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To: thompson.chair@gmail.com <thompson.chair@gmail.com>
Cc: Cynthia Shaw <elections@bladenco.org>; 'Allen Johnson' <allen@johnsonlawyers.net>; SBOE_Grp - Legal <legal@ncsbe.gov>
Sent: Monday, March 7, 2022, 05:38:52 PM EST
Subject: RE: Appointment of Precinct Officials by Non-Unanimous Vote

Dear Chair Thompson and Members of the Bladen County Board of Elections (bcc):

This email serves as a follow up to the email I sent last week regarding the requirements for appointment of precinct judges. It clarifies that guidance based on an understanding the judges that were appointed by your board by a vote of 3-2 were in fact recommended by a county party chair.

If for a given precinct the Democratic party chair recommended one or two names of precinct residents for the chief judge position, and two total names of precinct residents for the position of judge, and the Republican party recommended no precinct residents, the county board's vote to appoint only those individuals submitted by the Democratic party chair need not be unanimous. This is because in that case the recommendations of the party chairs were sufficient since the county board is only appointing individuals recommended by the party chair(s). See G.S. § 163-41(c):

(c) The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as chief judge in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of election in that precinct. If such recommendations are received by the county board of elections no later than the fifth day preceding the date on which appointments are to be made, it must make precinct appointments from the names of those recommended. **Provided that if only one name is submitted by the fifth day preceding the date on which appointments are to be made, by a party for judge of election by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the State, the county board of elections must appoint that person.**

If the recommendations of the party chairs for chief judge or judge in a precinct are insufficient, the county board of elections by unanimous vote of all of its members may name to serve as chief judge or judge in that precinct registered voters in that precinct who were not recommended by the party chairs. If, after diligently seeking to fill the positions with registered voters of the precinct, the county board still has an insufficient number of officials for the precinct, the county board by unanimous vote of all of its members may appoint to the positions registered voters in other precincts in the same county who meet the qualifications other than residence to be precinct officials in the precinct, provided that where possible the county board shall seek and adopt the recommendation of the county chairman of the political party affected. **In making its appointments, the county board shall assure, wherever possible, that no precinct has a chief judge and judges all of whom are registered with the same party.** In no instance shall the county board appoint nonresidents of the precinct to a majority of the three positions of chief judge and judge in a precinct.

As indicated in the second-to-last sentence of this subsection, the county board shall attempt to not have all three judges registered with the same party, **but it may do so if it appoints all residents who were recommended by one political party chair because the other political party chair did not submit the names of any eligible precinct residents.**

Please feel free to contact me directly if your board has any further questions about this matter.

Sincerely,

Katelyn Love | General Counsel

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