

North Carolina's Early Voting Sites - What's Required By Law?

Key

- NCSBE = NC State Board of Elections
- CBOE = County Boards of Elections
- Early Voting Plan = The complete list of Early Voting sites, days and hours within a county.

Requirements for Early Voting Sites¹

- Counties must conduct Early Voting beginning on the third Thursday before Election Day and ending on the Saturday before Election Day.
- All sites must be open on weekdays (Monday-Friday) from 8 AM - 7:30 PM.
 - The exception to this rule is CBOE offices (or "in lieu of" sites), which may operate on the CBOE's normal operating hours.
- All sites must be open on the Saturday before Election Day from 8 AM - 3 PM.
 - There are no other requirements for weekend voting days or hours.
- If any site within a county is open, all sites in the county must be open as well, following the same hours of operation.
 - There are exceptions to this rule for counties that include barrier islands or are bounded by water.²
- Each site must maintain the same location during the entire Early Voting period.
- The CBOE office must be used as a site – or another site may be used if it is in the same city/town and is within a "proximate location."
 - The NCSBE has interpreted this to mean 4 miles driving distance - or 10 minutes driving time - of the office.³

Process for Adopting an Early Voting Plan⁴

- All Early Voting plans must be approved by a unanimous vote by the CBOE.
 - If all CBOE members vote to approve the plan, the plan is adopted and will go to the NCSBE for final approval.
 - If one or more CBOE member votes against the plan, it becomes a "nonunanimous plan" and will go to the NCSBE for approval.
 - Any CBOE member can submit an alternative plan to the NCSBE for consideration.

¹ See [N.C.G.S. 163-227.2](#), [N.C.G.S. 163-227.6](#), [NCSBE Numbered Memo 2020-13](#)

² See [N.C.G.S. 163-227.6\(d\)\(1\)](#) for details.

³ See [NCSBE Numbered Memo 2020-13](#)

⁴ See [N.C.G.S. 163-227.6\(a\)](#)

- The NCSBE must consider and vote on nonunanimous plans during an official board meeting. They can also consider alternative plans. The NCSBE has final authority to decide plans by a simple majority vote.

Requirements for Vetting Early Voting Plans⁵

- There are no guidelines in place that a CBOE must use when considering to approve or reject an Early Voting site, other than what is listed above.
- There are guidelines in place that the NCSBE must use when considering to approve or reject nonunanimous Early Voting plans. When evaluating these plans, they must consider whether the plan **disproportionately favors** any party, racial or ethnic group, or candidate.
 - The NCSBE is not prohibited from considering other factors when evaluating plans.

Early Voting Site Funding Requirements⁶

- The County Commissioners must appropriate reasonable and adequate funds necessary for the legal functions of the county board of elections.

Required Timeline

- Counties must make requests for public buildings to be used as Early Voting sites at least 90 days before the first day of Early Voting.⁷
 - If a response is not received within 20 days, the building may be used.
 - If the request is denied, the public agency and the county board must work to identify an alternative.
 - If no building has been agreed upon within 45 days from the date the county board of elections received a response to the request, the matter shall be resolved by the NCSBE.
- There is no deadline in state law for when Early Voting sites must be finalized.

Recent Law Changes

- **2020:** an NCSBE emergency order issued temporary rules for Early Voting sites for the 2020 General Election, in response to the covid-19 pandemic. The order:
 - Required all Early Voting sites to be open for a minimum of ten hours total for each of the first and second weekends;
 - Required one Early Voting site for every 20,000 registered voters within a county (waivers were available for counties to bypass this requirement); and
 - Allowed Early Voting sites to open earlier than 8:00 AM and stay open later than 7:30 PM

⁵ See [N.C.G.S. 163-227.6\(a\)](#)

⁶ See [N.C.G.S. 163-37](#) and [NCSBE Numbered Memo 2016-06](#)

⁷ [N.C.G.S. 163-227.6\(b\)](#)

- **2019:** a state law⁸ changed several elements of Early Voting requirements:
 - Restored the last Saturday of Early Voting as a required day of voting statewide.
 - Removed a requirement for the NCSBE to consider “factors including geographic, demographic, and partisan interests of that county” in adopting a plan for a county board of elections. This was changed via. The new law only requires the NCSBE to consider “whether the Plan disproportionately favors any party, racial or ethnic group, or candidate.”
- **2016:** all counties adopted plans for 10 days of Early Voting before a federal court restored the first week in late July of that year; counties only had two weeks to re-work their plans, and many simply chose to open the statutorily-required minimum (one site, M-F, 9 a.m.-5 p.m.) to satisfy the restored seven days.
- **2014:** law required 10 days of Early Voting.
- **2012:** law required 17 days of Early Voting.

⁸ [Session Law 2019-239](#)