

Henderson County Board of Elections  
Minutes of Board Meeting  
October 10, 2024  
Special Meeting

The Board of Elections met for a Special Meeting on October 10, 2024, at 5:11 PM at the Henderson County Board of Elections office at 75 E. Central Street. Members present were Clay Eddleman, Chair, Debbie Dante, Secretary, Linda Rebeck, Sharon Pearson, Cindy Ellis, Members, and Summer Heatherly, Director.

Pledge

Minutes: No approval of Minutes.

Agenda: Special meeting was called by the Chair to discuss Addition of Early Voting Sites.

**Chair Comments.** The NC General Assembly was called into session yesterday regarding the State Board of Elections Resolution Regarding Voting in the 13 Counties Most Affected by Tropical Storm Helene (attached) and to fund emergency voting costs associated with the storm (H 149, attached). The Legislature extended the emergency declaration to 25 counties, increasing the State Board Resolution by 12 counties. Chair was advised yesterday by SBOE General Counsel Paul Cox to stay as close as possible to our previously passed Early Voting Plan.

The Henderson County curfew was lifted this morning therefore the Chair moved to Rescind the adjusted Early Voting Dates and Hours passed in the last meeting of 10/8/24. Sharon 2<sup>nd</sup>. Chair requested individual voice votes going forward. Passed unanimously. Original One Stop Plan is restored.

Member Dante moved to add two Early Voting sites; Etowah Library, 101 Brickyard Road, Etowah, and Upward Bible Baptist Church, 1130 Upward Road, Flat Rock. Linda 2<sup>nd</sup>.

Member Ellis objected due to an email dated 10/10/24, 1:28 PM, from SBOE General Counsel Paul Cox stating we are prohibited from adding additional early voting sites according to his interpretation of H 149. The email was read by the Chair (attached). Chair pointed out that Early Voting locations are required to be a government building per NCGS §163-166.35(c) (attached), so the Church location could not be considered. Member Rebeck disagreed and stated the law did not say you cannot use of a non-governmental building. This may need clarification. Chair read a follow up email from Mr. Cox recommending the Board put the Motion to vote and Members to consider the legality (attached).

Member Ellis stated 7% of Henderson County is without power and it should all be restored by Friday. There is still a State of Emergency in the all the municipalities. Schools will open next Tuesday. Distribution centers were listed and suggested MAT teams go to them. She notes security and poll worker issues if we open 2 new sites and read the "accessibility" requirements per [www.ncsbe.gov](http://www.ncsbe.gov) under Voter Accessibility.

Director stated that the MAT team should be requested and can only go to care facilities and "...disaster shelters and other places where disaster relief is provided..." adding it must be in a disaster area.

Member Dante stated the Etowah Library could potentially draw up to 13,000 voters comprising 5 nearby precincts and the Church could potentially draw up to 15,500 voters comprising 4 nearby precincts. She stated a lot of people lost their cars in the storm or can't use the gas to get to town and she wanted to make it easier for them to vote closer to their homes.

Member Pearson questioned why the suggestion to change the Plan when we all agreed upon it months ago. Additionally, there are costs and poll workers to consider and there isn't enough time to organize when there are 2 other options besides opening additional Early Voting sites, to wit: Absentee by Mail and Election Day voting.

Chair indicated he saw no reason to open additional sites. Vote must be a bipartisan majority showed Pearson-Nay, Rebeck-Nay, Ellis-Nay, Dante-Yea. Motion failed.

There being no further business, the meeting was adjourned at 5:47 PM.

Alberah Dante  
Secretary

Ce Edm  
Chairman

Cindy Ellis  
Member

John Rebeck  
Member

Sharon Pearson  
Member

Approved \_\_\_ Disapproved

Approved \_\_\_ Disapproved

W. Addams Approved \_\_\_ Disapproved

Approved \_\_\_ Disapproved

Approved this the 15<sup>th</sup> day of October, 2024.



# Welcome

Please Sign In (Name/Organization(optional))

Date: 10-10-24

1. Donna Montgomery
2. Lynn McFarland      LWVHC
3. Paul Taetsch
4. Gina Moffitt
5. Jane Bilello      NCEIT
6. Peri David
7. Kim Welty
8. Caren Kessler      LWVHC
9. Alana Cooper      Coordinated Campaign
10. Brett Callaway      HC GOP

Henderson County Board of Elections



# Welcome

Please Sign In (Name/Organization(optional))

Date: 10/10/24

1. Kathy Masey
2. Coy Winn
3. Paul Reback
4. Richard V. Nichols ESG
5. Cliff Marr
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

Henderson County Board of Elections



## Summer Heatherly

---

**From:** Cynthia Ellis  
**Sent:** Monday, October 14, 2024 8:42 PM  
**To:** Summer Heatherly  
**Subject:** My notes from 10-8-24 meeting

News: hendersoncountync.gov

As of 10/9 5pm 4,920 without power (7% of those who use Duke); Duke says all should have power by end of day 10/11.

All water has been restored to Hendersonville.

Henderson County has declared a State of Emergency due to Hurricane Helene. proclaimed at the request of the Mayors in the Town of Fletcher, Town of Laurel Park, Village of Flat Rock and Town of Mills River.

Henderson County has lifted the county-wide curfew, effective at 7:00 a.m., Thursday, October 10, 2024

There is still restricted travel along Highway 64 (East?), Highway 74 and Highway 9 in the Bat Cave and Gerton areas of Henderson County.

Our Emergency Management Team has also shifted their operation from a Response to Recovery and Damage Assessment Mode.

**Defining Accessible:** <https://www.ncsbe.gov/voting/help-voters-disabilities/accessible-voting-sites>

Federal and state laws require early voting locations and Election Day polling sites to be accessible.

You also have the right to cast your ballot at an accessible polling place with voting machines for voters with disabilities.

Federal law and state requirements require voting systems to be equipped with features to help voters with disabilities cast their ballot privately and independently.

This allows these voters to have the same opportunity for access and participation as any other voter. Every Election Day precinct and early voting site must have at least one accessible voting machine available. Three types of accessible machines, which mark ballots for the voter, are used by North Carolina counties:

The AutoMARK from [Elections Systems & Software \(ES&S\)](#).

The [ExpressVote](#) from ES&S.

The Verity Touch Writer from [Hart InterCivic](#).

### Voting Assistance at Voting Sites



North Carolina law allows any voter to receive assistance going in or out of a voting booth as well as preparing a ballot if the person providing help is a near relative or legal guardian of the voter. (Assistance to voters (N.C.G.S. § 163-166.8))

A near relative is a spouse, parent, grandparent, sibling, child, grandchild, mother- or father-in-law, son- or daughter-in-law, stepparent, or stepchild.

### ***Receiving Help From an Assistant That Is Not a Near Relative***

Some voters may receive help from other assistants. If a voter meets any condition below, he or she is eligible to get help from a person of their choice, except the voter's employer or union representative, or an agent thereof.

They are a voter who, because of:

Physical disability is unable to enter the voting booth without help.

Physical disability is unable to mark a ballot without help.

Illiteracy is unable to mark a ballot without help.

Blindness is unable to enter the voting booth or mark a ballot without help.

Any voter who qualifies for assistance may ask for help at any early voting site or Election Day polling place.



## Summer Heatherly

---

**From:** Cox, Paul <paul.cox@ncsbe.gov>  
**Sent:** Friday, October 11, 2024 10:58 AM  
**To:** Bell, Karen B; Baddour, Neil; Velez, Trena; Gannon, Patrick; Holland, Parker; Noce, John; Dell, Laura; Adams, Steve; Weber, Christine; Kelly, Bret; Wakely, Lindsey  
**Cc:** asheelections@ashecountygov.com; Ollis, Sheila; Trivette, Joseph; Corinne M. Duncan; Neggy Fox; Robert Inman; Summer Heatherly; Jacob Ray; Kimberly Welborn; roycene.jones; cmarr; Dawn Lovelace; Jeff Storey; Matthew.snyder; Amy Meier; Donna.Houck; john.hill; Devon Houck; Jennifer Shumate; Mary Beth Tipton; Patrick Wike; Sherry Dawson; Kenny Rhyne; Chad Barnes; aduncan; Rebecca Hall; Clifton Philbeck; Adam Ragan; AmandaAllen; Bradley.Putnam; Melanie Thibault; Caudill, Kimberly  
**Subject:** REVISED RE: increasing the total number of EV sites

Disaster County Directors,

We've looked at this issue further about whether you can add early voting sites in the 13 original counties given permission to do so in the State Board's resolution, as a result of the new law.

We've concluded that the new law is vague enough, and in light of the legislature's clear overall intent to add flexibility to the county boards, we believe the State Board's resolution permitting the 13 original counties only to add early voting sites is still in effect. If you do add a site, you would be subject to the State Board's resolution requiring a bipartisan majority vote and written findings in a resolution that the modifications are required by the effects of the recent disaster.

We regret the confusion. But to be honest, we were confused by the law ourselves. The new law says a county board can make changes to its early voting plan which "may include any of the following," and it lists six specific changes, none of which include adding a site to the total. Instead, there was a provision that allows "substituting," which obviously doesn't mean that you add to the total. We presumed that the legislature made a conscious decision to not allow increasing the total number of sites. The list is very specific, after all.

The new law also says that provisions of the State Board's resolution remain in effect if they are "not inconsistent with the provisions of this act." Determining whether the State Board's permission to add sites is "inconsistent" with a law that authorizes a list of specific changes not including the addition of sites does not lead to a confident legal conclusion. "Inconsistency" is a vague concept here. We asked the legislature not to include this provision for this very reason—it would generate uncertainty. That said, it is both possible and reasonable to conclude that it is consistent with the law for the State Board's resolution to add ways a county board can modify its early voting plans beyond what the law provided, due to the law's use of the phrase "may include," which may not indicate the list is strictly exclusive and could never be supplemented by the State Board. After all, the law does not say a county board "may not" or "shall not" do certain things with its early voting plan. Additionally, the legislative purpose was clearly to support voting opportunities for disaster-affected counties. For that reason, inconsistency should be interpreted in light of this overall purpose, so as not to restrict voting opportunities otherwise provided by the Board resolution, unless clearly not allowed by the law.



We've been contacted by legislative staff who were part of drafting these provisions and they indicated that it was not the drafters' intent to limit the early voting provisions in the State Board's resolution. Legally speaking, we're just supposed to look at the plain language of the statute to determine how to read it and not consult drafters on what they meant to say. But this additional information at least confirms that a more permissive reading is reasonable here.

For all these reasons, if you're in one of the 13 counties subject to the State Board's resolution, the new law does not forbid you from adding early voting sites resulting in an overall increase of your site numbers. And if you do that, you would be subject to the State Board's resolution requiring a bipartisan majority vote and written findings in a resolution that the modifications are required by the effects of the recent disaster.

**Paul Cox**

General Counsel  
NORTH CAROLINA STATE BOARD OF ELECTIONS  
RALEIGH, NC 27611  
919.814.0700  
[www.ncsbe.gov](http://www.ncsbe.gov)

---

**From:** Cox, Paul

**Sent:** Thursday, October 10, 2024 5:07 PM

**To:** Bell, Karen B <Karen.Bell@ncsbe.gov>; Baddour, Neil <neil.baddour@ncsbe.gov>; Velez, Trena <trena.velez@ncsbe.gov>; Gannon, Patrick <Patrick.Gannon@ncsbe.gov>; Holland, Parker <Thomas.Holland@ncsbe.gov>; Noce, John <John.Noce@ncsbe.gov>; Dell, Laura <Laura.Dell@ncsbe.gov>; Adams, Steve <Steve.Adams@ncsbe.gov>; Weber, Christine <christine.weber@ncsbe.gov>; Kelly, Bret <bret.kelly@ncsbe.gov>; Wakely, Lindsey <Lindsey.Wakely@ncsbe.gov>

**Cc:** asheelections@ashecountygov.com; Ollis, Sheila <sheila.ollis@averycountync.gov>; Trivette, Joseph <joseph.trivette@averycountync.gov>; Corinne M. Duncan <corinne.duncan@buncombecounty.org>; Neggy Fox <Neggy.Fox@buncombecounty.org>; Robert Inman <robert.inman@haywoodcountync.gov>; Summer Heatherly <sheatherly@hendersoncountync.gov>; Jacob Ray <jray@madisoncountync.gov>; Kimberly Welborn <Elections@Mcdowellgov.com>; roycene.jones <roycene.jones@mitchellcountync.gov>; cmarr <cmarr@polknc.org>; Dawn Lovelace <dawn.lovelace@rutherfordcountync.gov>; Jeff Storey <jeff.storey@transylvaniacounty.org>; Matthew.snyder <Matthew.snyder@watgov.org>; Amy Meier <Amy.Meier@buncombecounty.org>; Donna.Houck <Donna.Houck@watgov.org>; john.hill <john.hill@watgov.org>; Devon Houck <devonhouck@ashecountygov.com>; Jennifer Shumate <jennifershumate@ashecountygov.com>; Mary Beth Tipton <MaryBeth.Tipton@yanceycountync.gov>; Patrick Wike <pwike@alexandercountync.gov>; Sherry Dawson <sherry.dawson@alleghanycounty-nc.gov>; Kenny Rhyne <kenny.rhyne@burkenc.org>; Chad Barnes <cbarnes@caldwellcountync.org>; aduncan <aduncan@catawbacountync.gov>; Rebecca Hall <rhall@claync.us>; Clifton Philbeck <clifton.philbeck@clevelandcounty.com>; Adam Ragan <adam.ragan@gastongov.com>; AmandaAllen <AmandaAllen@jacksonnc.org>; Bradley.Putnam <Bradley.Putnam@lincolncountync.gov>; Melanie Thibault <mthibault@maconnc.org>; Caudill, Kimberly <kcaudill@wilkescounty.net>

**Subject:** RE: No increasing the total number of EV sites

Directors of 25 disaster counties,



We're continuing to look at this issue, because the law is not 100% clear. To the extent you have a board meeting tonight to consider an additional site, I would say have your board go ahead and vote on whether the board thinks it is the best policy to add the site(s), under the assumption that there is legal authority to add a site. We'll need to carefully consider this issue and provide more formal guidance soon.

Best regards,

**Paul Cox**

General Counsel  
NORTH CAROLINA STATE BOARD OF ELECTIONS  
RALEIGH, NC 27611  
919.814.0700  
[www.ncsbe.gov](http://www.ncsbe.gov)

---

**From:** Cox, Paul

**Sent:** Thursday, October 10, 2024 1:28 PM

**To:** Bell, Karen B <[Karen.Bell@ncsbe.gov](mailto:Karen.Bell@ncsbe.gov)>; Baddour, Neil <[neil.baddour@ncsbe.gov](mailto:neil.baddour@ncsbe.gov)>; Velez, Trena <[trena.velez@ncsbe.gov](mailto:trena.velez@ncsbe.gov)>; Gannon, Patrick <[Patrick.Gannon@ncsbe.gov](mailto:Patrick.Gannon@ncsbe.gov)>; Holland, Parker <[Thomas.Holland@ncsbe.gov](mailto:Thomas.Holland@ncsbe.gov)>; Noce, John <[John.Noce@ncsbe.gov](mailto:John.Noce@ncsbe.gov)>; Dell, Laura <[Laura.Dell@ncsbe.gov](mailto:Laura.Dell@ncsbe.gov)>; Adams, Steve <[Steve.Adams@ncsbe.gov](mailto:Steve.Adams@ncsbe.gov)>; Weber, Christine <[christine.weber@ncsbe.gov](mailto:christine.weber@ncsbe.gov)>; Kelly, Bret <[bret.kelly@ncsbe.gov](mailto:bret.kelly@ncsbe.gov)>; Wakely, Lindsey <[Lindsey.Wakely@ncsbe.gov](mailto:Lindsey.Wakely@ncsbe.gov)>

**Cc:** [asheelections@ashecountygov.com](mailto:asheelections@ashecountygov.com); Ollis, Sheila <[sheila.ollis@averycountync.gov](mailto:sheila.ollis@averycountync.gov)>; Trivette, Joseph <[joseph.trivette@averycountync.gov](mailto:joseph.trivette@averycountync.gov)>; Corinne M. Duncan <[corinne.duncan@buncombecounty.org](mailto:corinne.duncan@buncombecounty.org)>; Neggy Fox <[Neggy.Fox@buncombecounty.org](mailto:Neggy.Fox@buncombecounty.org)>; Robert Inman <[robert.inman@haywoodcountync.gov](mailto:robert.inman@haywoodcountync.gov)>; Summer Heatherly <[sheatherly@hendersoncountync.gov](mailto:sheatherly@hendersoncountync.gov)>; Jacob Ray <[jray@madisoncountync.gov](mailto:jray@madisoncountync.gov)>; Kimberly Welborn <[Elections@Mcdowellgov.com](mailto:Elections@Mcdowellgov.com)>; [roycene.jones@mitchellcountync.gov](mailto:roycene.jones@mitchellcountync.gov); [cmarr@polknc.org](mailto:cmarr@polknc.org); Dawn Lovelace <[dawn.lovelace@rutherfordcountync.gov](mailto:dawn.lovelace@rutherfordcountync.gov)>; Jeff Storey <[jeff.storey@transylvaniacounty.org](mailto:jeff.storey@transylvaniacounty.org)>; Matthew.snyder <[Matthew.snyder@watgov.org](mailto:Matthew.snyder@watgov.org)>; Amy Meier <[Amy.Meier@buncombecounty.org](mailto:Amy.Meier@buncombecounty.org)>; Donna.Houck <[Donna.Houck@watgov.org](mailto:Donna.Houck@watgov.org)>; john.hill <[john.hill@watgov.org](mailto:john.hill@watgov.org)>; Devon Houck <[devonhouck@ashecountygov.com](mailto:devonhouck@ashecountygov.com)>; Jennifer Shumate <[jennifershumate@ashecountygov.com](mailto:jennifershumate@ashecountygov.com)>; Mary Beth Tipton <[MaryBeth.Tipton@yanceycountync.gov](mailto:MaryBeth.Tipton@yanceycountync.gov)>; Patrick Wike <[pwike@alexandercountync.gov](mailto:pwike@alexandercountync.gov)>; Sherry Dawson <[sherry.dawson@alleganycounty-nc.gov](mailto:sherry.dawson@alleganycounty-nc.gov)>; Kenny Rhyne <[kenny.rhyne@burkenc.org](mailto:kenny.rhyne@burkenc.org)>; Chad Barnes <[cbarnes@caldwellcountync.org](mailto:cbarnes@caldwellcountync.org)>; aduncan <[aduncan@catawbacountync.gov](mailto:aduncan@catawbacountync.gov)>; Rebecca Hall <[rhall@claync.us](mailto:rhall@claync.us)>; Clifton Philbeck <[clifton.philbeck@clevelandcounty.com](mailto:clifton.philbeck@clevelandcounty.com)>; Adam Ragan <[adam.ragan@gastongov.com](mailto:adam.ragan@gastongov.com)>; AmandaAllen <[AmandaAllen@jacksonnc.org](mailto:AmandaAllen@jacksonnc.org)>; Bradley.Putnam <[Bradley.Putnam@lincolncountync.gov](mailto:Bradley.Putnam@lincolncountync.gov)>; Melanie Thibault <[mthibault@maconnc.org](mailto:mthibault@maconnc.org)>; Caudill, Kimberly <[kcaudill@wilkescounty.net](mailto:kcaudill@wilkescounty.net)>

**Subject:** No increasing the total number of EV sites

Directors,

As we continue to parse the recently passed law, we wanted to flag for you that unlike the State Board's resolution, the new law does not allow you to increase the total number of your early voting sites. You can *move* a site (called "substitute" in the law), but you cannot add sites that result in a total number that is greater than what your board originally approved.



However, if you are one of the 13 *original* counties that were subject to the State Board's resolution and your board voted to increase the total number of your sites *before* today, then that board action was still lawful. After the bill became law today, however, that authority is no longer available.

If you have questions let us know. We'll plan to issue more comprehensive guidance on the law vs. resolution, but we wanted to get this to you given the time sensitivity for any EV site changes.

Best,

**Paul Cox**

General Counsel

NORTH CAROLINA STATE BOARD OF ELECTIONS

RALEIGH, NC 27611

919.814.0700

[www.ncsbe.gov](http://www.ncsbe.gov)



# 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

### 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 a weekly basis and on Election Night, each 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 7th day of October, 2024.



---

Alan Hirsch, Chair  
State Board of Elections