

Henderson County Board of Elections
Minutes of Board Meeting
September 21, 2022

Board of Elections met September 21, 2022, at 5:00 PM at the Henderson County Board of Elections office at 75 E. Central Street. Members present were Charles Medd, Chairman, Debbie Dante, Secretary, Linda Rebeck, Christian Stolz, William Cutler, Members, and Director, Karen Hebb.

Pledge

Minutes: Minutes were approved for 6/8/22.

Agenda:

Linda moved to approve the agenda. Bill 2nd. Passed unanimously.

Old Business:

Chair and Director presented an information session at the Main Library and attended a similar session at A-B Tech. Approximately 40 people attended each session.

New Business:

1) Absentee Resolution

Resolution (attached) for the Board to meet at 2 pm on Election Day, November 8, 2022.

2) Absentee Meeting Procedures: Numbered Memo 2020-25 (attached)

Director proposed 1 change to the procedure of viewing and approving Absentee Ballot return envelopes. It was proposed the Board work in 2 bipartisan teams to review and approve separate stacks of envelopes together. Eliminating the need for each board member to view and approve each envelope individually, this will speed up the review process.

Chris moved to accept the county guidelines set out in the document "Legal Requirements for Absentee Meetings" (attached). Bill 2nd. Passed unanimously.

3) Observer Rules

08 NCAC 04.0304

08 NCAC 10B.0105(h)

NCGS§ 163-182.2(a)(3)

NCGS§ 163-33(1)

NCGS§ 163-32.4

Director presented a draft letter to send to the Party Chairs regarding Observer Rules (attached). Observers will not be allowed to view the ballot scanner window where vote totals are displayed, but it will be verbally announced at opening and closing of early voting. Linda read NCGS§ 163-166.10, that states the State Board makes election rules and pointing out the need for "...openness of the process to public inspection". Linda also read what election observers are not allowed to do pursuant to 08 NCAC 20.0101, Election Observers.

Chris moved to accept the county rules a written in the letter to Party Chairs. Chair 2nd. Vote 3-2, Motion carries. Debbie moved to amend by adding "The One Stop ballot box must be double locked and sealed for transport to the BOE". Bill 2nd. Passed unanimously.

4) Polling Place Security

Director met with the Sheriff and provided a list of election day precincts, layouts of the precincts and copies of statutes outlining the Chief Judges' duties and powers. No uniformed officers are allowed at the precincts.

Discussion of why the Sheriff was called on the night of the Primary. Director stated the workers checking in the precincts were fearful of people around the building, so the Sheriff was called. All 4 members of the Board were present checking in precincts, while the 5th member was outside directing the precincts deliveries. Linda asked if anyone was verbally threatened and there were no threats.

Debbie brought up 08 NCAC 10B.0105-Procedures at Close of Voting (attached), Section (i)(1) and (2) and section (k). Section (i)(2) states precinct judge is to "...report by telephone or other electronic means the total precinct vote for each ballot item to the county board of elections". Section (k)(5) states "The container shall be sealed with non-transparent tape of sufficient size to contain signatures. It shall be signed by the Chief Judge and the two judges." Director states this has never been done and will consult with the State on these closing requirements.

There being no further business, the meeting was adjourned at 5:55 PM.

Approved Disapproved


Approved Disapproved

Approved Disapproved

Approved Disapproved


Secretary


Chairman


Member


Member


Member

Approved this the ____ day of _____, 2022.

Meeting Agenda

Location: Henderson County Board of Elections
75 E. Central St.
Hendersonville, NC 28792

Date: September 21, 2022

Time: 5:00 PM

Charles H. Medd (C-D) / Debbie Dante (S-R) / William Cutler (D) / Linda Rebeck (R) / Christian Stolz (D)

Agenda details:

I. Call Meeting to Order

II. Pledge of Allegiance

III. Approval of Agenda

IV. Approval of Minutes

V. Old Business

VI. New Business

- 1) Absentee Resolution
- 2) Absentee Meeting Procedures
Numbered Memo 2020-25
- 3) Observer Rules
08 NCAC 04.0304, 08 NCAC 10B.0105(h), GS 163-182.2(a)(3), GS 163-33(1), GS 163-32.4
- 4) Polling Place Security

VII. Adjournment

HENDERSON COUNTY BOARD OF ELECTIONS



RESOLUTION

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

RESOLUTION OF THE HENDERSON COUNTY BOARD OF ELECTIONS
CONCERNING THE COUNTING OF ABSENTEE BALLOTS FOR THE
NOVEMBER 8, 2022, **GENERAL ELECTION**.

On September 21, 2022, the Henderson County Board of Elections met at Hendersonville, North Carolina, and adopted the following resolution:

BE IT RESOLVED, by the Henderson County Board of Elections that:

The Henderson County Board of Elections shall meet at 2:00 pm, on election day, Tuesday, November 8, 2022, at the Board of Elections office at 75 E. Central St. in Hendersonville, North Carolina, to count absentee ballots.

Any voter of the county may attend this meeting and observe the counting.

The results of the absentee ballot count will not be announced before 7:30 pm that night.

A handwritten signature in black ink, appearing to read "Charles H. Medd", is written over a solid horizontal line.

Charles H. Medd, Chairman
Henderson County Board of Elections

LEGAL REQUIREMENTS FOR ABSENTEE MEETINGS

NUMBERED MEMO 2020-25

Confidentiality of Absentee Register

Absentee request data is no longer confidential when the ballot is returned to the county board of elections office. Therefore, names of absentee voters may be read aloud during the absentee board meetings, as the ballot has been returned to the county board office at that point. Reading from lists of voters who have requested absentee ballots or otherwise releasing the names of voters with outstanding requests is prohibited until the ballot is returned or until Election Day

Public Attendance

Absentee board meetings are public meetings and are subject to North Carolina's open meetings laws. The public must be able to see and hear the proceedings without compromising the secrecy of any voter's ballot. Staff must ensure that the public cannot view any voted ballots or other confidential information, such as voter signatures. County board members and staff must be particularly mindful of ballot secrecy when duplicating ballots and inserting ballots into the tabulator. The public is not permitted to disrupt the process of adjudicating the validity of absentee applications by the board and is not part of the deliberation process during absentee board meetings. The decision of the county board of elections as to the validity of an envelope is final and is not subject to public comment, objection, or review.

Control of Board Meeting

The county board of elections is responsible for maintaining control at its absentee board meetings. The county board must ensure that the public receives proper notice of the board meeting and is given the opportunity to attend. However, the county board should not permit public comment while absentee envelopes are adjudicated or while ballots are duplicated, sorted, or tabulated. The board also should not permit questions from the public as the board approves absentee envelopes. Further, G.S. 163-234 clearly states that others shall be allowed to attend the meeting during which absentee ballots are counted and observe the process but may not interfere with the election officials in discharging their duties. It is recommended that the board chair explain the process at the beginning of the board meeting and state that public comment is not permitted during the approval and scanning of absentee ballots. The board may, but is not required to, designate a separate part of the meeting for public comment. At the end of each board meeting, the goal is total reconciliation of all envelopes and ballots. To do that requires careful control of every document in the room. It also requires ensuring that the board members focus on the task at hand and that the public remains an observer rather than a participant.

Delegation of Steps to Staff

- Inspecting container-return envelopes for deficiencies and contacting voters. Voters must be contacted within one business day when staff identifies the deficiency. It is not permissible to wait for the absentee board meeting to contact the voter about a deficiency.
- Sorting container return envelopes into categories for the board to review and approve.
- Verifying the list of ballot envelopes against the absentee pollbook.
- Performing ballot duplication.

A delegation of administrative duties by the board to the director or staff should occur by majority vote. The delegation must include a process for the board to spot-check the envelopes to ensure accuracy and consistency. However, the board must individually review all ballot envelopes that: (1) have been recommended for disapproval by staff, (2) have a cure certification associated with that ballot envelope, or (3) where staff needs further guidance from the board as to whether the envelope was properly executed.

Absentee Meeting Procedures

The office staff will perform the initial approval/disapproval of absentee envelopes. Staff will verify the list of ballot envelopes against the absentee pollbook and also document the meeting date on the envelopes.

- **Approval by Board:**
 1. Two teams – one Democrat and one Republican member per team
 2. Prepared Bundle - 1 page of absentee pollbook with ballots associated with that page. One member will call out ballot number and one member will check off on report
 3. Approved- Democrat member and Republican member initials beside meeting date
 4. Director/staff opens envelopes and counts ballots to verify the total against the report
 5. Board member enters ballots into the tabulator
- **Disapproval:**
 1. All board members must examine and initial with the understanding that a call will be/or has been placed to the voter, and a new ballot offered
- **Cover sheet provided:**
 1. Number of approved ballots
 2. Number of disapproved ballots
 3. Tabulator total at the beginning of the meeting
 4. Tabulator total at the end of the meeting
 5. Signature lines for all board members

Absentee Meeting Reconciliation

The reconciliation process shall ensure the number of ballot envelopes in each stack is tracked and that the number of envelopes approved at the meeting is equal to the number of ballots entered into the tabulator. The county board shall record the count on the tabulator at the start and end of each absentee meeting.

Absentee Meeting Ballot Reconciliation

Election Date: November 8, 2022

Location: Henderson County Board of Elections

Date:

Time:

| | |
|--|--|
| START PUBLIC COUNT | |
| TOTAL APPROVED BALLOTS (SEIMS report attached) | |
| END PUBLIC COUNT | |

Chair Signature

Member Signature

Member Signature

One-Stop Applications

The office staff will review the one-stop applications before each meeting and ensure they are counted and stacked by the voting location in numerical order. The board will delegate this duty and sign the One-Stop Application Approval and Tracking Sheet. It will then be placed in a notebook containing the Absentee Reconciliation Sheet and reports for the audit of each absentee meeting.

Absentee Meeting One-Stop ATV Approval

ELECTION DATE: _____

BOARD MEETING DATE: _____

APPLICATION TOTAL: _____

The attached report lists the one-stop absentee ballot applications that were approved.

Chair Signature

Member Signature

Member Signature

Member Signature

Member Signature



NORTH CAROLINA STATE BOARD OF ELECTIONS

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611

(919) 814-0700 or
(866) 522-4723

Fax: (919) 715-0135

Numbered Memo 2020-25

TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director
RE: Absentee Board Meetings
DATE: September 22, 2020 (updated September 23, 2020)

Legal Requirements for Absentee Meetings

General Requirements

Beginning every Tuesday on the fifth Tuesday before Election Day, county boards of elections must hold a public meeting at 5:00 p.m. to review and act upon absentee ballots.¹ For the general election, this date is September 29, 2020. The county board of elections may change the time of these meetings (to an earlier or later time) and may provide for additional meetings. However, absentee meetings may not be held prior to Tuesday, September 29, 2020. Any meetings that are held at a different time on Tuesdays and any additional meetings must be noticed in a county newspaper at least 30 days prior to the election, October 4, 2020. You must also send notice of absentee meetings to your regular notice list, including to the county political parties.

At each absentee board meeting, the board must act upon all absentee container-return envelopes received prior to that meeting and after the previous absentee meeting.² An absentee meeting must be held if there are any absentee ballots (absentee by mail or one-stop early voting ballots) for the board to review. Absentee meetings should only be cancelled if the board has not received any absentee container-return envelopes since the last absentee meeting.³ **Because of this statutory requirement and the anticipated significant increase in absentee ballots returned, it is**

¹ G.S. §163-230.1(f), as amended by 2020-17.

² See G.S. § 163-230.1(e): “*At its next official meeting after return* of the completed container-return envelope with the voter’s ballots, the county board of elections shall determine whether the container-return envelope has been properly executed (emphasis added).”

³ See G.S. § 163-230.1(f), entitled “*Required Meeting of County Board of Elections*”: “During the period commencing on the fifth Tuesday before an election [...] the county board of elections shall hold...(emphasis added).”

strongly recommended that your board schedule additional absentee board meetings and/or begin meetings earlier than 5:00 p.m.

A county board may recess an absentee board meeting to a date and time certain if it is not possible to complete review of absentee ballots during the specified meeting period. You should send out the notice as soon as possible but it is not required to be sent 48 hours in advance of the reconvened meeting if that is not possible based on when the meeting was recessed from.

To determine how many additional absentee meetings you need to schedule, consider how many absentee ballot requests your county has received to date, how many total requests your county received for the November 2016 election, and estimate how many requests you anticipate based on the county's current rate of requests. For example, if your county received 6,000 requests in November 2016 and you anticipate a 50% increase for this election, that would be 9,000 requests total. If you have six absentee board meetings and everyone who requested a ballot returned one, your board would need to consider approximately 1,500 ballots per meeting. If your board scheduled ten absentee meetings, your board would consider around 900 ballots per meeting.

County Board Member Attendance

Absentee board meetings require a quorum of members present. A quorum is three members.⁴

If at all possible, at least one member from each political party should be represented at each absentee meeting when the board is approving absentee applications. If you only have three members present, you may have one Democrat and two Republican board members, or two Democrat and one Republican board members present. **Because board members must be able to view absentee envelopes in order to approve or disapprove the ballot, a quorum of board members must be physically present during each absentee board meeting.**

Once a quorum is physically present, remaining board members may attend the meetings via live video feed, but they must have a secure way to view the meeting and to participate. They must be able to view all materials that board members are reviewing to make decisions on the absentee envelopes.

A majority of board members present at a meeting must vote for an action for it to pass.

COVID-19 Precautions

Board members, county board staff, and any public participants attending meetings in person must wear face masks during the meeting unless an exception applies. All participants must socially distance and wash or sanitize their hands regularly, but the board and staff should also be cautious

⁴ G.S. § 163-31(d): "A majority of the members shall constitute a quorum for the transaction of board business."

about the excessive use of hand sanitizer when handling ballots. County boards may consider purchasing additional protective equipment such as gloves and transparent tabletop shields to form cubicles around each board member during absentee meetings. CARES Act funds may be used for these purchases. See [Numbered Memo 2020-14](#) for more information.

Public Attendance

Absentee board meetings are public meetings and are subject to North Carolina's open meetings laws. The recommendation in [Numbered Memo 2020-11](#) to conduct board meetings telephonically due to the COVID-19 pandemic does not apply to absentee meetings where the board is reviewing absentee return envelopes—a primarily visual process. For absentee meetings, it is recommended that the county board locate a meeting room large enough to accommodate members of the public with appropriate social distancing. If it is not possible to procure a sufficiently large space for those who may want to attend in person, the county board of elections must broadcast the absentee board meetings via video feed using a service such as WebEx or Microsoft Teams. If the county board does not have access to appropriate audiovisual equipment or software, the board may use CARES Act funds to procure the necessary equipment or teleconferencing services.

The public must be able to see and hear the proceedings without compromising the secrecy of any voter's ballot. Staff must ensure that the public cannot view any voted ballots or other confidential information, such as voter signature, on the feed. A staff member should be assigned to monitor the video feed throughout the absentee board meeting to ensure that confidential information is not viewable by the public. County board members and staff must be particularly mindful of ballot secrecy when duplicating ballots and inserting ballots into the tabulator.

The public is not permitted to disrupt the process of adjudicating the validity of absentee applications by the board and is not part of the deliberation process during absentee board meetings. The decision of the county board of elections as to the validity of an envelope is final and is not subject to public comment, objection, or review.⁵

Confidentiality of Absentee Register

G.S. § 163-228 requires county boards of elections to keep a register of absentee ballot requests that includes information about the request, the address to which the ballot should be sent, the date of the request, the voter's precinct, and other information. In 2019, the General Assembly amended subsection (c) of that section to make the absentee request register confidential and not

⁵ G.S. § 163-230.1(f): "The decision of the board on the validity of an application for absentee ballots shall be final subject only to such review as may be necessary in the event of an election contest."

a public record until Election Day.⁶ County boards of elections are not permitted to release copies of absentee request forms or identifying information that could be used to determine that a voter requested an absentee ballot.

Absentee request data is no longer confidential when the ballot is returned to the county board of elections office. Therefore, names of absentee voters may be read aloud during the absentee board meetings, as the ballot has been returned to the county board office at that point. Reading from lists of voters who have requested absentee ballots or otherwise releasing the names of voters with outstanding requests is prohibited until the ballot is returned or until Election Day. It is a Class G felony for a person to “steal[], release[], or possess[] the official register of absentee requests for mail-in absentee ballots as provided in G.S. 163-228 prior to the opening of the voting place.”⁷

Delegation of Preparatory Steps to Staff

General Authority

The county board of elections has the authority to delegate to its director “so much of the administrative detail of the election functions, duties, and work of the board, its officers and members, as is now, or may hereafter be vested in the board or its members as the county board of elections may see fit.”⁸ However, the board may not delegate to a director or other staff any of its quasi-judicial or policymaking duties and authority.

Given the significant increase in absentee ballots during this election, the county board should determine which preparatory tasks staff can complete prior to absentee board meetings. **A delegation of administrative duties by the board to the director or staff should occur by majority vote.** The delegation may be by resolution or the approved motion should be documented in the minutes. It should delegate specific preparatory steps that staff can perform prior to absentee board meetings, and the delegation must provide for oversight by the board.

Preparatory steps include:

- Inspecting container-return envelopes for deficiencies and contacting voters as required by [Numbered Memo 2020-19](#) (revised September 22, 2020). Please note that voters must be contacted within one business day of when staff identify the deficiency. It is not permissible to wait for the absentee board meeting to contact the voter about a deficiency.
- Sorting container return envelopes into categories for the board to review and approve.
- Verifying the list of ballot envelopes against the absentee pollbook.

⁶ See Section 1.1.(a) of Session Law 2019-239.

⁷ G.S. § 163-237(d6), as amended by Session Law 2019-239.

⁸ G.S. § 163-35(d).

- Performing ballot duplication.

Staff Review of Envelopes

At each absentee board meeting, the county board of elections reviews each absentee container-return envelope to determine whether it has been properly executed, and if so, to approve the application and ballot.⁹ Given the volume of absentee ballots the county board is required to review and act upon at each meeting, the board should consider ways to streamline the process.

To that end, a county board may take preparatory steps to expedite review of ballot envelopes by the board. After intake, staff must inspect the absentee ballot envelope and make an initial determination as to whether the envelope was properly executed. If a deficiency exists, they must follow the cure process in [Numbered Memo 2020-19](#). Staff should also perform an initial sort of ballot envelopes into categories upon initial review and to present those recommendations to the board at each absentee board meeting. Those categories may include designations for recommended approval, recommended disapproval, envelopes awaiting a cure certification, and those that staff have questions about that require deliberation by the board. The delegation may also require staff to prepare a report to the board indicating the number of ballot envelopes in each category for reconciliation purposes.

The board may by majority vote accept staff's recommendation for absentee ballot envelopes that staff have reviewed and recommended for approval. The delegation must include a process for the board to spot-check the envelopes to ensure accuracy and consistency. However, the board must individually review all ballot envelopes that: (1) have been recommended for disapproval by staff, (2) have a cure certification associated with that ballot envelope, or (3) where staff need further guidance from the board as to whether the envelope was properly executed.

After absentee envelopes are approved by the board, the task of stamping every envelope with "Approved" and stamping or otherwise affixing the chair's signature or initials to the ballot envelopes may be delegated to staff. Alternatively, the board's delegation may authorize the board to sign a cover sheet containing a list of envelopes that were acted upon during the meeting and indicating whether those envelopes were approved or disapproved in lieu of signing the individual envelopes. The delegation may also apply to review and approval of one-stop absentee applications.

It is also permissible for the board to determine that bipartisan teams of board members to pair off to review absentee ballot envelopes during each meeting if the board votes to allow this.

Whether the county board delegates the initial review of absentee envelopes to staff or chooses to have a bipartisan team of board members review envelopes during the meeting, all board members

⁹ G.S. § 163-230.1(e) and (f).

present at the meeting must approve or disapprove the ballots. A decision as to whether an envelope is properly executed must be decided by a vote of the board as a whole and not by individual members.¹⁰

Scanning Absentee Ballots at Absentee Board Meetings

It is important to understand the difference between *scanning* and *tabulating*. “Scanning” is a preparatory step that occurs when the approved absentee ballots are opened, removed from the envelope, and inserted into the tabulator. The tabulator reads the ballots but does not print the totals at that time, and no election returns are released. “Tabulating” or “counting” occurs on Election Day and is the result of the scanning that has taken place.

A county board of elections may by majority vote decide to scan absentee ballots during each absentee meeting.¹¹ **Due to the significant increase in absentee ballots this election, it is strongly recommended that county boards authorize the scanning of approved ballots during absentee board meetings instead of waiting until Election Day.**

The scanning cannot begin until a majority of the board members and at least one board member of each political party is in attendance. If a board member of each political party is not available, the chair or other member of the executive committee of the county political party of the absent member must be present. The political party representative shall act as an official witness to the scanning and shall sign the absentee ballot abstract as an “observer.”¹²

Staff may enter the approved ballots into the tabulator, but each board member present is responsible for and must observe and supervise the opening of the envelopes and scanning of the ballots.¹³ **It is not permissible for approved ballot envelopes to be opened, for ballots to be removed from the envelope, or for ballots to be inserted into the tabulator outside of a board meeting. These tasks cannot be delegated to staff to complete outside of a board meeting.**

If the board chooses to scan approved ballots during absentee meetings, it should consider ways to make the process as efficient and streamlined as possible. For example, the board could approve staff-recommended ballots first, then direct the staff to open those envelopes and enter the ballots

¹⁰ “The county board of elections shall constitute the proper official body to pass upon the validity of all applications for absentee ballots received in the county; this function shall not be performed by the chairman or any other member of the board individually.” G.S. § 163-230.1(f).

¹¹ G.S. § 163-234(3).

¹² G.S. § 163-234(9).

¹³ G.S. § 163-234(5).

into the tabulator while the board reviews the envelopes that require further consideration and those that staff have recommended be disapproved.

Scanning of ballots must be performed during a board meeting, and ballots must be scanned at the same meeting during which they were approved.¹⁴ The number of approved absentee ballots must be reconciled with the number of ballots inserted into the tabulator. Reconciliation should be completed at each board meeting. If it is not possible to scan all approved ballots at that meeting, the board may recess the scanning to a time and date certain, which could be the next absentee board meeting. You should send out the notice as soon as possible but it is not required to be sent 48 hours in advance of the reconvened meeting. Ballots should be processed in groups, so that ballots from all opened ballot envelopes are processed in the same meeting.

Election Day Meeting

County boards are strongly encouraged to begin counting ballots at 2 p.m. rather than 5 p.m. on Election Day to avoid a delay in absentee results being released on election night.¹⁵ County boards may begin counting UOCAVA ballots beginning on 9 a.m. on Election Day.

To begin counting ballots prior to 5 p.m., a county board must adopt a resolution at least two weeks prior to the election stating the hour and place of counting of absentee ballots. The resolution also may provide for an additional meeting following the day of the election and prior to the day of canvass to count absentee ballots received pursuant to G.S. 163-231(b)(ii) or (iii) as provided in subdivision (11) of G.S. § 163-234(11). A copy of the resolutions shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice.

At its meeting on Election Day, county boards must count all absentee ballots that have come in prior to 5 p.m. on the day before Election Day. The election results may not be released until after the polls close.

Ballot Duplication

UOCAVA ballots and ballots that have been damaged or otherwise cannot be read by the tabulator must be duplicated in order to be scanned by the machine and to avoid having to manually enter

¹⁴ G.S. § 163-234(3): “Notwithstanding the provisions of subdivision (2) of this section, a county board of elections may, at each meeting at which it approves absentee ballot applications pursuant to G.S. 163-230.1(c) and (c1), remove those ballots from their envelopes and have them read by an optical scanning machine, without printing the totals on the scanner.” (Emphasis added).

¹⁵ G.S. § 163-234(2).

the voter's selections into the reporting software. County boards may adopt a policy to authorize a bipartisan team of staff members to duplicate ballots outside of an absentee board meeting. The policy must include the following:

- Each bipartisan duplication team must consist of at least three staff members, with no more than two members being of the same political affiliation. It is a best practice to have at least four members, two of each political party, to ensure accuracy.
- The director must supervise and train all members of the duplication team and assign the following roles:
 - Ballot Caller – Announces the voter's selections listed on the original ballot to the Ballot Duplicator and Ballot Reviewer.
 - Ballot Duplicator – Replicates the voter's selections from the original ballot onto the machine-readable ballot as instructed by the Ballot Caller.
 - Ballot Reviewer – Reviews the Ballot Caller's readings from the original ballot and compare it to the selections recorded on the machine-readable ballot by the Ballot Duplicator to ensure accuracy. It is a best practice to have two ballot reviewers, one who will review the selection announced by the Ballot Caller and one who will review the selection made by the Ballot Duplicator.
- Prior to the start of the ballot duplication process, each member of the bipartisan duplication team must complete a participation log noting the date, time, and their name, role, and party affiliation.
- During the ballot duplication process, the duplication team is not permitted to leave each other's immediate presence until the process has been completed, unless authorized by the director.
- All duplicated ballots must contain the following in the blank box at the top of each ballot:
 - A notation (for example, "DUP") to indicate the ballot is a duplicate of the original.
 - The ballot number assigned to the voter.
 - The precinct and VTD of the voter.
- Upon completion of the process, the team must do the following:
 - Ensure that the duplicated ballots are attached to the corresponding original ballots for the Board to verify at its next scheduled meeting.
 - Enter the time of completion and their signatures to the ballot duplication log.
 - Provide the completed duplication log and the ballots to the director.
- The director must ensure that the ballots are kept in a secured container until the next absentee board meeting.
- The board must review each duplicated ballot at its next scheduled board meeting prior to approval of the ballots.

It is a best practice to have a duplication team present at every meeting to duplicate any damaged ballots that are identified during the board meeting. Duplicating ballots at the board meeting when the ballot envelope was approved reduces the likelihood of mistakes.

Control of Board Meeting

The county board of elections is responsible for maintaining control at its absentee board meetings. The county board must ensure that the public receives proper notice of the board meeting and is given the opportunity to attend. However, the county board should not permit public comment while absentee envelopes are being adjudicated, or while ballots are being duplicated, sorted, or tabulated. The board also should not permit questions from the public as the board approves absentee envelopes. Further, G.S. 163-234 is very clear that others shall be permitted to attend the meeting during which absentee ballots are counted and observe the process, but may not interfere with the election officials in the discharge of their duties.¹⁶

It is recommended that the board chair explain the process at the beginning of the board meeting and state that public comment is not permitted during the approval and scanning of absentee ballots. The board may, but is not required to, designate a separate part of the meeting for public comment.

At the end of each board meeting, the goal is total reconciliation of all envelopes and ballots. To do that requires careful control of every document in the room. It also requires ensuring that the board members focus on the task at hand and that the public remains in an observer rather than a participant role. Envelopes and ballots must not be allowed to be removed from assigned areas. The reconciliation process shall ensure the number of ballot envelopes in each stack is tracked, and that the number of envelopes approved at the meeting is equal the number of ballots entered into the tabulator. The county board shall record the count on the tabulator at the start and end of each absentee meeting. A sample reconciliation log that you may use for process is available [here](#).

Public Records Requests for Envelopes

Some county boards may have received public records requests for absentee ballot return envelopes. Ballot return envelopes are public records under North Carolina's Public Records Act, with exceptions for voter signature and CIV number.¹⁷ Public records requests should not be fulfilled during a board meeting, but must be fulfilled as promptly as possible.

¹⁶ 163-234(2): "Any elector of the county shall be permitted to attend the meeting and allowed to observe the counting process, provided the elector shall not in any manner interfere with the election officials in the discharge of their duties."

¹⁷ G.S. 132-1.2(4), 163-82.10(a), 163-165.1(e). See also [Numbered Memo 2016-25](#).

Providing Copies of Envelopes

Prior to providing a copy of the envelope to the requestor, the voter signature and CIV number must be redacted, as the number links the envelope to a particular voter's ballot. Witness or assistant information may not be redacted.

To redact the voter signature and CIV number, you may copy the envelope, mark through the confidential information on the copy, and then copy it again. Some counties have used a cardboard or other thick paper cutout to cover the confidential information when making a copy. Digital copies may also be provided using a template redaction tool in Adobe.

Viewing Envelopes

Unredacted envelopes may be viewed by the public in your office, though no copy, photo, or tracing may be made. A county board must ensure that the requestor is monitored while reviewing the envelopes in the office to ensure the voter's signature is not retained. Absentee ballot return envelopes contain an identifier that is linked to the ballot, so this identifier must also be redacted from public view to protect the secrecy of the ballot.

HENDERSON COUNTY BOARD OF ELECTIONS

P O Box 2090
Hendersonville, NC 28793
Phone:(828)697-4970



75 E. Central St.
Hendersonville, NC 28792
hcelections@hendersoncountync.gov

Party Chairs,

The date to submit names of observers for the one-stop period is 10:00 am, October 15, 2022. **Each county party chair shall provide a list to the county board of elections before 10:00 a.m. on the 5th day prior to start of one-stop voting 163-45(b)**

The date to submit names of observers for election day is 10:00 am, November 3, 2022. **Each county party chair shall provide a list to the county board of elections before 10:00 A.M. on the fifth day before election day GS 163-45**

In order to avoid confusion at the polling sites for the upcoming November 8, 2022 General Election, our office is providing you with information pertaining to the voting tabulator at the one-stop sites and the precincts on election day.

“AS AN OBSERVER, I REQUEST TO HAVE ACCESS TO THE VOTING EQUIPMENT BEFORE THE POLLS OPEN AND AFTER THE POLLS CLOSE TO VERIFY THE NUMBER OF VOTES ON THE MACHINE MYSELF.”

One-Stop: We will not be allowing poll observers access to our voting equipment at the daily opening and closing of one-stop. The observer can be present for the opening of the equipment daily to observe the multi-partisan team of poll workers verbally verify the opening count, the empty ballot box, and document these procedures on the associated paperwork. The observer can be present for the shut-down of the tabulator daily to observe the multi-partisan team of poll workers verbally verify the number of votes on the machine, remove ballots from the tabulator and confirm they are secure for transport, and document these procedures on the associated paperwork. The ballots from all sites will be transported to the Board of Elections Office and be placed in our secure/locked ballot room. There will be no tape provided daily to view as the machine will not be tabulating the votes until election day November 8, 2022. The unofficial results will be released at 7:30 pm.

Election Day: We will not be allowing poll observers access to our voting equipment at the opening or closing of the polls. The observers are permitted to view the multi-partisan team of poll workers opening the voting equipment, verbally verifying the zero count, the empty ballot box, and documenting these procedures on the associated paperwork. At the close of the polls the Chief Judge will print a results tape that shows the date, time, and opening count of the tabulator as well as the closing date, time, and total number of tabulated ballots. This results tape will be provided for anyone to view at the precinct. The unofficial results will be released that night as soon as possible.

I know that in the previous primary election there were different procedures followed at some of our sites. This will not be the case in the upcoming election. These rules will be in place at all one-stop sites and election day polling locations. Securing our voting equipment and ballots is the most important procedure during the voting period. If there are any questions or concerns that we can address before the start of voting begins, please call our office @ 828-697-4970.

Karen Hebb

From: Cox, Paul <paul.cox@ncsbe.gov>
Sent: Tuesday, September 13, 2022 3:04 PM
To: Karen Hebb
Cc: SBOE_Grp - Legal; Holland, Parker
Subject: RE: [External] Observer rules
Attachments: Observer-machine access.rtf

Hi Karen,

Below are the specific laws that apply in these situations. As for the opening of the polls, any person "may observe" the "procedure." The law does not permit an observer to participate in the procedure. The requirement also does not specify that the observer be so close as to read the contents of tabulator screens. The same goes for closing procedures. At that point, when the precinct officials are running results tapes, they are counting the votes. Observers must be able to "observe the count." But they are not participating in the count, nor may they interfere with it. As with the opening procedures, they are entitled to witness the procedure of vote counting.

The county board has the authority to "make and issue such rules, regulations, and instructions, not inconsistent with law, with directives promulgated under the provisions of G.S. 163-132.4, or with the rules, orders, and directives established by the State Board of Elections, as it may deem necessary for the guidance of election officers and voters." G.S. 163-33(1). So I do think that the county board has the authority to issue these instructions.

Best regards,

Paul Cox | General Counsel
NORTH CAROLINA STATE BOARD OF ELECTIONS
430 N SALISBURY STREET
RALEIGH, NC 27611
919.814.0700
www.ncsbe.gov

08 NCAC 04 .0304

OPERATION AND MATTER OF VOTING ON VOTING SYSTEMS

(a) Prior to the opening of the polls, the precinct officials shall open the voting system and examine the ballot for accuracy and examine the counters or other method to determine there is a zero balance. Any persons interested in viewing this procedure may observe but shall not interfere or impede the process. If the system prints a zero tape or other paper document, the document shall be maintained and secured in the manner prescribed by the manufacturer and the county board of elections.

(b) The voter shall follow the instructions contained on the voting system. Only official ballots shall be introduced into the voting system. Spoiled or damaged ballots shall not be introduced into the voting system. If a voter improperly marks or damages a ballot, it shall be returned to the precinct official, marked as spoiled and maintained as specified by the county board of elections. The voter may not receive a replacement ballot until the spoiled or damaged ballot is returned to the precinct official. The voter shall not be given more than three replacement ballots.

Except as provided for curbside voting in G.S. 163-166.9, official ballots shall not leave the voting enclosure during the time that voting is being conducted there.

...
(g) The Chief Judge, along with a Judge of another political party, shall "close the polls" on each voting unit. The results sheet from each unit shall be placed in an "Official Precinct Returns Envelope." As soon as the polls are closed the chief judge and judges shall, without adjournment or postponement, count the ballots. The counting of ballots at the precinct shall be continuous until completed.

More than one voting unit may be counted at the same time by the precinct officials, assistants, and ballot counters, but the chief judge and judges shall supervise the counting of all units and shall be responsible for them. From the time the first unit is read or opened and the count of votes begun until the votes are counted and the statement of returns made out, signed, certified and provided to the chief judge or judge responsible for delivering them to the county board office, the precinct chief judge and judges shall not separate, nor shall any one of them leave the voting place except in case of unavoidable necessity as determined by the Chief Judge.

(h) The counting of the ballots shall be made in the presence of the precinct election officials and witnesses and observers who are present and desire to observe the count. Observers shall not interfere with the counting of the ballots.

...
G.S. § 163-182.2. Initial counting of official ballots.

(a) The initial counting of official ballots shall be conducted according to the following principles:

- (1) Vote counting at the precinct shall occur immediately after the polls close and shall be continuous until completed.
- (2) Vote counting at the precinct shall be conducted with the participation of precinct officials of all political parties then present. Vote counting at the county board of elections shall be conducted in the presence or under the supervision of board members of all political parties then present.
- (3) 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.

....

From: Karen Hebb <KHebb@Hendersoncountync.gov>

Sent: Tuesday, September 13, 2022 2:19 PM

To: Cox, Paul <paul.cox@ncsbe.gov>

Subject: [External] Observer rules

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Paul,

I want to present the attached document to my board for a vote at our upcoming meeting. As you know, we had problems with our observers at every site and precinct with machine access requests. Are we within the law if we provide this document to our party chairs?

Thanks, Karen

KAREN HEBB | DIRECTOR OF ELECTIONS

HENDERSON COUNTY BOARD OF ELECTIONS

75 E. CENTRAL ST.

POST OFFICE BOX 2090

HENDERSONVILLE, NC 28793

:8-697-4970 | 828-697-4810

www.khebb@hendersoncountync.gov



TIPS FOR MONITORING OR OBSERVING THE ELECTION AT POLLING SITES

OUTSIDE MONITORS

Anyone has the right to watch or monitor the election outside the voting place. This activity must remain outside the buffer zone, which typically extends 50 feet from the entrance of the voting place and is clearly marked. Outside observers may not disrupt voting, intimidate voters, or otherwise impede access to the polls. On-site elections officials have the duty to ensure a safe and orderly voting site where voters are not obstructed. These officials are authorized to remove anyone who is disruptive. G.S. 163-48.

Allowed:

- Pass out campaign material and sample ballots.
- Speak to voters.
- Conduct polling.
- Monitor and report concerns and complaints.

Prohibited:

- Enter the polling place or curbside voting area unless they are in the act of voting.
- Obstruct, intimidate, or interfere with any person registering or voting.

OBSERVING THE ELECTION INSIDE (appointed by political party)

Members of the public may not enter a voting site to observe the election. Only observers appointed in advance by a political party may be inside. The chief judge or one-stop manager will designate a place for observers that is close enough to hear voters checking in, but far enough to not impede the voting process or observe confidential information. Each party may assign site-specific observers and at-large observers for the county. No more than 2 site-specific observers and 1 at-large observer from the same party may be in the voting place at the same time. Observers at any site may be relieved after serving for at least 4 hours.

Allowed:

- Make observations and take notes, including on a computer or phone (without capturing images, video, or audio).
- Periodically approach the registration, ballot, or help tables without interfering with voters or elections officials, or viewing confidential information. The chief judge or one-stop manager has the discretion to limit this activity if it is disruptive.
- Report concerns to the chief judge or one-stop manager. Discussions should be with the chief judge or one-stop manager only, not other elections workers.
- Walk outside the voting enclosure to view the curbside voting area or make phone calls, at the discretion of the chief judge or one-stop manager.
- Obtain a list of voters who have voted in the precinct at designated time intervals (typically 10am, 2pm, and 4pm).
- View bound sets of completed authorization-to-vote or one-stop application forms without removing the binding.

Prohibited:

- May not interfere with elections workers when opening or closing the polls, but may observe these processes.
- Must not speak to voters or voter assistants.
- Must not impede or disrupt the voting process.
- Must not wear or distribute campaign material.
- Must not go behind the registration, ballot, or help tables.
- Must not enter voting booth area. Must not approach voting equipment without chief judge/one-stop manager.
- Must not position oneself to view confidential voter information on poll books or check-in laptops.
- Must not position oneself to see the contents of voted ballots, whether in the voting enclosure or curbside.
- Must not board a vehicle containing curbside voters.
- Must not provide voter assistance.
- Must not photograph, video, or record a voter without consent of the chief judge/one-stop manager, then the voter.

RUNNERS (appointed by political party)

Runners are appointed in advance by a political party to collect lists of people who have voted at particular intervals (10am, 2pm, 4pm). The chief judge will receive a list of the names of each runner. The runner must identify themselves to the chief judge and immediately leave the voting enclosure after receiving the list of voters. G.S. 163-45(d).

VOTER ASSISTANCE

Any in-person voter is entitled to assistance entering/exiting the voting booth and filling out a ballot. Any voter may receive such assistance from a near relative. Voters who need assistance entering to vote or marking a ballot due to disability, blindness, or illiteracy may receive assistance from anyone the voter chooses, except the voter's employer or agent of the voter's union. Assistants may not influence the voter's selections, take notes on anything occurring in the voting booth, or reveal how the person voted. There is no limit on the number of voters an assistant may assist. G.S. 163-166.8.

N.C. Administrative Code – ELECTION OBSERVERS

08 NCAC 20 .0101

(a) Observer Lists. The chair of each political party in a county must designate two precinct-specific observers to attend each voting place on Election Day and each one-stop site during a primary or general election in accordance with this Rule. The precinct-specific observer list may include up to eight names and shall include the times that each observer shall serve. The county party chair may designate 10 additional at-large observers who may attend any voting place in the county. The list of observers for one-stop must designate the names of the observers who will be present on each day of early voting and, for precinct-specific observers, at each one-stop site. At-large observers may serve at any one-stop site. The chair of each State political party may designate up to 100 additional at-large observers who are residents of the State who may attend any voting place in the State.

(b) Submission of Lists. The county party chair shall submit a written, signed list of county at-large observers to the county director of elections, with two copies provided to the chair of the county board of elections, prior to 10:00 a.m. on the fifth day prior to Election Day. The county party chair shall submit a written, signed list of the observers appointed for each precinct to the chief judge of each precinct, with two copies provided to the chair of the county board of elections, prior to 10:00 a.m. on the fifth day prior to Election Day; the list may be delivered in care of the county director of elections. The county party chair shall submit the list of observers for one-stop before 10:00 a.m. on the fifth day before the observer is to observe. The list of at-large observers to serve on Election Day may be amended prior to Election Day to substitute one or more of the at-large observers. The list of at-large observers who serve during early voting may not be amended after 10:00 a.m. on the fifth day before the at-large observer is to observe. The list of precinct-specific observers to serve on Election Day may not be amended after 10:00 a.m. on the fifth day prior to Election Day. The State party chair shall submit the written, signed list of State at-large observers by 10:00 a.m. on the fifth day prior to Election Day to the State Board, which shall disseminate the list to the county boards of elections. The list shall include the full name of each at-large observer and the county in which the observer is registered. The State Board shall confirm that each State at-large observer is a registered voter of the State. Party chairs may provide the lists by facsimile or email provided the letters are signed. Scanned signatures are permissible.

(c) Observers at Voting Place. No more than two precinct-specific observers from each political party may be in the voting enclosure at any time. Only one at-large observer from each political party may be in the voting enclosure at any time, even if no precinct-specific observers are present. All observers, whether precinct-specific or at-large, may be relieved after serving no less than four hours; however, the total number of observers from each party cannot exceed three total observers in the voting enclosure at one time: two precinct-specific observers and one county or State at-large observer. An observer may leave the voting place without having served for four hours, but the observer cannot be replaced by a new observer until at least four hours have passed since the first observer began serving. An observer who leaves the voting place for any reason may be prohibited by the chief judge from returning if the observer's return would cause a disruption in the voting enclosure.

(d) Observer Conduct. Observers who engage in prohibited conduct after receiving a warning may be required by the chief judge to leave the voting enclosure. Prohibited activities by observers include:

- (1) Wearing or distributing campaign material or electioneering;
- (2) Impeding or disrupting the voting process or speaking with voters or election assistants;
- (3) Interfering with the privacy of the voter, including positioning themselves in such a way that they can view confidential voter information on poll books or laptops or standing in such a way that they can view the contents of ballots inserted into a tabulator;
- (4) Using an electronic device to film or take photographs inside the voting enclosure;
- (5) Taking photographs, videos, or recording a voter without the consent of the voter and the chief judge;
- (6) Entering the voting booth area or attempting to view voted ballots;
- (7) Boarding a vehicle containing curbside voters; and
- (8) Providing voter assistance.

(e) Eligibility. No person who is a candidate on the ballot in a primary or general election may serve as an observer or runner in that primary or that general election. No person who serves as an observer or runner in a primary or general election may serve as a precinct official or one-stop election official in that primary or that general election.

(f) Observers for unaffiliated candidates. An unaffiliated candidate or the candidate's campaign manager may appoint two observers at each voting place as set forth in this Rule.

(g) The use of the term "chief judge" includes one-stop site managers.



NORTH CAROLINA
STATE BOARD OF ELECTIONS

Dobbs Building
Third Floor
430 N Salisbury St
6400 Mail Service Center
Raleigh NC 27603-1362
Phone: 919-814-0700
Email: elections.sboe@ncsbe.gov

08 NCAC 10B .0105 PROCEDURES AT THE CLOSE OF VOTING

(a) Before each primary and election, the chairman of the county board of elections shall furnish each chief judge written instructions provided by the State Board pursuant to G.S. 163-182.1, G.S. 163-182.2, and 08 NCAC 06B. 0105 on how ballots shall be marked and counted. Before starting the counting of ballots in the precinct, the chief judge shall instruct all of the judges, assistants, and ballot counters in how marked ballots shall be counted and tallied.

(b) The Chief Judge shall announce or have it announced that the polls are closed at 7:30 p.m. unless the time has been extended pursuant to G.S. 163-166.01. Time shall be determined by the same timepiece used to determine the opening of the polls.

(c) Any person who is in line at the close of polls shall be afforded an opportunity to vote. A list shall be made, starting at the end of the line and moving forward, of everyone standing in line at the close of polls and anyone whose name is on that list shall be permitted to vote. No person entering the voting enclosure after the close of polls has been announced, other than those whose names are on the list, shall be permitted to vote under any circumstance.

(d) The Chief Judge and Judges must subscribe their names to each pollbook.

(e) Only official ballots shall be voted and counted in accordance with G.S. 163-182.1(a). No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to determine the voter's choice under the rules for counting ballots. Such determination shall be made by the county board of elections if the chief judge and judges are unable to determine the voter's choice, or whether a particular ballot shall be counted.

(f) No person shall intentionally deface or tear an official ballot in any manner, and no person, other than the voter, shall intentionally erase any name or mark written on a ballot by a voter.

(g) The Chief Judge, along with a Judge of another political party, shall "close the polls" on each voting unit. The results sheet from each unit shall be placed in an "Official Precinct Returns Envelope." As soon as the polls are closed the chief judge and judges shall, without adjournment or postponement, count the ballots. The counting of ballots at the precinct shall be continuous until completed. More than one voting unit may be counted at the same time by the precinct officials, assistants, and ballot counters, but the chief judge and judges shall supervise the counting of all units and shall be responsible for them. From the time the first unit is read or opened and the count of votes begun until the votes are counted and the statement of returns made out, signed, certified and provided to the chief judge or judge responsible for delivering them to the county board office, the precinct chief judge and judges shall not separate, nor shall any one of them leave the voting place except in case of unavoidable necessity as determined by the Chief Judge.

(h) The counting of the ballots shall be made in the presence of the precinct election officials and witnesses and observers who are present and desire to observe the count. Observers shall not interfere with the counting of the ballots.

(i) As soon as the votes have been counted and the precinct returns certified, the chief judge, or one of the judges selected by the chief judge, shall do the following:

- (1) report the total precinct vote for each ballot item to the witnesses and observers who are present; and
- (2) report by telephone or other electronic means the total precinct vote for each ballot item to the county board of elections.

The total precinct vote shall be unofficial and shall have no binding effect upon the official county canvass to follow.

(j) The Chief Judge and Judges shall sign the consolidation and accounting sheets and statement of returns and shall place them in the "official precinct returns" envelope or container.

(k) The Chief Judge shall place or cause to be placed in a sealed container by an authorized person under the Chief Judge's direction and control the following:

- (1) voter registration documents and information;
- (2) provisional ballot envelope;
- (3) payroll information for precinct officials;
- (4) county board communication devices, unit keys and security devices; and
- (5) the official returns envelope.

The container shall be sealed with non-transparent tape of sufficient size to contain signatures. It shall be signed by the Chief Judge and two Judges.

(l) Consolidation sheets, including the statement of returns for all voted official ballots, shall be completed by adding curbside votes to the totals. In any precinct using direct record electronic voting equipment, the county board of elections may provide for any paper ballots to be transported upon closing of the polls to the office of the county

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

(m) Voted provisional ballots must be placed in a sealed envelope or container and the seal must be signed by the Chief Judge and Judges.

(n) The Chief Judge or precinct official shall bring the results cartridge (or reading) from each unit to the board of elections office.

(o) All supplies must be collected for return to the board of elections office. Any items brought into the polling place facility shall be removed upon vacating the polling place. Precinct Judges shall ensure that the facility is left in the same condition in which it was received for voting purposes.

(p) Under no circumstance shall voting items be left in the polling place facility out of the custody of the Chief Judge or other designee.

*History Note: Authority G.S. 163-22; 163-166.10;
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. September 1, 2019.*

§ 163-166.10. Procedures after the close of voting.

The State Board of Elections shall promulgate rules for closing the voting place and delivering voting information to the county board of elections for counting, canvassing, and record maintenance. Those rules shall emphasize the need for the appearance as well as the reality of security, accuracy, participation by representatives of more than one political party, openness of the process to public inspection, and honesty. The rules, at a minimum, shall include procedures to ensure all of the following:

- (1) The return and accurate accounting of all official ballots, regular, provisional, voted, unvoted, and spoiled, according to the provisions of Article 15A of this Chapter.
- (2) The certification of ballots and voter-authorization documents by precinct officials of more than one political party.
- (3) The delivery to the county board of elections of registration documents and information gleaned through the voting process that would be helpful in the accurate maintenance of the voter registration records.
- (4) The return to the county board of all issued equipment.
- (5) The restoration of the voting place to the condition in which it was found. (2001-460, ss. 3, 3.1; 2017-6, s. 3; 2018-146, s. 3.1(a), (b).)

CHAPTER 20 – ELECTION OBSERVERS

08 NCAC 20 .0101 ELECTION OBSERVERS

(a) **Observer Lists.** The chair of each political party in a county may designate two precinct-specific observers to attend each voting place on Election Day and each one-stop site during a primary or general election in accordance with this Rule. The precinct-specific observer list may include up to eight names and shall include the times that each observer shall serve. The county party chair may designate 10 additional at-large observers who may attend any voting place in the county. The list of observers for one-stop must designate the names of the observers who will be present on each day of early voting and, for precinct-specific observers, at each one-stop site. At-large observers may serve at any one-stop site. The chair of each State political party may designate up to 100 additional at-large observers who are residents of the State who may attend any voting place in the State.

(b) **Submission of Lists.** The county party chair shall submit a written, signed list of county at-large observers to the county director of elections, with two copies provided to the chair of the county board of elections, prior to 10:00 a.m. on the fifth day prior to Election Day. The county party chair shall submit a written, signed list of the observers appointed for each precinct to the chief judge of each precinct, with two copies provided to the chair of the county board of elections, prior to 10:00 a.m. on the fifth day prior to Election Day; the list may be delivered in care of the county director of elections. The county party chair shall submit the list of observers for one-stop before 10:00 a.m. on the fifth day before the observer is to observe. The list of at-large observers to serve on Election Day may be amended prior to Election Day to substitute one or all of the at-large observers. The list of at-large observers who serve during early voting may not be amended after 10:00 a.m. on the fifth day before the at-large observer is to observe. The list of precinct-specific observers to serve on Election Day may not be amended after 10:00 a.m. on the fifth day prior to Election Day. The State party chair shall submit the written, signed list of State at-large observers by 10:00 a.m. on the fifth day prior to Election Day to the State Board, which shall disseminate the list to the county boards of elections. The list shall include the full name of each at-large observer and the county in which the observer is registered. The State Board shall confirm that each State at-large observer is a registered voter of the State. Party chairs may provide the lists by facsimile or email provided the letters are signed. Scanned signatures are permissible.

(c) **Observers at Voting Place.** No more than two precinct-specific observers from each political party may be in the voting enclosure at any time. Only one at-large observer from each political party may be in the voting enclosure at any time, even if no precinct-specific observers are present. All observers, whether precinct-specific or at-large, may be relieved after serving no less than four hours; however, the total number of observers from each party cannot exceed three total observers in the voting enclosure at one time: two precinct-specific observers and one county or State at-large observer. An observer may leave the voting place without having served for four hours, but the observer cannot be replaced by a new observer until at least four hours have passed since the first observer began serving. An observer who leaves the voting place for any reason may be prohibited by the chief judge from returning if the observer's return would cause a disruption in the voting enclosure.

(d) **Observer Conduct.** Observers who engage in prohibited conduct after receiving a warning may be required by the chief judge to leave the voting enclosure. Prohibited activities by observers include:

- (1) Wearing or distributing campaign material or electioneering;
- (2) Impeding or disrupting the voting process or speaking with voters or election assistants;
- (3) Interfering with the privacy of the voter, including positioning themselves in such a way that they can view confidential voter information on poll books or laptops or standing in such a way that they can view the contents of ballots inserted into a tabulator;
- (4) Using an electronic device to film or take photographs inside the voting enclosure;
- (5) Taking photographs, videos, or recording a voter without the consent of the voter and the chief judge;
- (6) Entering the voting booth area or attempting to view voted ballots;
- (7) Boarding a vehicle containing curbside voters; and
- (8) Providing voter assistance.

(e) **Eligibility.** No person who is a candidate on the ballot in a primary or general election may serve as an observer or runner in that primary or that general election. No person who serves as an observer or runner in a primary or general election may serve as a precinct official or one-stop election official in that primary or that general election.

(f) **Observers for unaffiliated candidates.** An unaffiliated candidate or the candidate's campaign manager may appoint two observers at each voting place as set forth in this Rule.

(g) The use of the term "chief judge" includes one-stop site managers.

*History Note: Authority G.S. 163-22; 163-45; 163-166.6; 163-166.7;
Eff. October 1, 2018;
Amended Eff. September 1, 2021.*

Henderson County Board of Elections

Welcome Please Sign In

Date: 9-21-22

1. Dorothy Callaway
2. Georgia Moffitt
3. DAVID SHIPP
4. Kathy Mamey
5. Lore Ribush
6. Jane Bilello
7. Shann Brooks
8. Betty Wallace
9. Doug Cable
10. Foe David

Henderson County Board of Elections

Welcome Please Sign In

Date: 9/21/22

1. Tammy Robinson
2. E. Nunzio
3. Yvette MARQUES
4. Beatrice PAUL
5. Bon Es
6. _____
7. _____
8. _____
9. _____
10. _____