



NORTH CAROLINA

State Board of Elections & Ethics Enforcement

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NUMBERED MEMO 2018-06

TO: County Boards of Elections
FROM: Kim Strach, Executive Director
RE: **One-Stop Early Voting for November 2018 General Election**
DATE: July 6, 2018

On June 27, the General Assembly overrode the Governor's veto to enact the attached [Session Law 2018-112](#) (SB 325), which alters the schedule for early voting in North Carolina. This Numbered Memo provides information to county boards about one-stop absentee voting for the 2018 general election in light of recent changes. We are aware that on the last day of session the General Assembly approved a bill that would add back the last Saturday of early voting, but to date this has not become law.

Counties are encouraged to inform their Boards of Commissioners if additional funds may be necessary to operate early voting sites comparable in number to those available in previous elections.

Statutory Changes

New Early Voting Period

The early voting period now begins on the third Wednesday before Election Day (October 17) and ends the Friday before Election Day (November 2). The period remains 17 days, but begins and ends a day earlier than under prior law.

Possible Addition of Voting on Last Saturday

If signed by the governor, [HB 335](#) would restore voting on the last Saturday before the election in 2018 only. On that day, early voting would take place at a minimum at the county board office from 8 a.m. to 1 p.m., with the option to be open until 5 p.m. All one-stop sites would be open from 8 a.m. to 1 p.m.,¹ with the option to be open until 5 p.m. One-stop sites could be open for a different number of hours on the last Saturday (e.g., Site 1 open from 8 a.m. to 3 p.m. and Site 2 open from 8 a.m. to 5 p.m.). This bill has not yet become law, and we will keep you informed as to its enactment.

County Board Office

At a minimum, the county board office must be open during regular business hours throughout the one-stop early voting period.² Any other schedule for the board office (e.g., extending past regular business hours)

¹ See S.L. 2018-112, § 2, amending § 163A-1303(c)(2): "If any one-stop site across the county is opened on any day during the period required by G.S. 163A-1300(b), all one-stop sites shall be open on that day."

² The new uniform hour and site requirements in S.L. 2018-112 Section 2 apply to "all sites approved for one-stop voting under [§ 163A-1303]." Voting at a county board office during regular business office is required by § 163A-1300, not approved as a Plan of Implementation.

requires the unanimous approval of a one-stop implementation plan under G.S. § 163A-1303. If the county board office will operate beyond regular business hours, then new uniform hours requirements apply (see below).

Weekday Uniform Hours

On each weekday during the early voting period, all additional one-stop sites in the county (not the county board office) must be open from 7 a.m. to 7 p.m.

Weekend Uniform Number of Hours

If any one-stop site (including the county board office) is open on a Saturday, then all one-stop sites must be open *for the same number of hours* on that Saturday. If any one-stop site (including the county board office) is open on a Sunday, then all one-stop sites must be open *for the same number of hours* on Sunday. The sites may be open on one Sunday or both Sundays. Sites can be open for different hours on a weekend, provided that the number of hours is the same (e.g., Site 1 is open Saturdays from 9 a.m. to 1 p.m. and Site 2 is open Saturdays from 11 a.m. to 3 p.m.).

If Any Site, Then All Sites

Any day a one-stop site in the county is open, all one-stop sites in the county must be open on that day. This is true both during weekdays and weekends, although on weekends the hours may vary as long as the number of hours at each site is the same. County board offices must be open during regular business hours, unless they are open for more hours as authorized in a one-stop implementation plan. If a county board office is open beyond regular business hours, then it must meet the uniform hours requirement.

Options for Extending One-Stop Voting

County boards may extend one-stop voting in the following ways:

- Open additional sites other than the county board of elections office;
- Open a site “in lieu of” the county board of elections office in a different building (holding early voting in a different room in the same building as the county board office does not require state approval);
- Open the county board office beyond regular business hours; and/or
- Open sites on Saturdays and/or Sundays during the early voting period.

Your board may also designate an alternative plan that includes the last Saturday before the election in the event HB 335 becomes law.

County board action to extend one-stop voting continues to require a unanimous vote by all members and submission of a one-stop implementation plan for administrative approval.

One-Stop Plans

Keep in mind that the sites and schedule for one-stop voting are a decision for the county board of elections members, although the county board may receive input from political parties, voters, and local groups and organizations.

One-stop implementation plans or notification of non-agreement on a one-stop plan are due **July 20, 2018**. It is recommended that county boards of elections meet prior to the deadline to discuss and adopt their one-stop plans. If your county board is unable to meet the deadline, please let us know and we will work with you to ensure sufficient time for review.

Implementation plans must be approved by a unanimous vote of all county board members. Consensus-building will be important. We encourage board members, who are familiar with the unique needs of their county, to think creatively and work through differences of opinion for the good of the voters in your county.

Remember, your board is a bipartisan body appointed to serve the voters of your county. County board members took an oath to uphold their duties and adopting a one-stop plan is an important part of those duties. Failure to compromise will mean that the nine-member State Board will determine whether to adopt a plan for your county.

County boards of elections are encouraged to be mindful of expected turnout and historical use of one-stop early voting in their respective counties. The availability of early voting sites may reduce lengthy lines on Election Day.

Unanimous One-stop Plans

Unanimous one-stop implementation plans must be either signed by all members of the county board, or attached to a resolution that is signed by all members of the county board. As in previous years, we will conduct administrative review of unanimous plans. To submit your plan, complete the following survey:

All information may now be submitted through a single survey. After submitting the plan survey, you will receive an email from “Google Forms” with “One-stop Implementation Plan” in the subject line. Review your entries and use the link in the email to edit your responses, if necessary. After review of your submitted responses, print the Google response email and submit the unanimous plan to the State Board using FileZilla. You should also upload the board’s signed *One-stop Implementation Plan Signature Sheet* and any resolution or other supporting documentation. Once you receive confirmation from our office that your plan has been approved, enter the schedule into One-Stop System Manager.

Non-unanimous One-stop Plans

If a county board is unable to reach unanimity regarding a one-stop plan, a member or members of the board may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. **In considering whether and how to adopt a plan for a non-unanimous county, the State Board will consider factors including geographic, demographic, and partisan interests of that county.** G.S. § 163A-1303(a).

Non-unanimous one-stop implementation plans must also be entered into the one-stop survey. You will need to indicate in the survey that the plan was not unanimous. It is possible that you may be submitting multiple plans, which case you will need one survey response for each plan. For example, if two board members vote for one plan and the other two board members vote for an alternative plan, you will need to enter both proposed plans. In the survey, give each non-unanimous plan a name (e.g., Plan A and Plan B). Again, use the one-stop survey to submit the non-unanimous plans.

All information may now be submitted through a single survey. Upon submitting the plan survey, you will receive an email from “Google Forms” with “One-stop Implementation Plan” in the subject line. Review your entries and use the link in the email to edit your responses, if necessary. After review of your submitted responses, print the Google response email and submit the non-unanimous plans to the State Board using FileZilla. You should also upload any supporting documentation. Non-unanimous plans, including

supporting documentation, will be submitted to the State Board for adoption of your county's 2018 general election one-stop.

Frequently Asked Questions

- Q: Is there an option to ask for fewer hours?
A: No. The early voting requirements are set by statute and the State Board does not have the authority to change them.
- Q: Does the one-stop plan have to be unanimous as to weekend hours?
A: Yes, all aspects of the one-stop plan must be unanimous.
- Q: The session law says early voting may not start “earlier than the third Wednesday.” Does that mean it may start *later than* the third Wednesday before the election?
A: No, the early voting period must start on the third Wednesday before the election.³ At a minimum, your county board office must be open during regular business hours during the entire early voting period. If you open additional sites or open your county board office for additional hours, you are required to meet the uniform hours and site requirements explained above.
- Q: What if my county commissioners do not provide additional money for one-stop sites?
A: Counties are encouraged to work collaboratively with their county commissioners. Open lines of communication will be important. It may be helpful to provide data to commissioners as to why sites and schedules were chosen.
- Q: Do we have to have the same number of hours on Saturdays and Sundays?
- **A: No. One-stop voting may take place for a different number of hours on Saturdays and Sundays, respectively. For example, all one-stop sites could be open for 6 hours on Saturdays and 4 hours on Sundays. Remember, all one-stop sites must be open if any one-stop site is open.**
- Q: Why is language from the photo ID law (HB 589) included in the new statute?
A: Although challenged portions of HB 589 were held unconstitutional by the 4th Circuit Court of Appeals, the text of the law remained on the books because it had not been repealed by the General Assembly. The text of amended portions of the statute has now been updated (e.g., hours matching has been removed).

Conclusion

We understand your county boards face many demands during the 2018 election season, but please remember the importance of decisions regarding the adoption of one-stop plans. We are certain that your bipartisan boards will work to make the adoption of their one-stop plans as smooth as possible. As ever, the staff at the State Board stand ready to assist in any way appropriate.

³ The one-stop period is established by S.L. 2018-112 § 2, amending § 163A-1303(c)(3): “*On each weekday* during the period required by G.S. 163A-1300(b), all one-stop sites shall be open from 7:00 A.M. to 7:00 P.M.” (emphasis added).

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-112
SENATE BILL 325

AN ACT TO SET HOURS FOR ONE-STOP EARLY VOTING SITES AND TO REQUIRE COUNTY BOARD OF ELECTIONS TO SUBMIT AN ANNUAL REPORT ON VOTER LIST MAINTENANCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1300(b) reads as rewritten:

"(b) Not earlier than the ~~second Thursday~~third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than ~~1:00 P.M.-7:00 P.M.~~ on the last ~~Saturday~~Friday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. ~~A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M.~~ That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board and present photo identification in accordance with G.S. 163A-1145. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in ~~G.S. 163-227~~G.S. 163A-1391. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 2. G.S. 163A-1303 reads as rewritten:

"§ 163A-1303. Sites and hours for one-stop voting.

(a) Notwithstanding any other provision of G.S. 163A-1300, 163A-1301, 163A-1302, this section, and G.S. 163A-1304, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under these sections. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board as part of a Plan for Implementation approved by both the county board of elections and by the State Board which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163A-821 for party observers at voting places on election day. A county board of elections may propose in its Plan not to offer one-stop voting at the county board of elections office; the State Board may approve that proposal in a Plan only if the Plan includes at least one site reasonably proximate to the county board of elections office



and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the county's electorate. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county. ~~Any plan adopted by either the county board of elections or the State Board under this subsection shall provide for the same days of operation and same number of hours of operation on each day for all sites in that county for that election. The requirement of the previous sentence does not apply to the county board of elections office itself nor, if one stop voting is not conducted at the county board of elections office, to the reasonably proximate alternate site approved under this subsection.~~

...

(c) For all sites approved for one-stop voting under this section, a county board of elections shall provide the following:

- (1) Each one-stop site across the county shall be open at that same location during the period required by G.S. 163A-1300(b).
- (2) If any one-stop site across the county is opened on any day during the period required by G.S. 163A-1300(b), all one-stop sites shall be open on that day.
- (3) On each weekday during the period required by G.S. 163A-1300(b), all one-stop sites shall be open from 7:00 A.M. to 7:00 P.M.
- (4) If the county board of elections opens one-stop sites on Saturdays during the period required by G.S. 163A-1300(b), then all one-stop sites shall be open for the same number of hours uniformly throughout the county on those Saturdays.
- (5) If the county board of elections opens one-stop sites on Sundays during the period required by G.S. 163A-1300(b), then all one-stop sites shall be open for the same number of hours uniformly throughout the county on those Sundays."

SECTION 3. G.S. 163A-1304 is repealed.

SECTION 4. G.S. 163A-877 is amended by adding a new subsection to read:

"(f) Annual Report on List Maintenance Efforts. – County board of elections shall submit to the State Board an annual report, on or before September 1 of each year, of its list maintenance under this section. The State Board shall compile annual reports received from the county board of elections and submit the reports to the Joint Legislative Elections Oversight Committee on or before October 1 of each year."

SECTION 5. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Bill Rabon
Presiding Officer of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

VETO Roy Cooper
Governor

Became law notwithstanding the objections of the Governor at 11:00 a.m. this 27th day of June, 2018.

s/ James White
House Principal Clerk

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

HOUSE BILL 335
RATIFIED BILL

AN ACT TO RESTORE EARLY ONE-STOP VOTING ON THE LAST SATURDAY BEFORE THE 2018 ELECTION AND TO ALLOW FLEXIBILITY IN EARLY ONE-STOP VOTING SITES ON INHABITED ISLANDS WITH NO BRIDGE ACCESS TO THAT ISLAND.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163A-1300(b), as amended by S.L. 2018-112, reads as rewritten:

"(b) Not earlier than the third Wednesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than ~~7:00 P.M. on the last Friday~~ 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in G.S. 163A-1303. A county board of elections shall conduct one-stop voting on the last Saturday before the election from 8:00 A.M. until 1:00 P.M. and may conduct one-stop early voting until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board and present photo identification in accordance with G.S. 163A-1145. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163A-1391. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 1.(b) G.S. 163A-1303(c)(4), as amended by S.L. 2018-112, reads as rewritten:

"(4) If the county board of elections opens one-stop sites on Saturdays other than the last Saturday before the election during the period required by G.S. 163A-1300(b), then all one-stop sites shall be open for the same number of hours uniformly throughout the county on those Saturdays."

SECTION 1.(c) This section is effective when it becomes law and expires January 1, 2019.

SECTION 2. G.S. 163A-1303, as amended by S.L. 2018-112, is amended by adding a new subsection to read:

"(d) Notwithstanding subsection (c) of this section, a county board of elections by unanimous vote of all its members may propose a Plan for Implementation providing for a site in that county for absentee ballots to be applied for and cast with days and hours that vary from



the county board of elections, or its alternate, and other additional one-stop sites in that county. If the county board of elections is unable to reach unanimity in favor of a Plan for Implementation, a member or members of the county board of elections may petition the State Board to adopt a plan for the county and the State Board may adopt a Plan for Implementation for that county. However, any Plan of Implementation approved under this subsection shall provide for uniform location, days, and hours for that one site throughout the period required by subsection (a) of this section. This subsection applies only to a county which includes a barrier island that meets the following conditions:

- (1) It has permanent inhabitation of residents residing in an unincorporated area.
- (2) It is bounded on the east by the Atlantic Ocean and on the west by a coastal sound.
- (3) It contains either a National Wildlife Refuge or a portion of a National Seashore.
- (4) It has no bridge access to the mainland of the county and is only accessible by marine vessel."

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of June, 2018.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2018