



# TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

**OAH USE ONLY**

**VOLUME:**

**ISSUE:**

**1. Rule-Making Agency:**

State Board of Elections

**2. Rule citation & name:**

08 NCAC 10B. 0101, TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES

**3. Action:**

Adoption

Amendment

Repeal

**4. Was this an Emergency Rule:**  Yes

No

**Effective date:**

**5. Provide dates for the following actions as applicable:**

a. Proposed Temporary Rule submitted to OAH: 7/15/2022

b. Proposed Temporary Rule published on the OAH website: 7/21/2022

c. Public Hearing date: 7/28/2022 and 8/11/2022

d. Comment Period: 7/22/2022 through 8/12/2022

e. Notice pursuant to G.S. 150B-21.1(a3)(2): 7/22/2022 (partial - distribution error) and 8/2/2022 (full)

f. Adoption by agency on: 8/16/2022

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: As soon as possible

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]: n/a

**6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.**

A serious and unforeseen threat to the public health, safety or welfare.

The effective date of a recent act of the General Assembly or of the U.S. Congress.

Cite:

Effective date:

A recent change in federal or state budgetary policy.

Effective date of change:

A recent federal regulation.

Cite:

Effective date:

A recent court order.

Cite order:

State Medical Facilities Plan.

Other: To preserve the integrity of upcoming elections and the elections process. GS 150B-21.1(a)(11)c.

**Explain:**

The State Board of Elections, in a public meeting, found unanimously that (1) adherence to the notice and hearing requirements of the permanent rulemaking process would be contrary to the public interest in this instance, and (2) the temporary rulemaking procedures and the notice and comment period provided for in the process for this rule amendment was necessary, because the rule amendment needs to become effective before the next general election in order to preserve the integrity of upcoming elections and the elections process. The rule amendment is based on input from county directors of elections who experienced new issues at the voting place with county-appointed precinct officials in the May 2022 primary. Many of these directors want to ensure that there are clearly defined rules governing poll worker conduct, and those rules are needed before the upcoming general election in which thousands of poll workers will be serving the public.

It would not have been possible to have this rule amendment in place before the start of in-person voting on October 20, 2022, if the permanent rulemaking procedures were used. According to the OAH rulemaking calendar, a permanent rule would have to have been drafted, voted on, and noticed to the public by May 24, 2022, at the latest, for a permanent rule to possibly go into effect before in-person voting in the general election. County boards were canvassing the primary at that time, immediately followed by State Board canvass. It would not have been possible to gather sufficient county input on these issues in the immediate days after the primary, to propose well-considered rule amendments.

**7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?**

As noted above and as found unanimously by the State Board, the rule amendment needs to become effective before the next general election in order to preserve the integrity of upcoming elections and the elections process.

The need for this rule amendment became apparent based on feedback from county directors following the May primary, mostly through conversations with directors and inquiries to State Board staff. Precinct officials are county poll workers, directly under county board of elections supervision, who take an oath to conduct elections impartially. The amendment proposes adding a list of prohibited conduct by precinct officials. Examples include tampering with voting equipment, making statements about personal political views while on duty, failing to abide by elections laws, rules, and policies applicable to precinct officials, and illegally discriminating against voters. Other changes to the rule would require poll workers to inform the county board if they become disqualified to serve based on being a candidate, holding an elective office, or holding office in a political party. These additions would apply to one-stop early voting workers and Election Day workers.

The issues raised by county directors suggest that poll workers, many of whom are new and inexperienced, need to be clearly informed of prohibited conduct before each election, starting now, to ensure that elections are conducted professionally and impartially.

The State Board of Elections has multiple responsibilities when it comes to managing the conduct of in-person voting. Specifically, General Statute 163-166.7 empowers the Board to draft rules that "shall emphasize the appearance as well as the reality of dignity, good order, impartiality, and the convenience and privacy of the voter." That statute also requires the Board to ensure the security of voting equipment and voting materials. The Board determined that fulfilling these duties with this proposed amendment should not await the passage of another general election.

Further elaboration of the reasons for immediate adoption, as stated in response to Question 6, are hereby incorporated by reference.

**8. Rule establishes or increases a fee? (See G.S. 12-3.1)**

Yes

Agency submitted request for consultation on:  
Consultation not required. Cite authority:

No

**9. Rule-making Coordinator:**

Paul Cox

**Phone:**

919-814-0717

**E-Mail:**

paul.cox@ncsbe.gov

**Agency contact, if any:**

**Phone:**

**E-Mail:**

**10. Signature of Agency Head\*:**



\* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

**Typed Name:**

Karen Brinson Bell

**Title:**

Executive Director

**E-Mail:** karen.bell@ncsbe.gov

**RULES REVIEW COMMISSION USE ONLY**

Action taken:

Submitted for RRC Review:

Date returned to agency:

Print

Save

Reset

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina State Board of Elections

RULE CITATION: 08 NCAC 10B .0101

**DEADLINE FOR RECEIPT: Tuesday, August 23, 2022, by 5:00 P.M.**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Page 1, Line 13, (b)(1): As G.S. 163-46 requires attendance at the instructional meeting, why is this part necessary pursuant G.S. 150B- 21.9(a)(3)?

Page 1, Line 20, (b)(3): Consider striking “so that the county board may appoint an emergency election-day assistant.”

Page 1, Line 24, (b)(6): “election day” should be “Election Day”.

Page 1, Line 27-28, (b)(8): Why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)? Does G.S. 163-41 not address this?

Page 1, Lines 31-33(b)(10): Why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)? Does not G.S. 163-41(d) not address this?

Page 1, Line 34-35, (b)(11): If 08 NCAC 10B .0102 already prescribes when precinct officials must be present, why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)?

Page 2, Lines 6-7, (b)(16): Why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)? Does G.S. 163-182.3 not address this?

Page 2, Lines 12-21(b)(19): Why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)? Does G.S. 163-48 not address this?

Page 2, Lines 22-23 (20): Why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)? Does 08 NCAC 10B .0101 not address this?

Page 2, Lines 25-29: Why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)? Does G.S. 163-43 not address this?

William W. Peaslee  
Commission Counsel

Date submitted to agency: August 22, 2022

Page 2, Lines 32-34: Why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)? Does G.S. 163-275 not already prohibit this?

Page 3, Lines 1-2: Why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)?

Page 3, Lines 3-4: Why is the language “in accordance with election statutes, within rules of the State Board of Elections, and under the supervision of the county board of elections” necessary pursuant to G.S. 150B- 21.9(a)(3)? Are these statutes and rules not otherwise applicable?

Page 3, Lines 6-7,(c)(1): As G.S. 163-46 requires attendance at the instructional meeting, why is this part necessary pursuant to G.S. 150B- 21.9(a)(3)?

Generally, to paragraphs (c), (d), and (e): If a statute or rule prescribes requirements or prohibits actions, the restatement of the prescriptions or prohibitions in a rule (or another rule) is not reasonably necessary pursuant to G.S. 150B-21.9(3).

Page 4, Lines 31-33, (f) (1) and (2): Why is this language necessary pursuant to G.S. 150B-21.9? What, if anything, is addressed in this language that isn’t already prescribed by G.S. 163-43?

Page 5, Lines 4-9, (f): What, if anything, is addressed in this language that isn’t already prescribed by G.S. 163-43? Why is this language necessary pursuant to G.S. 150B-21.9?

Page 5, Line 10-12, (g): Why is the language “in accordance with election statutes, within rules of the State Board of Elections, and under the supervision of the county board of elections” necessary pursuant to G.S. 150B- 21.9(a)(3)? Are these statutes and rules not otherwise applicable?

Page 5, Lines 13-17, (g)(1)-(4): What if any additional requirements is the agency placing upon the precinct officials that is not already required in G.S. 163-182.2?

Page 5, Line 32, (g)(12): Define “registration records”. Isn’t some of the information available to the public?

Page 6, Line 2, (g)(15): Should “can not” be “cannot”?

Page 6, Line 4, (g)(16): “election day” should be “Election Day”.

Page 6, Line 13, (g)(20): Is “voting place” defined by rule or statute?

Page 6, Line 26, (h)(1): Define or delete “tampering”. Consider “Altering, adjusting or manipulating voting equipment without the explicit instructions of the Chief Judge or the election official designated to act in the absence of the Chief Judge.”

William W. Peaslee  
Commission Counsel

Date submitted to agency: August 22, 2022

Page 6, Line 28, (h)(3): As written, an election official conducting an inquiry with reasonable suspicion of a lawful voter would have violated the rule. Is that what the agency intended? Consider “Intentionally interfering with, delaying, or preventing a voter from lawfully casting a ballot without lawful cause.”

Page 6, Line 29, (h)(4): Define “personal political views”. Define “on duty”.

Page 6, Line 30, (h)(5): CBOE training pursuant to what authority? G.S. 163-82.24? 08 NCAC 04 .0305?

Page 6, Line 31, (h)(6): Are not chief judges “precinct officials”? As written, a chief judge, being a precinct official, would violate the rule if he or she failed to follow the orders of a precinct judge. Is that what the agency intended?

Page 6, Line 35, (7): How will the inaccuracy of the information be determined?

Page 6, Line 34 (8): To what policies is the agency referring? If the “policies” met the definition of a “Rule” pursuant to G.S.150B-2(8a), the policy must be adopted as a rule pursuant to Article 2A of Chapter 150B. The agency cannot bootstrap a policy into a rule. Delete “policies”.

Page 6, Line 35, (h)(9): Define “incidents”.

Page 6, Line 35, (h)(9): How are the precinct official being “instructed”? If the instructions met the definition of a “Rule” pursuant to G.S.150B-2(8a), the instruction must be adopted as a rule pursuant to Article 2A of Chapter 150B. The agency cannot bootstrap an instruction into a rule.

Page 7, Line 1, (10): Define or delete “confidential voter information” or cite a definition. Define “confidential information”? Consider adding “or as required by law.”

Page 7, Line 6, (12): Define or delete “political activities”. G.S. 163-41(e) does not prohibit any political activities. Rather it requires an oath which contains a promise not to “request or seek to persuade or induce any voter”.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee  
Commission Counsel

Date submitted to agency: August 22, 2022

1 **INTRODUCTORY STATEMENT**

2 The following temporary rule amendment to 08 NCAC 10B .0101 was adopted by the State Board of Elections on  
3 August 16, 2022 with changes. Notice of the proposed temporary amendment was published on the Office of  
4 Administrative Hearings website on July 21, 2022, in accordance with G.S. 150B-21.1(a3).

5  
6 **08 NCAC 10B .0101 TASKS AND DUTIES OF PRECINCT OFFICIALS AT VOTING PLACES**

7 (a) For purposes of this Chapter, unless otherwise noted, the term "precinct officials" shall mean chief judge, precinct  
8 judge, assistants, emergency election-day assistants, and ballot counters.

9 (b) Tasks of Precinct Chief Judge - Precinct Chief Judges, in accordance with election statutes, within the Rules of  
10 the State Board of Elections, and under the supervision of the county board of elections, shall have the following tasks  
11 to perform as to each primary or election:

- 12 (1) attend an instructional meeting presented by the county board of elections prior to each primary or  
13 election as required by G.S. 163-46;
- 14 (2) upon learning that any parent, spouse, child, or sibling of the Precinct Chief Judge has filed for  
15 elective office, inform the county board of elections so that the county board of elections may  
16 disqualify the Precinct Chief Judge under G.S. 163-41.1(b) for the specific primary or election  
17 involved;
- 18 (3) upon learning that any parent, parent in-law, spouse, child, child in-law, sibling, or sibling in-law of  
19 the Precinct Chief Judge has been appointed to serve in the same precinct, inform the county board  
20 of elections so that the county board of elections may appoint an emergency election-day assistant;
- 21 (4) receive and review the signed list of the appointed observers as provided in G.S. 163-45;
- 22 (5) receive and post a sample ballot in the voting place as provided in G.S. 163-165.2;
- 23 (6) notify the county board of elections of any sickness, emergency, or other circumstances that will or  
24 might prevent the person from performing as precinct chief judge on a primary or election day;
- 25 (7) receive, prior to the day of the primary or election, from the county board of elections any security  
26 keys or codes as to any voting systems or units that are to be operated at the precinct;
- 27 (8) prior to the opening of the polls, administer to any precinct official, not previously sworn, the oath  
28 of office as set out in G.S. 163-41;
- 29 (9) prior to the opening of the polls, ensure the technology and connectivity requirements of 08 NCAC  
30 10B .0109(b) are met;
- 31 (10) if at the time of opening the voting place, a judge has not appeared, appoint another person to act as  
32 precinct judge until the chair of the county board of elections appoints a replacement as set out in  
33 G.S. 163-41;
- 34 (11) be present at the voting place at 6:00 a.m., and ensure the opening of the polls at 6:30 a.m. as  
35 mandated by G.S. ~~163-166~~ 163-166.01 and 08 NCAC 10B .0102;
- 36 (12) respond to any voter's request to have assistance to vote as set out in the provisions of G.S. 163-  
37 166.8(b);

- 1 (13) ensure the continued arrangement of the voting enclosure as required in G.S. 163-166.2;
- 2 (14) supervise the closing of the voting place at 7:30 p.m. in compliance with procedures set out in G.S.
- 3 163-166.10 and 08 NCAC 10B .0105;
- 4 (15) handle challenges made on election or primary day in accordance with G.S. 163-87, and conduct
- 5 the hearing upon said challenge in accordance with G.S. 163-88;
- 6 (16) be responsible, as mandated by G.S. 163-182.3, for adherence to all rules pertaining to counting,
- 7 reporting, and transmitting official ballots under 08 NCAC 10B .0105 and .0106;
- 8 (17) ensure the maintenance of and appearance of efficient, impartial, and honest election administration
- 9 at the precinct as required by G.S. 163-166.5(3);
- 10 (18) monitor the grounds around the voting place to ensure compliance with the limitation on activity in
- 11 the buffer zone under G.S. 163-166.4(a);
- 12 (19) ensure peace and good order at the voting place as required by G.S. 163-48. Examples of peace and
- 13 good order include:
- 14 (A) keeping open and unobstructed the place at which voters or persons seeking to register or
- 15 vote have access to the place of registration and voting;
- 16 (B) preventing and stopping attempts to obstruct, intimidate, or interfere with any person in
- 17 registering or voting;
- 18 (C) protecting challengers and witnesses against molestation and violence in the performance
- 19 of their duties; and
- 20 (D) ejecting from the place of registration or voting any challenger or witness for violation of
- 21 any provisions of the election laws or rules.
- 22 (20) ensure that voters are able to cast their votes in dignity, good order, impartiality, convenience, and
- 23 privacy as required in G.S. 163-166.7(c) and 08 NCAC 10B .0101;
- 24 (21) if needed, check or assist in checking the registration of voters at the voting place;
- 25 (22) if ballot counters are authorized by the county board of elections under G.S. 163-43, receive the list
- 26 of counters from the county board, or appoint counters if authorized to do so by the county board.
- 27 Prior to a ballot counter performing duties and tasks, administer the oath required by G.S. 163-43.
- 28 Report to the county board of elections the names and addresses of any ballot counters to the county
- 29 board at the county canvass as set out in G.S. 163-43.
- 30 (23) perform the required legal duties of chief precinct judge/judge or face criminal consequences as set
- 31 out in G.S. 163-274 (1); ~~and~~
- 32 (24) not accept money from candidates, commit fraud, false statements, or false writings in performing
- 33 election duties, or face the criminal consequences set out in G.S. ~~163-275(3),(8),(9) and (12).~~ 163-
- 34 275(3), (8), (9), (12), (14), and (18); and
- 35 (25) prior to performing duties and tasks after being duly appointed, take the oath required by G.S. 163-
- 36 41.

1 Where the precinct chief judge does not have the exclusive statutory mandate to perform a task or duty, a precinct  
2 judge may be designated to perform such task or duty.

3 (c) Tasks of Precinct Judge - Precinct Judges, in accordance with election statutes, within rules of the State Board of  
4 Elections, and under the supervision of the county board of elections, shall have the following tasks to perform as to  
5 each primary or election:

- 6 (1) attend an instructional meeting presented by the county board of elections prior to each primary or  
7 election as required by G.S. 163-46;
- 8 (2) upon learning that any parent, spouse, child, or sibling of the Precinct Judge has filed for elective  
9 office, inform the county board of elections so that the county board of elections may disqualify the  
10 Precinct Judge under G.S. 163-41.1(b) for the specific primary or election involved;
- 11 (3) upon learning that any parent, parent in-law, spouse, child, child in-law, sibling, sibling in-law or  
12 first cousin of the Precinct Judge has been appointed to serve in the same precinct, inform the county  
13 board of elections so that the county board of elections may appoint an emergency election-day  
14 assistant;
- 15 (4) if the chief judge fails to appear at the opening of poll, appoint, with the other precinct judge, a  
16 person to act as chief judge until the chairman of the county board appoints a new chief judge as per  
17 G.S. 163-41;
- 18 (5) notify the county board of elections of any sickness, emergency, or other circumstances that will or  
19 might prevent the person from performing as precinct ~~chief~~ judge on a primary or election day;
- 20 (6) be present at the voting place at 6:00 a.m., and ensure the prompt opening of the polls at 6:30 a.m.  
21 as mandated by G.S. 163- ~~166~~ 166.01 and any rules promulgated under 08 NCAC 10B .0102;
- 22 (7) perform the required legal duties of chief precinct judge/judge or face criminal consequences as set  
23 out in G.S. 163-274(1);
- 24 (8) not accept money from candidates, commit fraud, false statements, or false writings in performing  
25 election duties, or face the criminal consequences set out in G.S. ~~163-275(3)(8)(9) and (12)~~. 163-  
26 275(3), (8), (9), (12), (14), and (18);
- 27 (9) aid and cooperate with the precinct chief judge, as requested or needed, as to those duties noted in  
28 Subparagraphs (12) through (21) of Paragraph (b) of this ~~Rule~~. Rule; and
- 29 (10) prior to performing duties and tasks after being duly appointed, take the oath required by G.S. 163-  
30 41.

31 A precinct judge may be designated to perform tasks and duties of a chief precinct judge, where those duties are not  
32 statutorily made exclusive to the chief precinct judge.

33 (d) Tasks of Election Assistants - Election Assistants, in accordance with election statutes, within the rules of the  
34 State Board of Elections, and under the supervision of the county board of elections, shall have the following tasks to  
35 perform as to each primary or election:

- 36 (1) check the registration of voters at the voting place as per G.S. 163-166.7(a);
- 37 (2) guide voters to voting units or provide voters ballots as per G.S. 163-166.7(b);



- 1 (3) prior to performing duties and tasks after being duly appointed, take the oath required by G.S. 163-  
2 41;
- 3 (4) notify the county board of elections of any sickness, emergency, or other circumstances that will or  
4 might prevent the person from performing as an election assistant on a primary or election day;
- 5 (5) upon learning that any parent, spouse, child, or sibling of the Election Assistant has filed for elective  
6 office, inform the county board of elections so that the county board of elections may disqualify the  
7 Election Assistant under G.S. 163-41.1(b) for the specific primary or election involved;
- 8 (6) upon learning that any parent, parent in-law, spouse, child, child in-law, sibling, sibling in-law or  
9 first cousin of the Election Assistant has been appointed to serve in the same precinct, inform the  
10 county board of elections so that the county board of elections may appoint an emergency election-  
11 day assistant; and
- 12 (7) aid the chief judge and other precinct judges in the performances of their tasks and duties as needed  
13 or directed.

14 (e) Tasks of Emergency Election – Day Assistant - Emergency Election-Day Assistants, in accordance with election  
15 statutes, within the rules of the State Board of Elections, and under the supervision of the county board of elections,  
16 shall have the following tasks to perform as to each primary or election:

- 17 (1) be prepared prior to and on the day of a primary or election to serve, on notice given by the county  
18 board of elections, to travel to and work at any voting place within the county;
- 19 (2) perform all the tasks and duties of an election assistant as set out in Paragraph (d) of this Rule;
- 20 (3) notify the county board of elections of any sickness, emergency, or other circumstances that will or  
21 might prevent the person from performing as an election assistant on a primary or election day;
- 22 (4) upon learning that any parent, spouse, child, or sibling of the emergency election-day assistant has  
23 filed for elective office, to inform the county board of elections so that the county board of elections  
24 may disqualify the emergency election-day assistant under G.S. 163-41.1(b) for the specific primary  
25 or election involved; and
- 26 (5) upon learning that any parent, parent in-law, spouse, child, child in-law, sibling, sibling in-law or  
27 first cousin of the emergency election-day assistant has been appointed to serve in the same precinct,  
28 inform the county board of elections.

29 (f) Tasks of Ballot Counters - All ballot counters, in accordance with election statutes, with the rules of the State  
30 Board of Elections and under supervision of the county board of elections, shall perform all the following:

- 31 (1) after appointment, appear at the poll at close of the polls and to be prepared to count ballots under  
32 the direction and control of the chief and other precinct judges;
- 33 (2) prior to a ballot counter performing duties and tasks, take the oath required by G.S. 163-43;
- 34 (3) upon learning that any parent, spouse, child, or sibling of the ballot counter has filed for elective  
35 office, inform the county board of elections so that the county board of elections may disqualify the  
36 ballot counter under G.S. 163-41.1(b) for the specific primary or election involved; and

- 1           (4)     upon learning that any parent, parent in-law, spouse, child, child in-law, sibling, sibling in-law or  
2                     first cousin of the ballot counter has been appointed to serve in the same precinct, inform the county  
3                     board of elections.

4     There is no requirement to have ballot counters appointed or used by a county board of elections. The county board  
5     of elections of any county may authorize the use of precinct ballot counters to aid the chief judges and judges of  
6     election in the counting of ballots in any precinct or precincts within the county. The county board of elections shall  
7     appoint the ballot counters it authorizes for each precinct or, in its discretion, the board may delegate authority to make  
8     such appointments to the precinct chief judge, specifying the number of ballot counters to be appointed for each  
9     precinct.

10    (g) General duties of all Precinct Officials - All precinct officials, in accordance with election statutes, with the rules  
11    of the State Board of Elections and under the supervision of the county board of elections, shall perform all of the  
12    following:

- 13           (1)     count votes when votes are required to be counted at the voting place, G.S. 163-182.2;  
14           (2)     make an unofficial report of returns to the county board of elections, G.S. 163-182.2;  
15           (3)     certify the integrity of the vote and the security of the official ballots at the voting place, G.S. 163-  
16                     182.2;  
17           (4)     return official ballots and equipment to the county board of elections, G.S. 163-182.2;  
18           (5)     ensure that the voting system cannot be tampered with throughout the period voting is being  
19                     conducted;  
20           (6)     ensure that only properly voted official ballots are introduced into the voting system;  
21           (7)     ensure that, except as provided by G.S. 163-166.9, no official ballots leave the voting enclosure  
22                     during the time voting is being conducted there;  
23           (8)     ensure that all improperly voted official ballots are returned to the precinct officials and marked as  
24                     spoiled;  
25           (9)     ensure that voters leave the voting place after voting;  
26           (10)    ensure that voters not eligible to vote in the precinct but who seek to vote there are given assistance  
27                     in voting a provisional official ballot or guidance to another voting place where they are eligible to  
28                     vote;  
29           (11)    ensure that information gleaned through the voting process that would be helpful to the accurate  
30                     maintenance of the voter registration records, including any updates to a voter's voter registration,  
31                     is recorded and delivered to the county board of elections;  
32           (12)    ensure that registration records can only be accessed by precinct officials;  
33           (13)    ensure that party observers are given access as provided by G.S. 163-45 to current information about  
34                     which voters have voted;  
35           (14)    aid any voter, as needed, in curbside voting as provided for in G.S. 163-166.9;

- 1 (15) provide Spanish ballot instructions when such instructions are required by Section 203 of the Voting
- 2 Rights Act of 1965, and direct all language needs that can not be handled at the precinct to the
- 3 county board office;
- 4 (16) register and help, at the voting place, those persons eligible to register and vote on election day as
- 5 allowed by G.S. 163-258.28 and G.S. 163-82.6(d);
- 6 (17) report to the county board of elections, any physical or mental ailment, impairment, or deterioration
- 7 that may adversely affect the performance of an election related task or duty. Report any such
- 8 conditions known in any other precinct officials to the county board;
- 9 (18) report any violation of election laws or regulations to the chief judge, or report such violation to the
- 10 county board of elections if the chief precinct judge is involved in the violation;
- 11 (19) provide any person who requests it any information on how to contact the county director of
- 12 elections, the county board of elections, or the office of the State Board of Elections; ~~and~~
- 13 (20) work and stay at the voting place, at all times during the voting day, until closure. By prior agreement
- 14 with the county board of elections and pursuant to G.S. 163-42, election assistants and emergency
- 15 election-day assistants may work less than the entire voting ~~day.~~ day; and
- 16 (21) Upon learning that any of the following statements are true, inform the county board of elections so
- 17 that the county board of elections may disqualify the precinct official under G.S. 163-41:
- 18 (A) The precinct official holds any elective office under the government of the United States,
- 19 or of the State of North Carolina or any political subdivision thereof;
- 20 (B) The precinct official is a candidate for nomination or election; or
- 21 (C) The precinct official holds any office in a state, congressional district, county, or precinct
- 22 political party or political organization, or is a manager or treasurer for any candidate or
- 23 political party, provided however that the position of delegate to a political party
- 24 convention shall not be considered an office for the purpose of this subsection.

25 (h) Prohibited acts by precinct officials. Prohibited acts by precinct officials include:

- 26 (1) Tampering with voting equipment;
- 27 (2) Permitting unauthorized access to voting facilities or equipment;
- 28 (3) Intentionally interfering with, delaying, or preventing a voter from lawfully casting their ballot;
- 29 (4) Making statements about personal political views while on duty;
- 30 (5) Failing to attend trainings required by the county board of elections;
- 31 (6) Failing to follow lawful instructions of the county board, county board staff, chief judge, judges, or
- 32 one-stop site manager;
- 33 (7) [Intentionally p] Providing inaccurate information about the administration of the election;
- 34 (8) Failing to abide by the election rules, laws, and policies applicable to precinct officials.
- 35 (9) [Intentionally ]Knowingly failing to report incidents occurring at the voting place to the chief judge,
- 36 one-stop site manager, or county board of elections, as instructed;

- 1           (10)    Providing confidential voter information, vote tallies before the close of the polls, or confidential  
2                    information on security features of voting equipment or voting facilities to non-elections officials;  
3           (11)    Discriminating against voters on the basis of race, color, ethnicity, religion, sex, national origin, age,  
4                    disability, or political affiliation (except for the purposes of lawfully determining eligibility to  
5                    participate in partisan primaries); and  
6           (12)    Engageing in any political activities as prohibited in G.S. 163-41(e) between the start of one-stop  
7                    early voting and 11:59 p.m. on Election Day during the election in which a precinct official is  
8                    serving.

9    For the purpose of this Paragraph, “precinct officials” includes one-stop workers.

10

11    *History Note:*    *Authority G.S. 163-22; 163-41; 163-42; 163-47; 163-166.6; 163-166.7; 163-273; 163-274;*

12                    *Temporary Adoption Eff. April 15, 2002;*

13                    *Eff. August 1, 2004;*

14                    *Readopted Eff. September 1, 2019; Temporary Amendment Eff.*