



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DATE: October 1, 2020 (rescinded on October 19, 2020)

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.