

08 NCAC 10B .0103 VOTING PROCEDURES

(a) From the time the polls are opened on Election Day until the precinct count has been completed, the returns signed, and the results declared, no person shall take or remove from the voting enclosure election supplies and materials, including official ballots, containers of official ballots, provisional official ballots, spoiled ballots, the pollbook or voter authorization slips, the registration records or any voting units or devices that are part of the voting system, except as authorized by G.S. 163-166.9 or 08 NCAC 10B .0108 to accommodate curbside voters. Provisions for removal of election supplies and materials at any time are permissible under the emergency management plan of a county board of elections in the cases of natural or man-made emergencies, pursuant to 08 NCAC 10B .0106.

(b) A person seeking to vote shall enter the voting enclosure at the voting place through the designated entrance and shall communicate the person's name and place of residence to one of the election officials. The election official may prompt the voter to provide this information. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party, the voter shall state the name of the authorizing political party in whose primary the voter wishes to vote. Unaffiliated voter participation in party primaries is subject to authorization by the respective State party executive committees pursuant to G.S. 163-119. Unaffiliated voters who are otherwise qualified may always participate in non-partisan primaries. This information, including the political party's primary in which the voter elected to participate, provided by the voter shall be recorded in the precinct pollbook or on the voter authorization slip. The election official to whom the voter gives this information shall announce the name and residence of the voter so that the information may be heard by other officials and observers. After examining the precinct registration records, the election official shall state whether the person seeking to vote is registered. The election official shall not presume the name, address, or party affiliation of any person seeking to vote.

(c) If the person is found to be registered and is not challenged pursuant to G.S. 163-87 or if the challenge is overruled pursuant to G.S. 163-88(a), the election official shall provide the voter with each official ballot the voter is entitled to vote. In a primary election the voter shall be allowed to vote the political party ballots the voter is entitled to vote and no others. Unaffiliated voters may choose to participate in only one party's primary and no others in the same election, or they may choose to vote a nonpartisan ballot. In the case of a second primary, unaffiliated voters who participated in a party's primary in the first primary may only vote that party's ballot in the second primary. However, if an unaffiliated voter did not participate in the first primary, the voter may choose which party's primary to participate in during the second primary.

(d) No person shall be denied the option to vote a provisional ballot. Reasons a person may vote a provisional ballot include that the person:

- (1) is a registered voter in the county and has moved into the precinct 30 days or more prior to the election and has not reported the change to the board of elections;
- (2) claims to have applied for voter registration in the county but there is no record of the person's name on the registration records;
- (3) was removed from the list, but the person maintains eligibility to vote within the county;
- (4) disputes the ballot style to which the person has been assigned; or
- (5) on Election Day the person is found not to be registered to vote in the precinct and the responsible election official learns from the person that the person resides in a different precinct. In this case, the responsible election official shall inform the person that the person may vote a provisional ballot at the precinct or may go to the proper precinct under G.S. 163-55, G.S. 163-57, and G.S. 163-82.15(e).

(e) It is the duty of the election official to gather any voter information regarding changes of name and address in order to assist the county board of elections in updating voter records. If the county board of elections has identified a voter's record as lacking information or requiring updated information, the responsible election official shall require the voter to update the information.

(f) It is the duty of the election officials to give any voter any technical information the voter desires in regard to ballot items. In response to questions asked by the voter, the election official shall communicate to the voter only technical information necessary to enable the voter to vote the ballot. Technical information may include the number of pages the ballot contains or confirmation that the voter received the correct ballot style.

(g) On Election Day the Chief Judge shall assign two precinct officials, one from each political party if possible, to keep the pollbook or other voting record and to keep the registration list. The names of all persons voting shall be checked on the registration record and entered on the pollbook or other voting record. In an election where observers may be appointed pursuant to G.S. 163-45, each voter's party affiliation shall be entered in the proper column of the pollbook or other record approved by the State Board opposite the voter's name. The designated official shall make

each entry at the time the ballots are handed to the voter. The information about the voter's political party registration shall be obtained from the registration record and not from the voter.

(h) Election officials must ensure that registration records are kept secure and do not leave the voting enclosure for any purpose. Observers appointed pursuant to G.S. 163-45 are entitled to obtain a list of the persons who have voted in the precinct so far in that election day at least at the following times: 10 a.m., 2 p.m. and 4 p.m. Counties using authorization to vote documents as opposed to traditional pollbooks may comply with the requirement by permitting each observer to inspect election records so that the observer may create a list of persons who have voted in the precinct.

*History Note: Authority G.S. 163-22; 163-166.7;
Temporary Adoption Eff. April 15, 2002;
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