



NORTH CAROLINA

STATE BOARD OF ELECTIONS

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RESOLUTION REGARDING THE CONDUCT OF EARLY VOTING, ELECTION DAY VOTING, ABSENTEE VOTING, AND VOTER REGISTRATION FOR THE 2024 GENERAL ELECTION IN THE 13 COUNTIES MOST AFFECTED BY TROPICAL STORM HELENE

At a meeting duly called and held on October 7, 2024, the State Board of Elections (“State Board”) adopted the following resolution:

WHEREAS, on September 25, 2024, the Governor of North Carolina issued Executive Order No. 315, declaring a State of Emergency in response to Tropical Storm Helene in anticipation of significant impact and damage to the State of North Carolina.

WHEREAS, on September 28, 2024, the President of the United States issued a Federal Major Disaster Declaration, FEMA-4827-DR, for the State of North Carolina in response to Tropical Storm Helene for 25 counties in western North Carolina.

WHEREAS, N.C.G.S. § 163-27.1 authorizes the State Board to exercise emergency powers to conduct an election where the normal schedule is disrupted by a natural disaster. In exercising those emergency powers, the State Board shall avoid unnecessary conflict with the provisions of Chapter 163.

WHEREAS, pursuant to N.C.G.S. § 163-27.1, the State Board finds that Tropical Storm Helene created an unprecedented natural disaster for Western North Carolina that has disrupted and continues to disrupt the schedule of the general election and has impacted and continues to impact the administration of the election in the region. Tropical Storm Helene has taken many lives, severely damaged public and private property, and caused significant and lasting disruptions to essential utility services and systems to include power, internet, cell service, water, and transportation.

WHEREAS, the State Board finds that the infrastructure for elections administration and voters’ accessibility to polling places and mail service in the following 13 counties remain severely disrupted as a result of the disaster and will continue to be so disrupted throughout the election: **Ashe, Avery, Buncombe, Haywood, Henderson, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, and Yancey**. These counties report that not all of their scheduled early voting sites or election day voting sites will be available due to damage from the storm, inaccessibility, the site’s current use for disaster response, or the likely unavailability of sufficient staff.

WHEREAS, nearly all of the county board offices in these counties were closed to the public for at least part of the week of September 30 through October 4, 2024, with five of them remaining closed throughout the entire week.

WHEREAS, each of these counties is experiencing multiple road closures—including on highways and interstates—with current estimates of road closures possibly being an undercount due to the inaccessibility of many communities for transportation officials to assess the status of all roads. Additionally, official road closure statistics do not account for breaches on private roads and driveways that also inhibit or prohibit travel for many area residents, and in some cases, elections personnel.

WHEREAS, all of these counties are still experiencing disruptions with the delivery of mail to residences, a disruption that is expected to last as long as roads remain impassable in these counties, although the county board offices for these counties are now able to receive mail and access a functioning post office.

WHEREAS, thousands of customers in each of these counties lacked electrical power as of the end of last week, with hundreds of thousands still without power across the entire region.

WHEREAS, almost all of these counties are currently experiencing water supply outages, and all of these counties have areas with restrictions on water supply use (e.g., boil water advisories). These counties also have large rural populations that rely on private well water, and many of those sources have been contaminated by flooding and/or are inaccessible due to lack of power to pump water.

WHEREAS, cellular service is not reliable throughout these counties, with some areas experiencing total outages and others experiencing only intermittent or weak coverage.

WHEREAS, due to supply, power, and transportation disruptions, gasoline has not been readily available in many areas of this region, with some localities requiring the rationing of fuel.

WHEREAS, public and private agencies have established disaster relief stations throughout these counties, where essential supplies for daily life, especially potable water, are provided to the general public.

WHEREAS, the detrimental impacts to the daily lives of the residents of these counties from this storm damage has already led many area residents to relocate to other parts of the state or outside the state, which will result in increasing demand for absentee voting and the increased use of that voting method by many voters who are not accustomed to voting that way.

WHEREAS, the directors of elections in almost all of these counties expect that some poll workers may no longer be available to work this election due to relocation or the personal demands of the disaster, which will pose a challenge to these county boards' ability to fully staff

all their scheduled voting sites with experienced workers under existing appointments and under existing statutory constraints on poll worker appointment and reassignment.

WHEREAS, many of the staff who administer election functions in these counties are having to simultaneously conduct a presidential election in a disaster zone while also dealing with devastating personal impacts from the storm, with some staff being forced to relocate to other counties and other staff remaining isolated in communities that are inaccessible by road.

WHEREAS, the boards of elections in these counties are now having to work through a backlog of administrative tasks—such as poll worker trainings, voter registration, absentee ballot processing, and machine testing, among others—which they could not complete in the days following the storm, at the same time they must prepare for the start of early voting which is merely a week and a half away, to be followed soon by Election Day voting which itself requires significant advance preparation.

WHEREAS, the State Board finds that the ongoing disaster has significantly disrupted the normal schedule of the election in these 13 counties, particularly with respect to elections office closures, elections staff availability, poll worker availability, early voting and Election Day voting site usability, transportation and mail service impediments, and the significant displacement of voters and election workers. Most of these disruptions will likely persist through the remainder of the 2024 General Election period.

WHEREAS, the State Board finds that emergency administrative measures, which can go into effect immediately upon adoption of this resolution, are required to provide sufficient time for the affected counties to implement emergency measures and to provide notice to the public of any changes to voting sites or other voting procedures.

WHEREAS, the emergency measures identified below directly address the disruptions caused by the disaster in these counties and are needed to ensure all eligible voters have access to the ballot box, which will help promote public confidence in this election. These measures have been carefully crafted to avoid any detrimental effect on the integrity of the election or the security of ballots.

THEREFORE, THE STATE BOARD HEREBY RESOLVES THAT:

1. **Early Voting.** Pursuant to G.S. § 163-27.1, by way of this resolution, the boards of elections for the 13 counties identified above are authorized to modify their early voting plans by bipartisan majority vote without a requirement for the State Board to approve those modifications. To approve any such modifications, the county board must make written findings in a resolution that the modifications are required by the effects of the recent disaster and provide a copy of that resolution to the State Board. Such modifications may include:

- a. Changing or adding sites, or removing sites that are unusable. Before removing a site, the county board shall make all feasible attempts to maintain the site's availability.
- b. Adding or reducing days that any site is open within the established early voting period.
- c. Extending or reducing hours that any site is open on any days within the established early voting period.

In modifying the early voting plans, the county board shall seek to minimize, to the extent possible, any reduction in the overall number of hours available for voters to participate in early voting in the county. The uniform days and hours requirements of G.S. § 163-166.35(d) shall not apply strictly to these counties but shall be observed to the greatest extent practicable. In addition to notifying local media of any changes, staff shall make reasonable efforts to post notice of such changes at as many disaster shelters and other places where disaster relief is provided to the general public within the county as possible.

2. **Election Day Polling Places.** Pursuant to G.S. § 163-27.1, by way of this resolution, the boards of elections for the counties identified above are authorized to modify their Election Day precinct voting sites by bipartisan majority vote. To approve any such modifications, the county board must make written findings in a resolution that the modifications are required by the effects of the recent disaster and provide a copy of that resolution to the State Board. In making any modifications under this provision, the county board shall strive to maintain voting access as close to existing voting locations as possible and should resort to establishing a voting site outside of a precinct only as a last resort. Such modifications may include:

- a. Transfer voters from a given precinct to another in the county, even if the receiving precinct is not adjacent where no adjacent precinct is available. Approval of the Executive Director of the State Board is required, consistent with G.S. § 163-128. The county board shall ensure that separate tabulators are assigned for voters in one precinct versus another.
- b. Establish out-of-precinct voting places. Such a voting place may be located in another North Carolina county adjacent to the precinct, to be staffed and managed by workers employed by or appointed by the county board establishing the out-of-precinct voting place. Approval of the Executive Director of the State Board is required, consistent with G.S. § 163-130.1. Any polling place established under this provision may be co-located with another precinct's voting location, but the materials, tabulators, and voting processes shall be kept separate for each precinct's voters at that location.

- c. Establish more than one voting location for voters in a given precinct. Such a voting place may be located in another North Carolina county adjacent to the precinct, to be staffed and managed by workers employed by or appointed by the county board establishing the additional voting location. Approval of the Executive Director of the State Board is required, consistent with G.S. § 163-130.2. Any polling place established under this provision may be co-located with another precinct's voting location, but the materials, tabulators, and voting processes shall be kept separate for each precinct's voters at that location.
- d. Allow the central transfer precinct to be used by any county voter on Election Day. If the county codes its ballots by style, the county board shall write the precinct designation on the voter's ballot, to facilitate the post-election precinct sort.

Notice of any modification under this section shall be given to the affected voters by mail, as soon as possible following approval of the modification. The county board shall also cause the notice to be immediately delivered to all local media and the chairs of the county political parties, and shall be posted on the county board's website as soon as possible. Staff shall also make reasonable efforts to post notice of such changes at as many disaster shelters and other places where disaster relief is provided to the general public within the county as possible.

Counties are encouraged to consider what option above is best for the disaster-related needs of the county. For example, co-locating voting locations under b. and c. above may be preferable if the county has sufficient poll workers to staff both precincts at the locations, while a temporary transfer under a. may be preferable in the event of a poll worker shortage.

- 3. **Poll Worker Recruitment and Assignment.** Pursuant to G.S. § 163-27.1, by way of this resolution, the boards of elections for the same counties identified above are authorized to do the following, by bipartisan majority vote (unless action by the chair is authorized by statute), to the extent each action is required by the effects of the disaster:
 - a. Appoint election officials for early voting and Election Day voting sites who are registered voters of other North Carolina counties.
 - b. Appoint election officials for Election Day voting sites without regard to the official's precinct of residence.
 - c. If the chair is filling a vacancy in an existing appointment, the chair shall replace the official with someone of the same party to the extent that is possible and must strive to maintain bipartisan representation among the judges at all sites, to the extent possible. As the county board makes Election Day preparations, an election official's failure to return contact or

confirm availability to serve with the county board office constitutes a vacancy for “any other cause” under G.S. § 163-41(d).

- d. Appoint emergency election day assistants and assign them to a precinct.
- e. Reassign poll workers to locations for which they had not been originally designated, to ensure there is sufficient knowledge and experience at each voting site.

County boards may, without needing to take a vote, administer the oath of office to election officials who must be sworn in before Election Day by electronic or telephonic means, and obtain assistance in training poll workers from the State Board staff or from staff of other county boards of elections as may be available to assist.

Notice of any appointments made under this section shall be given to the appointed official by mail and email as soon as possible following the appointment, or may be delivered in person. The county board shall also cause the notice to be immediately delivered to all local media and the chairs of the county political parties, and shall be posted on the county board’s website as soon as possible.

- 4. **Absentee Ballot Processing.** Pursuant to G.S. § 163-27.1, by way of this resolution, the boards of elections for the affected counties identified above shall do the following:
 - a. Process an absentee ballot request from a voter or a voter’s near relative or verifiable legal guardian in person at the county board office up until the day before the election, similar to the provision in G.S. § 163-230.1(b). The voter or the voter’s near relative or verifiable legal guardian is still required to complete the absentee request form with the required personal information, and that information must be verified as with any absentee request. But the board may provide the voter or voter’s near relative or verifiable legal guardian with the voter’s absentee ballot envelope at the office location.
 - b. Process a spoil-and-reissue or cure of an absentee ballot from a voter in person at the county board office. A voter’s near relative or verifiable legal guardian may retrieve any reissued ballot package (following a spoilage) or any required cure documentation to take to a voter who is required to cure a deficiency with an absentee ballot. The county board shall maintain a log of such transactions, consistent with the contents of the log maintained for the delivery of absentee ballots.
 - c. Accept the delivery of completed absentee ballots from Election Day voting sites operated by the voter’s county board, as long as those ballots were delivered to the voting site by 7:30 pm on Election Day. Precinct officials shall maintain a log of such ballots and chain-of-custody

documentation, consistent with how early voting officials carry out this task, to be delivered to the county board office when supplies are returned on election night.

- d. Accept the delivery of completed absentee ballots by mail, commercial delivery service, or delivery by a staff member of a county board or State Board if those ballots were delivered to another county board of elections or the State Board, as long as those ballots were delivered to a North Carolina county board of elections or the State Board by 7:30 pm on Election Day and ultimately received by the board of elections for the voter's county by the day before county canvass.
5. **Absentee Voting for Affected Voters.** Pursuant to G.S. § 163-27.1, by way of this resolution, voters registered in the same counties identified above, or their near relatives or verifiable legal guardians, may hand-deliver their completed absentee ballot to another North Carolina county's board of elections office or the State Board office so long as it is received by 7:30 pm on Election Day. The county board office or State Board that receives such an out-of-county absentee ballot shall immediately date-stamp the absentee ballot envelope and shall ensure that the ballots of such voters are delivered to the board of elections office for the voter's county by the day before county canvass, either by trackable mail, commercial delivery service, or delivery by a staff member of the county board or State Board. The State Board or county board receiving the out-of-county ballot shall note the date, time, individual receiving the ballot, and individual delivering the ballot, as well as the affected county to which it will be sent, in a log. On Election Night, the receiving county shall report to the State Board the number of ballots received in such a manner for each affected county. If delivery to the voter's county board is made by staff of the county board or State Board, transport of the ballots shall be in a sealed, secure container, with documentation of the chain of custody.
6. **Multipartisan Assistance Teams (MATs).** Pursuant to G.S. § 163-27.1, by way of this resolution, the boards of elections for the same counties identified above, by bipartisan majority vote, are authorized to do the following:
- a. Appoint MAT members who are registered voters of other North Carolina counties.
 - b. Appoint MAT members who are unaffiliated or affiliated with a minor political party by bipartisan majority vote, where there are insufficient registered voters to appoint to a MAT from each of the two political parties with the highest number of affiliated voters in the State.
 - c. Schedule MATs to assist with absentee ballot requests and absentee voting at disaster shelters and other places where disaster relief is provided to the general public, to the same extent that MATs are authorized to assist in

covered care facilities. MATs in these counties are also authorized to receive and deliver to the county board of elections the completed absentee ballot envelopes or ballot cure documentation for any voters, regardless of disability, at any site that the MAT is authorized to serve, either under state law or under this resolution. If a MAT member fails to sign the assistance section of the absentee envelope, that is not a ballot application deficiency, as long as the county board can otherwise determine that assistance was provided by the MAT.

7. **Voter Registration and Office Operations.** Pursuant to G.S. § 163-27.1, by way of this resolution, the staff of the State Board is authorized to process voter registration applications for the counties identified above. This includes data entry and sending voter registration verification mailings, as needed. Similarly, a board of elections for the same counties identified above may authorize elections staff from another county or the State Board to carry out voter registration or any other administrative functions of the office.

8. **Coordination with State Division of Emergency Management.** By way of this resolution, the State Board acknowledges the need for continued coordination with the North Carolina Division of Emergency Management (NCEM) to provide aid to the local jurisdictions in support of elections. The task force between the State Board and NCEM is actively coordinating the resources and support needed by the affected counties to conduct elections in each county. The State Board's Executive Director shall designate a liaison to each of the affected county boards of elections to coordinate needed resources, which may include but are not limited to temporary facilities, generators, temporary restrooms, and other needs, utilizing such means as are necessary through the State Emergency Operations Center and assisted by such other personnel as necessary.

Adopted this the ____ day of October, 2024.

Alan Hirsch, Chair
State Board of Elections