

# NORTH CAROLINA'S EARLY VOTING SITES

## WHAT'S REQUIRED BY LAW?

### Requirements for Early Voting Sites<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup>

### Process for Adopting an Early Voting Plan<sup>4</sup>

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.

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 an Early Voting Plan<sup>5</sup>

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 Requirements<sup>6</sup>

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

#### 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.

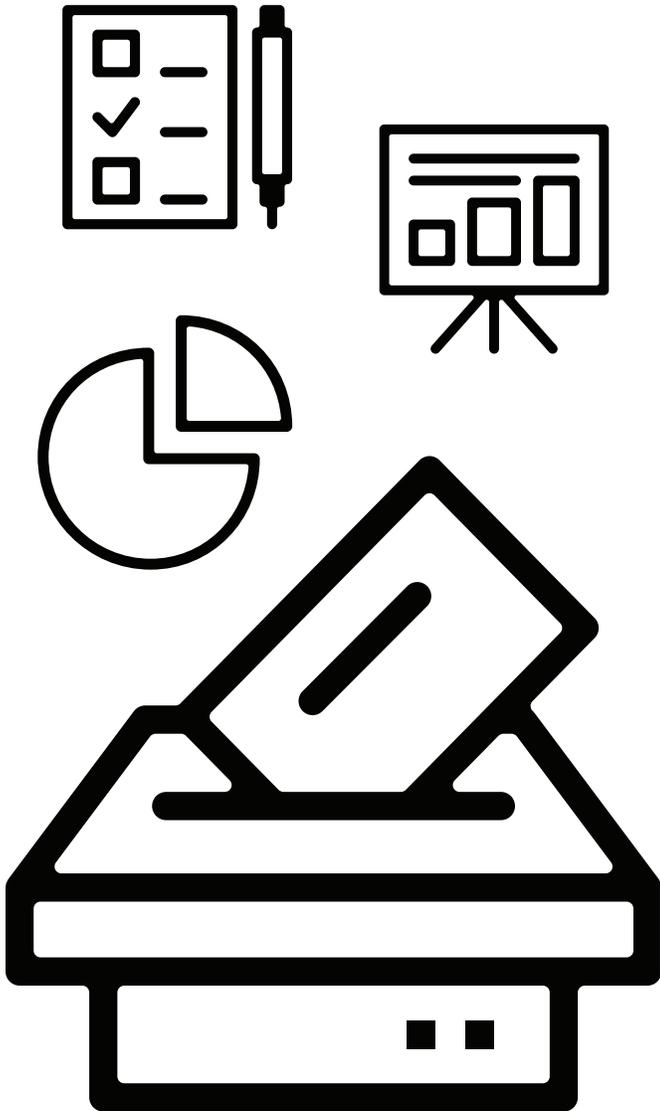
DEMOCRACY NC

## 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.<sup>7</sup>

- ✔ 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<sup>8</sup> 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

**2019:** a state law<sup>9</sup> 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.

<sup>1</sup> See N.C.G.S. 163-227.2, N.C.G.S. 163-227.6, NCSBE Numbered Memo 2020-13

<sup>2</sup> See N.C.G.S. 163-227.6(d)(1) for details.

<sup>3</sup> See NCSBE Numbered Memo 2020-13

<sup>4</sup> See N.C.G.S. 163-227.6(a)

<sup>5</sup> See N.C.G.S. 163-227.6(a)

<sup>6</sup> See N.C.G.S. 163-37 and NCSBE Numbered Memo 2016-06

<sup>7</sup> N.C.G.S. 163-227.6(b)

<sup>8</sup> NCSBE Numbered Memo 2020-14

<sup>9</sup> Session Law 2019-239