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Sent: Friday, May 25, 2018 10:25 AM

To: sprc@mindspring.com

Subject: [External] Update: Criminal records checks for county BOE employees

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Dear County Board Director –

I'm semi-retired from the nonprofit Democracy North Carolina, but I'm still very concerned about election policies in our state. The ATTACHED proposed legislation requiring fingerprinting and criminal records checks of CBOE employees was scheduled for a vote yesterday in the House Elections and Ethics Committee.

But that meeting in Raleigh was cancelled at the last minute because of feedback legislators are beginning to receive about the impact of this legislation.

That delay means it is both timely and very important for you to share information about the legislation with your County Board Members – and for all of you to contact and educate your county's NC House members about the bill.

Here are some controversial parts of the attached proposed changes to SB486:

** Section 1.(b) and 1.(d) – County boards are required to fingerprint and get a criminal history record for all current and prospective permanent or temporary employees who have “access to the statewide computerized voter registration system.” Unless changed, that vague language could encompass thousands of Early Voting employees and Election Day officials. The cost goes to the counties, and timing issues and backlog at the Dept of Public Safety are not fully addressed.

** Section 3.2.(a) – County boards are required to “give to the State Board, upon request” all documents, including personnel records – including at the request of just 2 of the 9 political appointees who make up the State Board. There is a reference in the second part of this section to a request made pursuant to an investigation under subsection (d) of G.S. 163-741, which is very broad – but the first part of this section does not even say the request must relate to an investigation.

** Section 3.5 and 3.7.(b) – The definition of “voting system” is changed to exclude, for example, e-poll books developed by the State Board, which means those systems are not subject to the certification standards or the regulations against being networked or connected by internet to polling places, which are spelled out later in the legislation.

** Section 3.7.(a) – This includes a provision that any e-poll book vendor must provide “access” to information in its software not just to an independent escrow agent but also to the State Board and, very odd, to the chairs of political parties in the state. This could be called a poison pill to kill competition. Section 3.8.(a) says legal disputes about e-poll books must be heard in Wake County's Superior Court, not in the county where the offending e-poll books are used.

** Section 3.9.(a) – The added language on page 10, lines 22-28, makes it a misdemeanor crime for non-election officials or their authorized agents to “duplicate” any voter registration form – even the blank form. That means a newspaper or civics class workbook could not duplicate the form. This section should just make it a crime to record the birth date, sensitive ID numbers, etc.

You may see other sections of concern. You and your board members have a valuable perspective. Please don't underestimate the importance of sharing your concerns with legislators and the public.

Thank you,

Bob Hall
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