



# NORTH CAROLINA

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## STATE BOARD OF ELECTIONS

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### Numbered Memo 2020-20

**TO:** County Boards of Elections  
**FROM:** Karen Brinson Bell, Executive Director  
**RE:** Curbside Voting  
**DATE:** September 1, 2020

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### Legal Requirements for Curbside Voting

Pursuant to G.S. § 163-166.9, any voter may vote curbside if they are unable to enter the voting place due to age or disability:

(a) In any election or referendum, if any qualified voter is able to travel to the voting place, but because of age or physical disability and physical barriers encountered at the voting place is unable to enter the voting enclosure to vote in person without physical assistance, that voter shall be allowed to vote either in the vehicle conveying that voter or in the immediate proximity of the voting place.

**The term “disability” includes voters who:**

- **Are unable to enter the polling place due to age or physical or mental disability, such as agoraphobia;**
- **Have a medical condition that puts them at increased risk of contracting COVID-19;**
- **Should not wear a mask due to a medical or behavioral condition or disability;<sup>1</sup> or**
- **Are experiencing symptoms of COVID-19.**

Neither fear of contracting COVID-19 nor refusal to wear a mask due to a personal preference rather than a medical condition makes a voter eligible to vote curbside. Any voter who votes curbside must sign the curbside affidavit. A person is not eligible to vote curbside solely because they are the driver or passenger in a car with a voter who is eligible to vote curbside.

Election workers should not ask probing questions or seek proof of a disability from a voter who presents to vote curbside. A voter seeking to vote curbside must be provided with the curbside

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<sup>1</sup> See Section II.C.1. of Governor’s Executive Order 147, June 24, 2020.

affidavit, and if the voter signs the affidavit, the voter can then vote curbside. If the voter has questions about their eligibility, the election worker should state the definition of the term disability in the bold section above.

## **Curbside Setup**

### **Signage**

County boards shall post signage with the requirements to vote curbside. A sample sign is attached to this memo. Posting clear signage informing voters about the ability to vote curbside and the eligibility requirements will help reduce lines and ensure voters have accurate information about their voting options.

### **Notification system**

County boards shall ensure every voting site has a working notification system for curbside voters to alert elections officials of the voter's presence. Examples of a notification system that county boards may use are a bell that the voter can touch or drive over with their car. A county board may also wish to post a sign with a phone number the voter can call if they are not served within a certain amount of time (e.g., 10 minutes).

### **Curbside Voting Area**

In addition to the drive-up area for curbside voting, a county board may set up a walk-up area for curbside voting. G.S. § 163-166.9(a) states that the voter shall be allowed to vote curbside "either in the vehicle conveying that voter or in the immediate proximity of the voting place."

### **Buffer Zone**

For the purposes of the buffer zone for electioneering activity, the vehicle is considered the voting enclosure. The buffer zone shall be at least six feet from the vehicle, and a greater distance if possible. Electioneers shall not enter the buffer zone. This guidance supersedes guidance about the size of the curbside buffer zone from [Numbered Memo 2020-16](#).

### **Supplies**

County boards shall ensure there are proper supplies for curbside. This may include a disposable hard surface, such as cardboard, for voters to press on when they write. Any materials that are reused between voters must be sanitized between uses.

## **Observers**

To promote health and safety of those at curbside, observers shall at all times remain socially distanced from election workers and voters in the curbside area. See [Numbered Memo 2020-18](#) for additional guidance regarding social distancing. See [Numbered Memo 2016-17](#) for additional information about observers and curbside voting.

# ATTN: CURBSIDE VOTING

**You may vote curbside if you're unable to enter the voting place without physical assistance due to age or disability\*.**



## **DISABILITY MEANS YOU:**

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- **Have a medical condition that puts you at increased risk of COVID-19;**
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