



# NORTH CAROLINA STATE BOARD OF ELECTIONS

*Mailing Address:*  
P.O. Box 27255  
Raleigh, NC 27611

(919) 814-0700 or  
(866) 522-4723

*Fax:* (919) 715-0135

## Numbered Memo 2020-27

**TO:** County Boards of Elections  
**FROM:** Karen Brinson Bell, Executive Director  
**RE:** Court Order Regarding Witness Signature Deficiency  
**DATE:** October 1, 2020 (rescinded on October 19, 2020)

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On September 30, 2020, the U.S. District Court for the Middle District of North Carolina issued an order requiring the parties to attend a status conference to discuss Numbered Memo 2020-19. *Democracy NC v. State Board*, 1:20CV457, Order on Status Conference (M.D.N.C. Sept. 30, 2020). In the [order](#), the court states it does not find Numbered Memo 2020-19 “consistent with the Order entered by this Court on August 4, 2020,” and indicates that its preliminary injunction order should “not be construed as finding that the failure of a witness to sign the application and certificate as a witness is a deficiency which may be cured with a certification after the ballot has been returned.” *Id.* at 3-4. In order to avoid confusion while related matters are pending in a number of courts, this memo is issued effective immediately and is in place until further numbered memo from the State Board.

**County boards that receive an executed absentee container-return envelope with a missing witness signature shall take no action as to that envelope.** This includes any container-return envelopes that contain multiple deficiencies that include a missing witness signature. County boards shall not send a cure certification or reissue the ballot if they receive an executed container-return envelope without a witness signature. Absentee envelopes with a missing witness signature shall be kept in a secure location and shall not be considered by the county board until further notice. Once the State Board receives further direction from a court, we will issue guidance to county boards on what actions they should take regarding container-return envelopes with a missing witness signature. Guidance will also address how to handle ballots with a missing witness signature that were previously acted upon by the county board if a cure certification has been returned.

**In all other respects, [Numbered Memo 2020-19](#), as revised on September 22, 2020, remains in effect.** This means that county boards shall continue to issue cure certifications for all other deficiencies identified in Section 2.1 of Numbered Memo 2020-19 and shall follow the processes outlined in the memo for all deficiencies except a missing witness signature.