alerting in-person voters when a blank ballot has been inserted into a tabulator. It replaces Numbered Memo 2020-16.

Ballot Quantities

This guidance on ballot quantity is intended to be used for the 2022 general election and for future even-year general elections. Required minimums have been calculated to help ensure that voting sites have a sufficient supply of pre-printed ballots in the event of power failures or other disruptions.

The amounts of ballots required to be prepared by this memo are a minimum. County boards must always consider the unique needs of the county and expected turnout on Election Day in determining how many pre-printed ballots to order. Factors may include, but are not limited to, considerable changes in population or special ballot items like referenda.

All county boards should exercise their best judgment, including by reviewing turnout in past similar elections, in determining the number of ballots of each style to prepare and distribute to each voting location. All counties must ensure pre-printed or ballot-on-demand quantities are adequate to fulfill absentee ballot requests and factor in these requests when placing an order for ballots or ballot stock. The distribution of ballots to Election Day precincts should account for turnout at one-stop locations during that election. County boards should also monitor same-day registrations and turnout during one-stop and order additional ballots as needed.

County boards of elections are required to procure a supply of paper ballots as follows:

- For counties that use pre-printed ballots as their main method of voting, order ballots at
least equal to 100% of the number of registered voters in the county corresponding to each ballot style. Voter registration numbers are to be calculated as of the time ballots are ordered before the election.

• For counties that use ballot-marking devices and/or ballot-on-demand with blank stock as their main method of in-person voting, order pre-printed ballots at least equal to 50% of the number of registered voters in the county corresponding to each ballot style. Blank stock must be on hand equal to 100% of registered voters in the county.

• For hybrid counties that use one voting method for one-stop and another method for Election Day (e.g., ballot-marking device or ballot-on-demand for all one-stop voting and hand-marked ballots on Election Day), order pre-printed ballots at least equal to 60% of the number of registered voters in the county corresponding to each ballot style.1 Blank stock must be on hand equal to 100% of registered voters in the county.

Alerts for Casting Blank Ballots

This instruction replaces previous State Board guidance on alerting voters to blank ballots inserted in a tabulator and applies to all future elections.

All voting systems must be programmed to alert a voter that they have inserted an entirely blank ballot into a tabulator. Previously, the guidance had been to not permit such alerts, since a voter is entitled to cast an entirely blank ballot, if that is the voter’s intent. However, the State Board is aware of instances where this was not the voter’s intent, and a blank ballot was inserted by accident. Because a voter may not be issued another regular ballot after having cast a ballot into a tabulator,2 the previous guidance resulted in some voters accidentally forfeiting their opportunity to vote their ballots as intended.

When a tabulator alerts to an entirely blank ballot, a poll worker must: (1) explain to the voter that the ballot has not been filled out, and (2) ask the voter whether the voter intended to cast a ballot with no selections marked. If this was the voter’s intent, the blank ballot must be cast. If this was not the voter’s intent, the poll worker must instruct the voter to return to the voting booth to complete their ballot. NOTE: The poll worker should discuss this matter with the voter such that no other person may hear the conversation, because if it was the voter’s intent to cast a

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1 This is a conservative calculation based on the highest likely turnout among Election Day and absentee-by-mail voting.

2 See 08 NCAC 10B .0104(b): “A voter shall not be given a replacement ballot until the voter has returned the spoiled or damaged ballot.”
blank ballot, revealing this to any other person would compromise the secrecy of the voter’s ballot selections.³

³ See N.C.G.S. § 163-165.1(e): “Voted ballots and paper and electronic records of individual voted ballots shall not be disclosed to members of the public in such a way as to disclose how a particular voter voted, unless a court orders otherwise.”