



## STATE BOARD OF ELECTIONS

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### SBOE Numbered Memo 2012-26

**TO:** Directors of County Boards of Elections  
**FROM:** Gary O. Bartlett, Executive Director  
**DATE:** October 29, 2012  
**RE:** Maintaining Order at Voting Sites and Reports of Other Illegal Activity

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The State Board of Elections has received numerous reports of aggressive electioneering at one-stop absentee voting sites throughout the state.

- It appears that campaign and party supporters are breaching the buffer zone barriers and are approaching voters within the buffer zone,
- Individuals have moved the buffer zone barriers,
- Voters are being approached in their vehicles while they are waiting in the curbside voting zone,
- As individuals are electioneering, they are using profanity and aggressive language to supporters of opposing candidates or political parties.
- In one isolated case, a one-stop worker was injured and required emergency medical attention when she attempted to protect the buffer zone from an overly aggressive electioneerer.

These reports are disheartening and this behavior cannot be tolerated. County boards of elections when conducting one-stop absentee voting and election day voting, have a duty to enforce peace and good order in and about the polling place and the place of one-stop registration and voting. This includes not only the voting enclosure, but also the buffer zone. Consistent with G.S. § 163-48, county boards of elections must “keep open and unobstructed the place at which voters or persons seeking to register or vote have access” to a one-stop voting site. Further, county boards “shall prevent and stop improper practices and attempts to obstruct, intimidate, or interfere with any person in registering or voting,” any person engaged in their own electioneering activity, or any person who has been selected to observe the election process. In the discharge of these duties, a county board of elections may call upon law enforcement to aid them in maintaining the order at one-stop voting sites.

Without question, the State Board of Elections and county boards of elections respect the right of individuals to proactively support and promote their candidates, party or ballot issues of choice; however, this right is balanced by an obligation to respect the rights of others and the rule of law. We must have civility in our voting and polling places; aggressive and unlawful electioneering shall not be tolerated.

This office is also receiving reports of voters purposefully being given misinformation about the 2012 General Election. For example:

- Voters are being told that they can vote by phone or online
- Voters are being told that if they are affiliated with a certain political party that they must vote on Wednesday, November 7<sup>th</sup> instead of Tuesday, November 6<sup>th</sup>.
- Voters are being visited by individuals who are misrepresenting themselves as county board of elections officials who are charged with conducting voter surveys
- Voters who have already voted are receiving phone calls advising them that their absentee ballot is already in the mail.
- Voters are being told that if they have an outstanding ticket, they cannot vote
- Voters are receiving misinformation that they are required to re-register each time they vote.

It is a felony “[f]or any person, directly or indirectly, to misrepresent the law to the public through mass mailing or any other means of communication where the intent and the effect is to intimidate or discourage potential voters from exercising their lawful right to vote.” G.S. § 163-275(17). If you are advised of any behavior of this nature, please notify this office immediately.

It appears that people are approaching various campaigns claiming to be from another state and asking how they can vote in North Carolina. One-stop workers must be very diligent in processing voters. If possible, anything that appears strange and/or out of the ordinary should be addressed at the one-stop site or polling place while the person is still there. Keep the State Board informed of these suspicious activities, too.

We are receiving phone calls from voters who are receiving correspondence in the mail about their voting history and the voting history of their neighbors. See attached. These callers are concerned about the purpose and intent of these mailings. This office will be monitoring this matter.

Finally, we are concerned about voters who may have trusted their absentee request to a third party. If you are contacted by a voter who forwarded their absentee request to a third party and your office has not received the request, you should encourage the voter to fax or email their signed request to your office by 5:00 p.m. on Tuesday, October 30<sup>th</sup> or advise them to vote during the one-stop absentee voting period or on election day.