



NORTH CAROLINA

STATE BOARD OF ELECTIONS

Mailing Address:
P.O. Box 27255, Ra-
leigh, NC 27611
(919) 814-0700 or
(866) 522-4723
Fax: (919) 715-0135

Numbered Memo 2020-01

TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director
RE: Preliminary Injunction of Photo ID
DATE: January 3, 2020

On Tuesday, December 31, 2019, the federal district court issued an [order](#) and preliminary injunction of the photo ID requirement added by Session Law 2018-144 (SB824) and modified by Session Law 2019-22 (HB646) and Session Law 2019-239 (SB683). *NAACP v. Cooper*, 1:18CV1034 (M.D.N.C. Dec. 31, 2019). **The injunction prohibits the State and county boards of elections from “implementing any of S.B. 824’s voter-ID requirements and ballot challenge provisions with respect to any election, until otherwise ordered by the court.”** It requires that we stop any mailings and other communications directed to the public which state that photo ID will be required for 2020 elections. It also requires that we “work with local media, county boards of elections, and voter-education groups to take all necessary and reasonable steps to inform voters of this Injunction and, specifically, inform voters that no photo ID will be required to vote.” The injunction is in place until otherwise ordered by the court.

Please read this memorandum carefully to fully understand the measures being taken by the SBE and steps CBEs must take at this time. You should provide a copy of this memorandum to your board members. Also, please note that although the photo ID requirement has been enjoined, our processes and materials still must incorporate statutory changes that are unrelated to the photo ID requirement, including those made by [Session Law 2019-239](#) (SB683), which became law on November 6, 2019. A detailed summary of Session Law 2019-239 can be found in the email sent by General Counsel Katelyn Love on November 7, 2019. Further instructions to ensure compliance with the injunction will be distributed in our updated training and poll worker reference materials, webinars, February conference, and if needed, in additional memoranda.

Mailings and Websites

The SBE has stopped the statewide mailing scheduled for delivery to all North Carolina households. Because of previous mailings, counties may continue to receive inquiries about the law and the injunction. You should inform voters of the injunction and tell them that photo ID is not required to vote. The direct phone line to the State Board office will also remain operational to

assist voters. That number is (919) 814-0744.

The SBE is updating the dedicated photo ID webpage and banner with a notice about the injunction. CBEs should make the same edits or updates to their websites. You may wish to use the same language that is being used on all State Board-issued materials: “Voters will not be required to show photo ID for the March 3, 2020 primary election. In a December 31 order, a federal district court blocked North Carolina’s voter photo ID requirement from taking effect. The injunction will remain in place until further order of the court.” **Your CBE website should also be updated to remove all language regarding the photo ID requirement.** It is very important that you carefully review the CBE’s website, as the court order prohibits any communication to the public indicating that photo ID is required to vote. Please contact PIO Pat Gannon with any questions. We will also be posting information on our social media sites about the same and ask that you share them to help get the word out.

Issuing Voter IDs and equipment

To avoid confusion by the public and to ensure voters do not receive inaccurate information, CBEs should stop issuing Voter ID cards effective immediately. For counties that have ordered additional ID-making equipment, we anticipate being able to reimburse you through the designated funds. However, you should not order any additional equipment at this time.

Form/Materials Changes

The following forms or materials have been modified or are in the process of being modified to remove photo ID information. Materials will revert to the previous version or will be changed to incorporate the provisions of Session Law 2019-239 that are still in effect.

Document	Status
Absentee request form	Modified. Available on the State Board’s website and will be updated in SEIMS release.
Absentee instructions	Modified
Absentee envelopes	Existing envelopes may be used but a label must be applied that includes modifications made by Session Law 2019-239. Large, printed labels will be provided to counties for this purpose. A label template will be provided for counties wishing to print their own labels. We are also updating the absentee envelope to include the correct information. All absentee envelopes, including UOCAVA enve-

	lopes, are being modified to remove party affiliation as required by Session Law 2019-239 and will be updated with SEIMS release and label design.
Provisional ballot materials	Modified
Help desk referral	Revert to previous version
Voter cards	Modified: A label template will be provided for counties that ordered cards with photo ID language. Revert to previous cards if not using version with photo ID language.
Voter registration form	Modified
Voter challenge form	No change (new form had not been finalized)
Elections notices for publication	Remove any language related to photo ID and include uniform language in notice template stating photo ID is not required for the primary.

Training Materials

SBE staff is updating the new Station Guide to reflect the preliminary injunction. These materials remain scheduled for release next week. Multiple format of the Station Guide still be to add to CBE training/poll worker manuals, a separate notebook, or continue as in previous years in the “standup notebook” format.

Signage

Signs displayed at CBEs indicating photo ID is required should be removed effective immediately. We are preparing a sign that will be available for CBEs to print for display. We anticipate new polling place signs being printed and shipped to the counties prior to the primary. Additionally, an 8.5x11 flyer suitable for display at polling place check-in will be available for CBEs to print and affix to laptops or display at the check-in station.

HAVA posters used prior to the Photo ID law should displayed as in previous elections. A printable version of this poster will be available in STEPPs.

SEIMS

A SEIMS release has been planned for this coming weekend, and SBE staff are working to ensure that this release will not include any features that would implement photo ID, as required by the injunction. Staff are also testing this release to ensure any changes do not create unforeseen issues.

Additional releases within the next several weeks may be needed. You will receive further information on the release(s).

Multipartisan Assistance Teams

As outlined in Numbered Memo 2019-08, an absentee request form is now valid only if returned by the voter, the voter's near relative or verifiable legal guardian, or a multipartisan assistance team. This change in the law may increase the need for MAT services. Training materials are being modified accordingly.

Notice to Institutions with Approved IDs

The SBE is notifying those entities or organizations whose IDs were approved as acceptable forms of photo IDs (student IDs, employee IDs, and tribal IDs) of the preliminary injunction of the photo ID law.

Statewide Conference February 2-4, 2020

A portion of the upcoming conference agenda was slated to cover Photo ID. We are working to modify the agenda with a new session pertaining to securing elections. The injunction does not change the times allotted for the conference so please plan to attend both days of the conference as scheduled.

Retention of Materials

Because litigation is ongoing, CBEs should retain photo ID-related materials, although such materials may not be used while the injunction is in effect. You do not need to retain materials that are 2019-specific, such as posters.

Conclusion

I am grateful for your dedication as we work to implement these changes. The ability to be nimble is one of the greatest attributes of election professionals and is more important than ever. Planning and preparation are also essential to the profession. Thank you for the input you have shared and please continue to share ideas as we alter our course.