

08 NCAC 10B .0107 ASSISTANCE TO VOTERS IN PRIMARIES AND GENERAL ELECTIONS

(a) Any assistance rendered to a voter under G.S. 163-166.8 shall be performed in person, and shall not be allowed by electronic, paper, or mechanical means of communication with a person outside the voting booth, except as provided in G.S. 163-166.8(a)(2). The use of electronic, paper, or mechanical devices by the voter, while alone in the voting booth and not in contact with another person outside the voting booth, shall not be considered voting assistance.

(b) No precinct official may refuse the voter's choice of the person to assist the voter, unless the person so named is excluded by G.S. 163-166.8, does not appear at the voting place to assist the voter prior to the close of the polls, or refuses to assist the voter. If the voter's choice of the assisting person is not available for one of the reasons set forth in this Paragraph, the voter shall be allowed to make an additional choice until a willing assisting person is available to assist the voter. There shall be no limitation on the number of voters a person can assist, as long as the assisting person is chosen by each voter to assist.

(c) A person seeking assistance in any election shall, upon arriving at the voting place, first request the chief judge to permit him to have assistance, communicating the reasons. If the chief judge determines that the voter is entitled to assistance, the chief judge shall ask the voter to identify the person the voter desires to provide assistance. If the person the voter requests to provide assistance is not present, the voter is entitled to contact the person and to wait for the person at the voting place, but outside the voting enclosure. When that person is available to assist or is already present to assist, the voter, along with that person, shall present themselves to the chief judge. The chief judge shall thereupon request the person indicated to render the requested aid. In the case of assistance requested at a one-stop voting site, the assistance may be requested and received from any election official available at such site.

(d) Any chief judge, judge, or assistant shall provide assistance to a voter if so requested, unless the election official is prohibited from doing so by his status as the voter's employer, official of the voter's union, or agent of the voter's employer or union. Under no circumstances shall any precinct official or person be assigned to assist a voter who was not specified by the voter.

(e) Conduct of Persons Rendering Assistance. - Anyone rendering assistance to a voter shall be admitted to the voting booth with the person being assisted and shall be governed by G.S. 163-166.8(c). The assisting person shall not do the following:

- (1) give, present, or display within the vision of the voter, any list of preferred candidates, a marked sample ballot, or any other type of document, item, or display that conveys a choice of candidate(s) unless it was brought to the voting booth by the voter. An assisting person may respond to an inquiry of a hearing impaired voter in writing if needed, as long as a ballot choice is not communicated to the voter;
- (2) speak or play within the hearing or vision of the voter, any conversation, communication, or recording that conveys a choice of candidate(s);
- (3) operate a phone, radio, computer, or any other means of communication while in the voting booth with the voter;
- (4) seek to persuade or induce any voter to cast any vote in any particular way;
- (5) communicate to others how the voter voted, unless ordered by a court, or make a memorandum of anything that occurred in the voting booth; or
- (6) violate any election law set out in G.S. 163 or violate any election rule set out in Title 8 of the NC Administrative Code.

*History Note: Authority G.S. 163-22; 163-166.8;
Temporary Adoption Eff. April 15, 2002;
Eff. August 1, 2004;
Readopted Eff. September 1, 2019.*