

Chapter 14

Guide to Precinct Management

Purpose: To provide a short guide to statutes that pertain to precinct management on Election Day.

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Guide to Precinct Management

The term "precinct official" shall mean chief judges and judges appointed pursuant to this section, and all assistants appointed pursuant to *G.S. §163-42*, unless the context of a statute clearly indicates a more restrictive meaning *G.S. §163-41*. Under Chapter 10B of 8 NCAC, unless otherwise noted, the term "precinct officials" shall mean chief judge, precinct judge, assistants, emergency election-day assistants, and ballot counters.
8 NCAC 10B.0101.

I. GENERAL DUTIES OF PRECINCT OFFICIALS (*G.S. §163-182.17(b)* and *8 NCAC 10B.0101*)

- A. Duties of the Precinct Officials - Precinct officials, in accordance with rules of the State Board of Elections and under the supervision of the county board of elections, shall perform all of the following:
1. Count votes when votes are required to be counted at the voting place. *G.S. §163-182.2*.
 2. Make an unofficial report of returns to the county board of elections. *G.S. §163-182.2*.
 3. Certify the integrity of the vote and the security of the official ballots at the voting place. *G.S. §163-182.2*.
 4. Return official ballots and equipment to the county board of elections. *G.S. §163-182.2*.
 5. Promptly notify the county board of elections of any sickness, emergency, legal conflict, or other circumstances that will or might prevent the person from performing as a precinct official on a primary or election day. *8 NCAC 10B.0101(b)(6)*.
 6. Ensure that the voting system remains secure throughout the voting period. *8 NCAC 10B.0101(g)(5)*.
 7. Ensure that only properly voted official ballots are introduced into the voting system. *8 NCAC 10B.0101(g)(6)*.
 8. Ensure that no official ballots leave the voting enclosure during the time voting is being conducted except as provided by *G.S. §163-166.9*.
 9. Ensure that all improperly voted official ballots are returned to the precinct officials and marked as spoiled.
 10. Ensure that voters leave the voting place promptly after voting.
 11. Ensure that voters not eligible to vote in the precinct but who seek to vote there are given proper assistance in voting a provisional official ballot or guidance to another voting place where they are eligible to vote.
 12. Ensure that information gleaned through the voting process that would be helpful to the accurate maintenance of the voter registration records is recorded and delivered to the county board of elections.

13. Ensure that registration records are kept secure.
14. Ensure that party observers are given access as provided by *G.S. §163-45*, to current information about which voters have voted.
15. Aid any voter, as needed, in curbside voting as provided for in *G.S. §163-166.9*.
16. Provide Spanish ballot instructions as needed to voters, when such instructions are required to be available by law. Direct all language needs which can not be handled at the precinct to the county board office.
17. Register and help, at the voting place, those persons eligible to register and vote on election day as allowed by *G.S. §163-254* and *G.S. §163-82.6(d)*.
18. Promptly report to the county board of elections, any physical or mental ailment, impairment, or deterioration that may adversely affect the performance of an election related task or duty. Report any such conditions known in any other precinct officials to the county board.
19. Promptly report any violation of election laws or regulations to the chief judge, or to the county board of elections if the chief precinct judge is involved in the violation;
20. Provide any person who requests it any information on how to contact the county director of elections, the county board of elections, or the office of the State Board of Elections.
21. Remain at the voting place, at all times during the voting day, until closure. By prior agreement with the county board of elections and pursuant to *G.S. §163-42*, election assistants and emergency election-day assistants may work less than the entire voting day.
22. Inform the county board of elections if any blood relative of kinship of first cousin or nearer or a parent in-law, child in-law or sibling in-law is a precinct official/worker serving with you in the same precinct, and not to serve with that relative in the same precinct. Also inform the county board of elections of any relationship, as described in the previous sentence, that you may have with an emergency election-day assistant and not serve with that person in the same precinct. *8 NCAC 10B.0101(b)(3)*.
23. Precinct officials must not accept money from candidates, commit fraud, make false statements, or make false writings in performing election duties. The penalty for such activities, if convicted, is a Class I felony *G.S. §163-275(3),(8),(9) and (12)*.

II. TYPES OF PRECINCT WORKERS

A. Precinct Judges

1. Appointments (*G.S. §163-41*)

- a. One chief judge and two judges appointed per precinct
 - (1) By the county board of elections for 2-year terms
 - (2) Selected from list given by chairman of political parties
 - (a) Chairman of each county political party recommends two registered voters in each precinct for chief judge; remaining judges chosen from same lists
 - (b) If names received by fifth day prior to date appointments to be made, recommendations must be followed
 - (3) Temporary appointments allowed and other circumstances
 - (a) Qualified non-resident may be appointed as chief judge or judge (only if no resident meets qualifications or no names submitted by the political party)
 - (b) In all cases, temporary appointments should be apportioned among political parties if possible.
 - (4) If judges do not appear on election day
 - (a) If chief judge does not appear on election day, the two judges appoint a chief judge until such time as the chairman of the county board of elections can make a permanent replacement. Replacement should be of same party as vacating chief judge
 - (b) If other judges do not appear on election day, the chief judge appoints replacements until such time as the chairman of the county board of elections can make permanent replacements
 - (c) When practical, the county board of elections chairman should consult with the county chairman of the political party of the vacating judge
- b. Not more than one judge in each precinct may be of the same party as the chief judge. All three judges from the same party are allowed only if no qualified other party or unaffiliated person from precinct or other qualified non-resident is available. Once a judge from the needed party is available and appointed, that judge replaces the judge from the other party serving in the new judge's position.
- c. Qualifications of precinct judges

- (1) Registered voter and resident of precinct of appointment (may be non-resident temporary appointment)
 - (2) Able to read and write
 - (3) Of good repute
 - d. Prohibitions to being appointed a precinct judge
 - (1) An elective office-holder
 - (2) A candidate for nomination or election
 - (3) An individual who holds an office in a state, congressional district, county or precinct political party or political organization, or who is a manager or treasurer for any candidate or political party.
 - (4) The position of delegate to a political party convention shall not be considered an office
 - e. Other precinct judge prohibitions or requirements
 - (1) Prohibition against serving simultaneously with spouse, child, spouse of a child, or sibling. *G.S. § 163-41.1.*
 - (2) A wife, husband, mother, father, son, daughter, brother, sister of any candidate for nomination or election is temporarily disqualified as serving as a judge in any election involving the relative. *G.S. § 163-41.1.*
 - (3) Judges must serve the entire day at the polls on election day. *G.S. §163-47(a).*
 - (4) Before serving, judges must take the oath prescribed in *G.S. §163-41(a).*
2. **Powers and duties of precinct judges (*G.S. §163-47 and 8 NCAC 10B.0101*)**
- a. Where the precinct chief judge does not have the exclusive statutory mandate to perform a task or duty, a precinct judge may be designated to perform such task or duty. *8 NCAC 10B.0101(b).*
 - b. Duties of Precinct Judges
 - (1) Conduct elections fairly and impartially. *G.S. §163-47(a).*
 - (2) Enforce peace throughout the voting place. *G.S. §163-48.*
 - (a) Prevent and stop any illegal activities
 - (b) Protect challengers and witnesses against harassment
 - (c) Call county board of elections prior to calling law enforcement (if time and situation permits)

- (d) Call upon law enforcement officers to maintain order
 - (e) Order the arrest of any person violating elections law
 - (f) Judges may deputize any person or persons to aid in maintaining order at the voting place
- (3) Hear challenges of registered voters. *G.S. §163-88.*
 - (4) Count votes cast in their precinct and make returns. *G.S. §163-182.2.*
 - (5) Take inventory of ballots and elections supplies, and return unused ballots and supplies. *8 NCAC 10B.0106.*
 - (6) On election day, chief judge is responsible for instructing precinct officials at the precinct on how to count and tally ballots. All judges must sign all poll books used at the precinct. *8 NCAC 10B.0105.*
 - (7) The chief judge of each precinct shall be responsible for the adherence of the precinct officials to the State Board rules for counting, reporting, and transmitting official ballots. *G.S. §163-182.3.*
 - (8) Ensure that the process of voting assures dignity, good order and impartiality, and the convenience and privacy of the voter. *G.S. §163-166.7(c).*
 - (9) Assist election assistants, if needed, in checking the registration of voters at the voting place.
 - (10) Maintain the reality and appearance of efficient, impartial, and honest election administration at the precinct. *G.S. §163-166.5 (3).*
3. **Election Assistants (*G.S. §163-42 and 8 NCAC 10B.0101(d)*)**
- a. Requirements and qualifications
 - (1) Appointed by county board of elections
 - (2) Must be registered voters in precinct of assignment (non-residents if not enough qualified residents are available)
 - (3) Two or more may be appointed
 - (4) In precincts of less than 500 registered voters, no more than two assistants may be appointed
 - (5) Assistants must be chosen from different political parties when possible. Party chairmen may recommend three to ten nominees from each precinct no later than 30th day before primary or election

- (6) Before serving, assistants must take oath prescribed in *G.S. §163-41(a)*
 - (7) Assistants may serve less than the full day
4. **Emergency Election-Day Assistants (*G.S. §163-42 and 8 NCAC 10B.0101(e)*)**
 - a. Emergency election-day assistants may be appointed by county board by unanimous vote if there are an insufficient number of precincts officials to work on election day due to an emergency occurring within 48 hours prior to polls opening. *G.S. §163-42.*
 - b. Tasks of Emergency Election –Day Assistants. *8 NCAC 10B.0101(e).*
 - (1) Prepare prior to and on the day of a primary or election to serve, on short notice given by the county board of elections, to travel to and work at any voting place within the county
 - (2) Perform all the tasks and duties of an election assistant where assigned and be subject to all duties, responsibilities, and restrictions pertaining to election assistants
5. **Student Election Assistants (*GS § 163-42.1*)**
 - a. May be appointed by the county board of elections
 - (1) Qualifications
 - (a) Seventeen years of age at the time of any election or primary in which the assistant works
 - (b) United States citizen.
 - (c) Resident of the county in which the student is appointed
 - (d) Enrollment in a secondary educational institution, including a home school as defined in *G.S. §115C-563(a)*, with an exemplary academic record as determined by that institution
 - (e) Recommendation by the principal or director of the secondary educational institution in which the student is enrolled
 - (f) Have the consent of a parent, legal custodian, or guardian
 - b. General duties and requirements
 - (1) No more than two student election assistants shall be assigned to any voting place.
 - (2) Every student election assistant shall work under the direct supervision of the election judges.

- (3) The student election assistants shall attend the same training as precinct assistants, shall be sworn in the same manner as precinct assistants, and shall be compensated in the same manner as precinct assistants.
 - (4) The county board of elections shall prescribe the duties of a student election assistant, following guidelines which shall be issued by the State Board of Elections.
 - (5) Under no circumstance may students ineligible to register to vote if they were of proper age be appointed and act as precinct judges or observers in any election.
6. **Ballot Counters (*G.S. §163-43 and 8 NCAC 10B.0101(f)*)**
- a. If ballot counters are needed, the chief judge receives the list of counters from the county board, or appoints counters if authorized to do so by the county board. Ballot counters must take oath prior to their counting votes. There is no requirement to have ballot counters appointed or used by a county board of elections unless they are needed. The chief judge reports to the county board of elections at the county canvass the names and addresses of any ballot counters *G.S. §163-163-43. 8 NCAC 10B.0101(b)(22)*.
 - b. All ballot counters shall perform the following. *8 NCAC 10B.0101(f)*.
 - (1) After appointment, to appear at the polling place immediately at close of the polls and to be prepared to count ballots, as prescribed by law, under the direction and control of the chief and other precinct judges.
 - (2) To be sworn into office, by the precinct chief judge prior to starting counting.
 - (3) Upon learning that any parent, spouse, child, or sibling has filed for elective office, to inform the county board of elections so that the provisions of the law prohibiting a precinct official from serving in an election with a close relative as a candidates can be followed.

III. TRAINING OF PRECINCT WORKERS (*G.S. §163-46 and 8 NCAC 4.0305*)

- A. Chairman of the county board of elections and county board director shall conduct an instructional meeting. *G.S. §163-46*.
 1. Prior to each primary and general election

2. Required attendance by chief judge and judges; attendance by other election poll workers not prohibited
- B. Chairman of the county board of elections and persons he or she may designate shall conduct an instructional meeting before any primary or election to instruct precinct officials in the use of the voting system. County board of elections may require additional voting systems training for any precinct worker(s). *8 NCAC 4.0305.*

IV. COMPENSATION OF PRECINCT WORKERS (G.S. §163-46)

- A. On election day
 1. Precinct judges, assistants, and student assistants are to be paid at least state minimum wage.
 2. If an election official is paid an hourly wage or daily fee on an election day and the official is performing additional election duties away from the assigned precinct voting place, the official shall not be entitled to any additional monies for those services, except for reimbursable expenses in performing the services.
 3. Ballot counters are to be paid a minimum of \$5 per day of service.
 4. Observers are not to be paid by the county.
- B. On the day of county canvass
 1. Chief judges are to be paid \$20 if needed and present.
 2. Judges are to be paid \$15 if needed and present.
- C. Training
 1. Precinct judges, assistants, and student election assistants are to be paid \$15 for attending mandatory training.
- D. In addition to the prescribed amounts, the board of county commissioners may provide funds for additional compensation to precinct officials, assistants and ballot counters for any activities set out above.

V. OBSERVERS (G.S. §163-45 and 8 NCAC 10B.0101)

- A. OBSERVERS ARE NOT PRECINCT OFFICIALS AND HAVE NO AUTHORITY OVER VOTERS OR ANY PRECINCT WORKER.
8 NCAC 10B.0101(a).
- B. Appointment
 1. The chairman of each political party in the county shall have the right to designate two observers to attend each voting place at each partisan primary (only if that party is having a primary at the time) and election.
 2. Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any primary or general election, submit in writing to the chairman of the county board of elections two signed copies of a list of observers appointed by them, designating the precinct for which each observer is appointed.
 3. The county board chairman, or the chief judge and judges for each

- affected precinct, may for good cause reject any appointee and require that another be appointed.
4. A party may designate more than two observers for each precinct, but only two may serve in the voting place at the same time. Observers may serve in shifts, as long as the shifts are at least four hours long and the persons serving in the shifts have been properly appointed as observers. *G.S. §163-45.*
 5. Observers may not be candidates in a primary or election. *G.S. §163-45, as amended by S.L. 2005-____*.*
 6. In addition, observers are allowed in ABC elections.
- C. What observers are allowed to do (*G.S. §163-45*)
1. An observer shall not electioneer at the voting place, and shall in no manner impede the voting process or interfere or communicate with or observe any voter in casting a ballot. Subject to these restrictions, the chief judge and judges of elections shall permit the observer to make such observation and take such notes as desired.
 2. Whether or not the observer attends to the polls for the requisite time provided by this section, each observer shall be entitled to obtain at 10 a.m., 2 p.m. and 4 p.m., a list of the persons who have voted in the precinct so far on that election day.
 3. Counties that use an "authorization to vote document" instead of poll books may comply with the requirement in the previous sentence by permitting each observer to inspect election records so that the observer may create a list of persons who have voted in the precinct so far that election day; each observer shall be entitled to make the inspection at times specified by the State Board of Elections, but not less than three times during election day, with the spacing not less than one hour apart.

VI. PREPARATION AND PROCEDURES OF PRECINCT POLLING PLACES

- A. Director's Duties – To be completed prior to election day
1. Check on continued availability of polling places and changes to them that might affect voting.
 2. Check on accessibility of the polling place.
 3. Provide notice about precinct buffer zones at least 30 days prior to election.
 4. Prepare sample ballots with the proper disclaimers for general and precinct use. *G.S. §163-165.2.*
 5. Prepare ballot instructions in both English and Spanish for general and precinct use. *G.S. §163-165.5A.*
 6. Prepare instructions for write-in voting. *G.S. §163-165.6(f).*
 7. Publish notice of election.

8. Make sure any needed preclearance has been obtained from the U.S. Department of Justice for any election related change if county is covered by Section 5 of the Voting Rights Act.
 9. Test the voting system in a timely matter before it is distributed to the precincts.
- B. The day before or shortly before the election
1. COUNTY BOARD/DIRECTOR'S DUTIES. *G.S. §163-166.1.*
 - a. Provide for the timely delivery to each voting place of the supplies, records, and equipment necessary for the conduct of the election.
 - b. Ensure that adequate procedures are in place at each voting place for a safe, secure, fair, and honest election.
 - c. Respond to precinct officials' questions and problems where necessary.
 2. PRECINCT OFFICIALS' DUTIES
 - a. Set up all voting equipment and furniture, and make sure polling place is ready.
 - b. Secure a key to the polling place or make arrangements to have someone open the polling place by at least 6 a.m.
 - c. Know the location of nearby telephones or rest rooms.
 - d. Chief judge must remind all precinct officials of:
 - (1) Location of the precinct
 - (2) Time to arrive on election day
 - e. Prior to day of the primary or election, the chief judge receives and reviews from the county board the precinct observer list and promptly makes any objection for good cause to the county board as provided in *G.S. §163-45.*
 - f. The chief judge should receive, prior to the day of the primary or election, from the county board of elections any security keys or codes as to any voting systems or units that are to be operated at the precinct. *8 NCAC10B.0101(b)(7).*
- C. Before the polls open on election day
1. PRECINCT OFFICIALS' DUTIES
 - a. Post required voting information signs in both English and Spanish in voting area prior to opening. *G.S. § 163-66.7A.*
 - b. Prepare and post signs with the following information
 - (1) Location of voting place
 - (2) Instructions explaining that in order to vote a voter must give their name and address to precinct official
 - c. Set up and designate the curbside voting area
 - d. Set up and designate buffer zone
 - e. Perform any required procedures for specific voting equipment; examine and test the voting system for accuracy. *8 NCAC 4.0304*
 - f. As soon as provided by the county board of elections, the chief judge shall post a copy of the certified absentee list in

- a visible location and keep a copy until all challenges are heard by the county board of elections. *G.S. §163-232.*
- g. Have sample ballots posted and available. *G.S. §163-165.2.*
 - h. At the chief judge's request at 6:30 a.m. (according to the official timepiece used by the chief judge), one of the judges shall announce that the polls are open and shall state the hour at which they will be closed. *8 NCAC 10B.0102(k).*
 - i. If the chief judge fails to appear at the opening of the polls, the precinct judges appoint a person to act as chief judge until the chairman of the county board appoints a new chief judge. *G.S. §163-41 and 8 NCAC 10B.0101(c)(4)*
 - j. Prior to the opening of the polls, the chief judge administers to any precinct official, not previously sworn, the oath of office as set out in *G.S. §163-41. 8 NCAC 10B.0101(b)(8).*

VII. SETTING UP THE VOTING AREA

- A. A voting place is defined as the building in which voter enclosure is located. *G.S. §163-129.*
 - 1. County board of elections must inspect prior to election day to ascertain how it should be arranged for voting purposes
- B. A voting enclosure is defined as the room where the voter votes. *G.S. §163-166.2 and 8 NCAC 10B.0102.*
 - 1. Arrangement must allow for the following
 - a. A sufficient number of private spaces for all voters to mark their official ballots in secrecy.
 - b. Adequate space and furniture for the separate functions of the checking of voter registration records, the distribution of official ballots, and private discussion with voters concerning irregular situations.
 - c. A telephone or some facility for communication with the county board of elections.
 - d. All equipment and furniture to be generally seen. The exterior of the voting units and every part of the voting enclosure shall be in plain view of the chief judge and judges. *8 NCAC 10B.0102(h).*
 - 2. The following should be located in the voting enclosure
 - a. Precinct officials
 - b. Precinct officials' tables
 - c. Voting equipment
 - d. Registration records (split if high volume)
 - e. Poll book

- f. Precinct officials' table, voting booth and ballot box should be positioned so that voters move in a circular fashion if possible
3. Only the following persons are allowed in the voting enclosure:
G.S. §163-166.3.
 - a. An election official.
 - b. An observer appointed pursuant to *G.S. §163-45.*
 - c. A person seeking to vote in that voting place on that day but only while in the process of voting or seeking to vote.
 - d. A voter in that precinct while entering or explaining a challenge pursuant to *G.S. §163-87* or *G.S. §163-88.*
 - e. A person authorized under *G.S. §163-166.8* to assist a voter but, except as provided in subdivision (6) of this section, only while assisting that voter.
 - f. Minor children of the voter under the age of 18, or minor children under the age of 18 in the care of the voter, but only while accompanying the voter and while under the control of the voter.
 - g. Persons conducting or participating in a simulated election within the voting place or voting enclosure, if that simulated election is approved by the county board of elections.
 - h. Any other person determined by election officials to have an urgent need to enter the voting enclosure but only to the extent necessary to address that need.

VIII. BUFFER ZONES AND ELECTIONEERING (*G.S. §163-166.4*)

- A. A Buffer zone is to be set up 50 feet (when possible) of entrance to the voting place. Under no circumstance may buffer zone be less than 25 feet from the entrance.
 1. The following are not permitted in a buffer zone
 - a. Groups cannot loiter
 - b. Campaign materials cannot be distributed
 - c. Electioneering is prohibited
- B. Additional restrictions upon political activity allowed on privately owned facilities, but only by special agreements contingent upon special conditions.
- C. Voting enclosure
 1. After voting, an individual must leave the voting enclosure.
 2. Candidates cannot enter the voting enclosure unless they are voting.
- D. Additional precinct official duties
 1. Check the 50-foot boundary often during the day.
 2. Remove any individuals who are campaigning or electioneering within the buffer zone.

3. Remove campaign signs within the buffer zone.
4. Respond to and investigate any voter complaints about overly aggressive electioneering. The decision as to what is electioneering is determined by a consensus of the precinct judges. They may seek guidance from the county board/director.

IX. ASSISTANCE TO VOTERS ON ELECTION DAYS (G.S. §163-166.8 and 8 NCAC 10.0107)

- A. Who is entitled to assistance?
 1. Any voter may request assistance from near relatives:
 - a. Husband
 - b. Wife
 - c. Sibling (brother, sister)
 - d. Parent
 - e. Child
 - f. Grandparent
 - g. Grandchild
 2. Voters who can request and receive assistance from anyone:
 - a. Voters with disabilities who cannot enter the voting booth or mark the ballot without assistance
 - b. Illiterate voters who cannot mark the ballot without assistance. Persons who do not understand the language in which the ballot and instructions are written are to be considered illiterate.
 - c. Blind voters who cannot enter the voting booth or mark the ballot without assistance
 3. Assistance cannot be given by:
 - a. Voter's employer
 - b. Agent of the voter's employer
 - c. Officer or agent of the voter's union
- B. Assistance to Voters at One-Stop Absentee Voting (G.S. §163-227.2(e) as amended by S.L. 2005- ____.*)
 1. May request assistance from same persons as a voter at a voting place on election day
- C. To receive assistance
 1. Voter must request assistance from chief judge in some matter
 2. Must state reasons for such request; precinct officials should make every effort not to embarrass the voter
 3. Chief judge makes determination if assistance is allowed
 4. Voter communicates to chief judge who they desire to assist them
- D. Restrictions
 1. Precinct officials must not offer assistance; it first must be asked for or communicated in some way by the voter.
 2. Person assisting cannot attempt to persuade voter.
 3. Person assisting cannot create or keep memorandum of what

- occurred in the voting booth.
4. Person assisting must leave the voting booth immediately after providing assistance unless voter requests further assistance.
- E. Additional Restrictions (8 NCAC 10B.0107)
1. Conduct of Persons Rendering Assistance
 - a. Anyone rendering assistance to a voter shall be admitted to the voting booth with the person being assisted and shall be governed by *G.S. §163-166.8(c)*.
 - b. There is no limit to be number of voters a person can assist if that person is properly requested. The assisting person shall not do the following:
 - (1) Give, present, or display within the vision of the voter, any list of preferred candidates, a marked sample ballot, or any other type of document, item, or display that conveys a choice of candidate(s). An assisting person may respond to an inquiry of a hearing impaired voter in writing if needed, as long as a ballot choice is not communicated to the voter;
 - (2) Speak or play within the hearing or vision of the voter, any conversation, communication, or recording that conveys a choice of candidate(s);
 - (3) Operate a phone, radio, computer, or any other means of communication while in the voting booth with the voter;
 - (4) Communicate to others how the voter voted, unless ordered by a court, or make a memorandum of anything that occurred in the voting booth; and
 - (5) Violate any election law set out in *G.S. §163*, or violate any election rule set out in Title 8 of the NC Administrative Code.
 2. Communication Equipment in the Polling Place
 - a. It shall be presumed that the operation of any means of communication capable of being received by a voter in the voting booth shall constitute an attempt to receive unlawful voting assistance, except in cases of a disabled voter with special needs.
 - b. Upon having reasonable grounds to suspect such communication or operation by the voter, a precinct official may make an inquiry and investigate the alleged operation of the communication equipment.
 - c. The voter shall be informed of this presumption of unlawful assistance, and the prohibitions contained within *G.S. §163-166.8* as to voter assistance. Regardless, any voter suspected of such conduct shall be allowed to vote and cast his or her ballot.

X. CURBSIDE AND ACCESSIBLE VOTING (*G.S. §163-166.9 and 8 NCAC 10B.0108*)

A. ACCESSIBILITY

1. To the Voting Place
 - a. Prior to the election, the voting place and voting enclosure shall be surveyed by the county office to determine if the parking, pathway, and entrance into the voting place is accessible to voters with various handicaps.
 - b. Precinct officials need to be aware of accessibility aids and procedures provided by the county elections office to help accessibility into the voting place.
 - c. Precinct officials need to make sure these aids and procedures are operational during voting hours.
2. To the Voting System
 - a. Certain voting systems may have accessibility features to help persons with certain disabilities to vote independently on these machines.
 - b. Every precinct official must be aware of how these accessibility features work and be in a position to instruct a voter in their use.
 - c. In addition, the precinct official must be aware of all other accessible aids that may be available at the poll and be in a position to inform voters of these aids and instruct voters on their use.

B. CURBSIDE VOTING

1. Voters unable to enter the voting place will be allowed to vote curbside
2. Curbside voting is to be available to voters between 6:30 a.m. and 7:30 p.m.
3. Curbside voting takes place in the vehicle bringing the voter to the voting place or in the immediate proximity of the vehicle
4. The voter and any assisting person shall be entitled to the same assistance and subject to the same restrictions in marking the ballot as is authorized by *G.S. §163-166.8 and 08 NCAC 10B .0107, 8 NCAC 10B.0108(3)*.
5. Process is executed by the precinct official and designated by the chief judge
6. Procedure
 - a. Precinct official takes affidavit to disabled voter
 - b. Precinct official administers oath
 - c. Voter completes affidavit
 - d. Voter given ballot

- e. Precinct official takes signed affidavit and marked ballot in to the voting place
 - f. Precinct official gives affidavit to one judge and the ballot to the other
 - g. Judge handling the poll book will then record the voter's name as a regular voter
 - h. The signed affidavit will be brought to the county board of elections
 - i. For reconciliation purposes, it is recommended that the poll book number assigned to the curbside voter be placed on the affidavit, that the voter be noted in poll book as a curbside voter, and that if the voter's signature on the affidavit is hard to read, to also print the name on the affidavit.
- C. **HANDICAPPED TRANSFER (8 NCAC 8.0001)** Note that very few of these handicapped transfers are issued. It will not be unusual if you do not deal with them at the polls, but you will need to be prepared just in case.
- 1. **Handicapped transfer prior to election day (8 NCAC 8.0004)**
 - a. Handicapped or elderly person can apply to be transferred to the county board of elections in advance of election day
 - b. Application may be signed only by voter or voter's near relative, or legal guardian
 - c. Upon verification, county board of election will designate "HT" beside voter's name on registration records sent to the voter's precinct on election day
 - d. No voter with "HT" next to their name can vote at the precinct
 - 2. **Handicapped transfer on election day**
 - a. Anyone entitled to vote curbside may, in lieu of curbside voting, request to be allowed to vote at the office of the county board of elections
 - (1) Such a voter must request transfer to accessible polling place
 - (2) Precinct judge will issue certificate on prescribed form
 - (3) Voter's registration will be marked with "HT"
 - (4) Voter will go to county board of elections office and will receive proper ballots
 - (5) After marking, voter will place ballots in provided envelope with required information on it
 - (6) County board of elections office will enter name of each voter permitted to vote under this rule
 - (7) Envelopes will be retained and opened and counted after polls close
 - (8) The handicapped transfer voter is entitled to the same assistance as other disabled voters

XI. VOTING PROCEDURES (G.S. §163-166.7 and 8 NCAC 10B.0103)

- A. Voter enters voting place
- B. Upon request of precinct worker, voter states name, address, and party affiliation. Party affiliation is only stated if it is a primary election.
- C. “The chief judge shall assign two precinct officials, one from each political party if possible, to keep the poll book or other voting record and to keep the registration list. The names of all persons voting shall be checked on the registration record and entered in the poll book or other voting record. In an election where observers may be appointed, each voter's party affiliation shall be entered in the proper column of the poll book or other approved record opposite the voter's name. The designated official shall make each entry at the time the ballots are handed to the voter.” 8 NCAC 10B.0103(h).
- D. If voter is noted on the precinct registration list as needing to produce identification prior to voting, then require voter to produce the identification. If identification is not produced, the voter may vote a provisional ballot. G.S. §163-166.12(c).
- E. Voter is authorized to vote.
- F. Voter signs poll book, other voting record, or voter authorization document. If the voter is unable to sign, a precinct official shall enter the person's name on the same document before the voter votes.
- G. Poll book, other voting record, or voter authorization document must be kept in an orderly and secure manner and all signatures must be in ink.
- H. Precinct official gives an official ballot to voter or voter is directed to the voting equipment that contains the official ballot. If the voter changes his mind and does not wish to vote, the voter shall return the unvoted ballot(s) to the precinct officials or contact a precinct official.
8 NCAC 10B .0104(a).
- I. “If a voter spoils or damages a ballot, the voter may obtain another upon returning the spoiled or damaged ballot to the chief judge or other designated official. A voter shall not be given a replacement ballot until the voter has returned the spoiled or damaged ballot. The voter shall not be permitted to receive more than three replacement ballots. The chief judge shall deposit each spoiled or damaged ballot in the container provided for that purpose.” 8 NCAC 10B.0104(b).
- J. Voter votes and leaves the voting enclosure. Voter may not return to voting enclosure after voting.
- K. “If a voter leaves the voting enclosure and is found not to have finalized the act of voting by pressing the appropriate button or touching the screen in the appropriate space in the case of Direct Record Electronic Voting Machines, by feeding their ballot into the appropriate tabulator in the case of Optical Scan/Marksense and Punchcard Voting Equipment, by pulling

the appropriate lever in the case of Lever Voting Machines, or by depositing the paper ballot into the ballot box, the chief judge and judges may find, by unanimous vote, that the votes marked by the voter had not been disturbed by any other person and may execute the ballot for the voter who has vacated the voting enclosure. If the chief judge and judges cannot unanimously confirm that the ballot marked by the voter has not been disturbed, the ballot must be marked as spoiled and placed with other spoiled ballots (or in the case of direct record electronic and lever machines, the ballot must be cleared according to the voting system specifications). The fact that a ballot is only partially and not fully marked shall have no bearing on the decision of the chief judge and judges. In each instance where this type of incident occurs, the chief judge and judges must document the circumstances and make the information known to the county board of elections.” 8 NCAC 10B.0104(f).

- L. It is the duty of the chief judge and judges to gather any voter information regarding changes of name and address in order to assist the county board of elections in updating voter records. If the county board of elections has specifically identified certain voters' records in an attempt to gather additional information, the responsible judge shall ask the voter to update the information. However, registered voters with known and documented valid residence addresses within the county do not have to perform any activity as a prerequisite to voting. Registration information gleaned through the voting process that would be helpful to the accurate maintenance of the voter registration records is recorded and delivered to the county board of elections at the close of voting. The chief judge, judges, and assistants must ensure that registration records are kept secure and are not removed from the voting enclosure for any purpose.

XII. VOTER NOT ON POLLING PLACE REGISTRATION RECORDS

(Voters not clearly eligible to vote in the precinct but who seek to vote there are given proper assistance in voting a provisional official ballot or guidance to another voting place where they are eligible to vote.)

- A. Provisional ballots procedure (*G.S. §163-166.11*)
 - 1. Must determine voter is qualified according to county registration records; if person is on precinct list, he/she must be allowed to vote
 - 2. If voter's name is not on the list, call county board of elections to attempt to verify registration
 - 3. The following voters are allowed to vote Provisional ballots:
 - a. **Unreported move voters** (who have moved more than 30 days before the election but failed to report the change of address)
 - b. **No record provisional voters** (who claim to have registered but for whom you have no record as registering in the county)

- c. **Previously removed voters** (who were removed as part of list maintenance, but claim continuous residence in the county and the right to vote)
 - d. **Jurisdictional dispute voters** (who are registered but whose assignment to a voting district is questioned-- either by the voter or the registration record)
 - e. **Incorrect precinct provisional voters** (who appears as registered in another precinct within the county, but states a desire to vote in the incorrect precinct in which he appears)
 - f. **Special provisional voters** (who appear after the 7:30 p.m. poll closing and votes by virtue of a lawful order)
 - g. **Voters that did not produce required identification** (as required by §303 of HAVA and *G. S. §163-166.12*)
 - h. **Voters removed from the voter rolls as a result of list maintenance** (as required by the NVRA and North Carolina *G.S. §163-82.14*)
4. Procedure for provisional vote
- a. Choose appropriate forms and ballots.
 - b. Have voter complete new voter registration form.
 - c. Assign numbers, as per SEIMS procedure, to forms and place number on outside of envelope where indicated.
 - d. Have voter complete Provisional Affirmation form.
 - e. At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted.
 - f. Write voter's name in separate section of poll book designated for provisional voter.
 - g. Allow voter to vote provisional ballot.
 - h. Make sure the provisional ballot is numbered and coded for the precinct, and then sealed in a similarly marked envelope.
 - i. Voter must seal envelope or it must be sealed by precinct official in the presence of the voter
 - j. Ballot is NOT placed in voting machine. Do not allow voter to do place in machine. If the provisional ballot is placed into the voting machine, then the judges should remove it at once.
 - k. Keep all provisional ballot materials together and secured.
 - l. At the close of polls, all provisional ballots are to be placed in a sealed envelope (the seal signed by the judges) and taken to board of elections office. *8 NCAC 10B.0105.*
 - m. Provisional official ballots shall be counted by the county board of elections before the canvass. If the county board

finds that an individual voting a provisional official ballot is not eligible to vote in one or more ballot items on the official ballot, the board shall not count the official ballot in those ballot items, but shall count the official ballot in any ballot items for which the individual is eligible to vote.

B. Precinct Transfers

1. Unreported move to another precinct within the county (*G.S. §163-82.15 (e)*)
 - a. “If a registrant has moved from an address in one precinct to an address in another precinct within the same county more than 30 days before an election and has failed to notify the county board of the change of address before the close of registration for that election, the county board shall permit that person to vote in that election.”
 - b. “The county board shall permit the registrant to vote at the registrant’s new precinct, upon the registrant’s written affirmation of the new address, or, if the registrant prefers, at a central location in the county to be chosen by the county board.”
 - c. “If the registrant appears at the old precinct, the precinct officials there shall send the registrant to the new precinct or, if the registrant prefers, to the central location, according to rules which shall be prescribed by the State Board of Elections.”
 - d. “At the new precinct, the registrant shall be processed by a precinct transfer assistant.”
 - e. Precinct transfer voters at One-Stop Absentee sites do not need to vote provisional ballot.
2. Precinct transfer assistants (*G.S. §163-82.15 (g)*)
 - a. “The county board of elections shall either designate a board employee or appoint other persons to serve as precinct transfer assistants to receive the election-day transfers of the voters”
 - b. “Board members and employees may perform the duties of precinct transfer assistants.”

XIII. CHALLENGED BALLOTS AND HEARINGS ON CHALLENGES ON ELECTION DAY

- A. Any registered voter of a precinct may challenge any registered voter who presents himself/herself to vote (including precinct officials). *G.S. §163-87.*
 1. Reasons for challenge:
 - a. The person does not meet the requirements of a qualified voter (for municipal elections, the person is not a resident of the municipality).

- b. The person has already voted in that primary or election.
 - c. The person presenting himself/herself to vote is not who he/she represents himself/herself to be.
 - d. In the case of a primary, the person presenting himself/herself to vote in a primary is not eligible to participate in the political party's primary in which he/she is attempting to vote.
2. Procedures for hearing challenge on election day. *G.S. §163-88.*
- a. Ensure the person making the challenge is a registered voter according to precinct registration records
 - b. Explain the qualifications for registration and voting in North Carolina and ask if the person meets those qualifications; if yes, administer oath
 - c. If registrant refuses oath, challenge sustained
 - d. If registrant takes oath, judges either sustain or overrule challenge
 - e. Challenger bears burden of proof
 - f. No challenge sustained unless substantiated by proof
 - g. It is presumed that person on registration list is properly registered or affiliated
3. Request for challenged ballot. *G.S. §163-88.1.*
- a. Challenged voter may submit application for challenged ballot to chief judge, part of which is an affidavit
 - b. Letter "C" entered at appropriate place on voter's permanent registration record; enter name on separate page in poll book entitled "Challenged Ballot" and assign number serially
 - c. Precinct officials assign same number to ballot
 - d. Chief judge gives voter ballot and envelope marked "challenged ballot," which is numbered
 - e. Voter marks ballot in presence of chief judge, but so that chief judge cannot see how ballot is marked
 - f. Voter folds ballot and places ballot in serially-numbered envelope and gives it to the chief judge
 - g. Chief judge places envelope into a separate envelope provided by the board of elections office in which to collect challenged ballots

XIV. AFTER THE POLLS CLOSE

- A. The polls close at 7:30 p.m. A few minutes before 7:30 p.m. post a precinct official at the end of any line to prevent any further persons joining the line. The precinct official shall then prepare a list of those voters eligible to vote by virtue of being in line at the closing time. *G.S. §163-166.01 and 8 NCAC 10B.0105.*
- B. Precinct officials count ballots. *G.S. §163-182.2 and 8 NCAC 6B.0105.*
 1. Counting shall commence at close of the polls and shall be

- continuous until completed. *G.S. §163-182.2 and 8 NCAC 6B.0105.*
2. Voted ballots are to be treated as confidential. The public may not handle voted ballots. *G.S. §163-165.1(e).*
 3. Vote counting at the precinct shall be conducted with the participation of precinct officials of all political parties then present. *G.S. §163-182.2 and 8 NCAC 6B.0105.*
 4. As much as possible, the chief judge and the other two precinct judges shall not separate from one another nor leave the voting place during the course of the counting. *8 NCAC 6B.0105.*
 5. Any member of the public wishing to witness the vote count at any level shall be allowed to do so. No witness shall interfere with the orderly counting of the official ballots. Witnesses shall not participate in the official counting of official ballots. The precinct facility should not be locked so as to prevent public access to the count. *G.S. §163-182.2(3).*
 6. At the conclusion of the precinct counting, the chief judge or his designee shall announce the results at the precinct. The results shall be noted as unofficial results. *8 NCAC 6B.0105(d).*
 7. Precinct officials shall provide a preliminary report of the vote counting to the county board of elections as quickly as possible. The preliminary report shall be unofficial and has no binding effect upon the official county canvass to follow. *G.S. §163-182.2(5).*
 8. If there are result cartridges or other vote readings produced by the voting systems, those items shall be returned to the county elections office by a secured means. There shall be no voting items left in the precinct after closing. It shall be the responsibility of the chief judge to ensure this delivery and to clear the facility of voting items. *8 NCAC 10B.0105.*
 9. All election supplies shall be returned to the county board of elections immediately after the closing of the poll and conclusion of the precinct count. All items and returned material transported to the county board office shall be returned with a “chain of custody” form with notes and signatures showing custody of the items prior to their return or delivery. *8 NCAC 10B.0106.*
 10. The chief judge of each precinct shall be responsible for the adherence of the precinct officials to the State Board rules for counting, reporting, and transmitting official ballots. *G.S. §163-182.3.*

XV. RECONCILIATION AT THE POLLS (8 NCAC 10B.0105)

- A. An accounting form shall be completed that accounts for every used and unused ballot - providing the number of blank ballots received by the board of elections, the number of regular voted ballots, provisional voted ballots, and spoiled ballots.

- B. The number of voters noted as appearing at the polls and receiving authorization to vote as reflected in the poll book and other records should equal the number of ballots cast. Events such as walk away voters who fail to cast ballots after authorization, spoiled ballots, and other events that would affect this reconciliation should be tracked by precinct officials and noted on any reconsolidation sheets.
- C. The judges shall sign the consolidation, accounting, and statement of returns and shall place them in the “returns” envelope or container.
8 NCAC 10B.0105(i).
- D. Consolidation sheets, including the statement of returns for all voted official ballots, should be completed by adding curbside votes to the totals. In any precinct using direct record electronic voting equipment, the county board of elections, with the approval of the State Board of Elections, may provide for all such paper ballots to be transported upon closing of the polls to the office of the county board of elections for counting.
8 NCAC 10B.0105(k).
- E. The failure of the number of authorized voters, the number of ballots cast, the number of ballots used, the number of ballots returned, the number of ballots spoiled, or any other number or event giving rise to a failure of reconsolidation shall be explained by the chief judge at such time that the returns of the precinct are delivered to the county office after the close of the polls on election night.