



WATAUGA COUNTY BOARD OF ELECTIONS

County Courthouse ♦ 842 West King Street Boone, North Carolina 28607

County Board of Elections

The Watauga County Board of Elections will meet Tuesday, May 13, 2025 at 5:00p.m. in the County Administration Building located at 814 West King Street, Boone, NC 28607. This meeting is open to the public.

Join Zoom Meeting

<https://us02web.zoom.us/j/87879555661?pwd=Bst5XYZ523UbC6fGgUVuScPgHTkSH2.1>

Meeting ID: 878 7955 5661

Passcode: 002956

OR

Dial by your location

• +1 929 205 6099 US (New York)

May 13, 2025

AGENDA

1. CALL TO ORDER
2. PLEDGE
3. APPROVAL OF MINUTES FROM APRIL 8, 2025
4. NEW REGISTRATIONS AND STATISTICS
5. DIRECTOR'S UPDATE
6. DS200 BALLOT TABULATOR DEMONSTRATION
7. NEW VOTING EQUIPMENT
8. PUBLIC COMMENT
9. ADJOURNMENT



WATAUGA COUNTY BOARD OF ELECTIONS

County Courthouse ♦ 842 West King Street Boone, North Carolina 28607

County Board of Elections

May 13, 2025

MINUTES

The Watauga County Board of Elections met Tuesday, May 13, 2025, at 5:00 p.m. in the County Administration Building, located at 814 West King Street, Boone, North Carolina. Board members in attendance: Chairperson Michael Behrent, Members Eric Eller, Leta Councill and Elaine Rothenberg, and Secretary Matthew Walpole. Also attending: Director Matthew Snyder, Deputy Director Donna Houck, and Elections Specialist Brad Henderson.

1. CALL TO ORDER

Chairperson Behrent called the meeting to order.

2. PLEDGE

All pledged allegiance to the flag of the United States.

3. APPROVAL OF MINUTES FROM APRIL 8, 2025

Member Councill moved approval of the Minutes of April 8, 2025, seconded by Member Rothenberg. Approved by 5-0 vote.

4. NEW REGISTRATIONS AND STATISTICS

Director Snyder reported 169 new registrations. Our current registration totals are thus 43,388 for active/inactive, and 37,138 for active. Member Eller moved to approve the report pending review, seconded by Member Rothenberg. Approved by 5-0 vote.

5. DIRECTOR'S UPDATE

A Consent Judgement has been reached on the lawsuit over returned Same Day Registration Cards, and has been signed by all parties involved.

Per current judicial decisions on recent legislation, a new State BOE has been appointed by the State Auditor. A new State Director has also been appointed by the Auditor. Member Councill suggested our Board send a letter of thanks for her service to outgoing Director Karen Brinson Bell. This suggestion was approved by acclamation.

The Griffin protest has finally been resolved, with Justice Riggs officially sworn in as a member of the North Carolina Supreme Court.

Parking deck passes for BOE members are now available.

The Civic Nation All In Campus Award for Standout Local Election Official has been awarded to Watauga County.

6. DS200 BALLOT TABULATOR DEMONSTRATION

A video demonstration of the DS200 Ballot Tabulator (ES&S) was presented to the Board. This was necessary because the earlier ES&S demonstration covered the DS300 system only, and any considered systems must have a public demonstration. The DS200 with Automark was one of three system options under consideration, thus requiring the demonstration.

7. NEW VOTING EQUIPMENT

As per previous Board request, three purchasing options were formally prepared by Director Snyder for the Board's consideration. They were: the Hart Intercivic system, the ES&S system using the DS200 and the current Automark (with the understanding that when new model Express Vote equipment was available, it would be purchased by a subsequent Board), and the ES&S system using the DS300 and Express Vote. Two additional purchase options were included. One was for ballot on demand technology, either through Hart or ES&S (depending on which system was chosen). The last purchasing option was for EZ Cart equipment, available only through ES&S, but compatible with either system. Member Eller moved to adopt the ES&S DS200 (with continued use of our Automarks), seconded by Chair Behrent. He stated that separating the purchase into two smaller purchases (the DS200 now and the new model Express Vote when available) would be easier for the County Commissioners to accept in a budget cycle impacted by reduced sales tax revenue due to Hurricane Helene. He also disliked the fact that the current Express Vote produces a ballot of a non-standard size, and the possible effect that might have on voters' perceptions of election integrity. In discussion, other Members stated the belief that the infrequency of Automark or Express Vote voting made this a minor annoyance only, which could be explained to any questioning voter. All Members agreed that when the new Express Vote was available (which will issue a standard sized ballot) is available, it should be acquired. The overall cost would be close to the same, with the DS200 allowing staggered purchasing, and the DS300 option requiring all costs up front, but with full credit being given on a trade-in of the current ES&S Express Vote equipment being guaranteed when the new model is available. This motion was defeated 2 to 3, Member Eller and Chair Behrent voting for, and Members Councill and Rothenberg, and Secretary Walpole voting against.


Member Rothenberg then moved approval of the DS300 system with Express Vote equipment, seconded by Member Councill. She believed the most current system was the best choice. Member Councill reiterated that her precinct judge experience led her to believe that the different size ballot issue should not be a controlling factor in the Board's vote. Member Eller disagreed, stating he was unable to vote for such a system. The motion was passed 4-1, Chair Behrent, Members Councill and Rothenberg, and Secretary Walpole voting for the motion, and Member Eller voting against. Member Eller moved for approval of the EZ Cart purchasing recommendation, seconded by Member Councill. All agreed that such equipment would be a boon for precinct workers. Approved by 5-0 vote. Member Rothenberg moved approval of the Ballot on Demand purchasing recommendation, seconded by Member Councill. Member Eller expressed concern that this might be going too far with budgetary requests, and might lose support from the County Commission on the overall request. Board discussion consensus was that the ES&S system purchase was of the highest priority, that the EZ Cart equipment was next, and that Ballot on Demand was third. Such technology should reduce the possibility of human error during early voting and at multi-jurisdictional precincts. If necessary, the precinct judges could continue on with current procedures. Approved by 4-1 vote, Chair Behrent, Members Councill and Rothenberg, and Secretary Walpole voting for the motion, and Member Eller against.

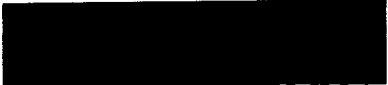
8. PUBLIC COMMENT

No public comment requests were received for this meeting.


9. ADJOURNMENT


Member Eller moved to adjourn, seconded by Member Rothenberg. Approved by 5-0 vote.



Michael Behrent, Chair


Leta Council, Member


Elaine Rothenberg, Member


Matthew Walpole, Secretary


Eric Eller, Member


Matthew Snyder, Director



March 28, 2025

Dear Matthew:

Congratulations on your 2025 ALL IN Standout Local Election Official Award!

ALL IN celebrates your commitment to helping increase nonpartisan student voter registration, education, and turnout while supporting students to form the habits of active and informed citizenship. This award honors your efforts to advance college student voter participation during the 2024 Election.

You were nominated by Ashley Vinson, Associate Director, Community-Engaged Leadership at Appalachian State University for this award. Here is an excerpt from their nomination describing your impressive work to support nonpartisan student voter engagement:

"Matthew consistently goes above and beyond to serve the Watauga County and App State communities. He is extremely knowledgeable within this line of work and has made a significant effort to bridge the community and campus by connecting our office with community-led events and programs that we could host on campus and invite students and community members to. Matthew puts an emphasis on ensuring that EVERYONE has the information they need to make informed voting decisions. Without Matthew's help, our Civic Literacy efforts this semester would not have been as successful."

We are grateful for your efforts, and hope that you continue this work. In the meantime, we hope that you'll take photos of yourself, students and/or team with your ALL IN to Vote poster and award certificate, post it to social media with the hashtag #AllIntoVote, and send a copy to allinchallenge@civcnation.org.

Matthew.Snyder

From: Wood, Brad <Brad.Wood@wbd-us.com>
Sent: Friday, May 2, 2025 1:41 PM
To: Hollingsworth, Virgil; acapua@lawdcg.com; Deron.Geouque; Matthew.Snyder
Cc: Morgan, James; Lennon, Karin
Subject: ATTORNEY-CLIENT PRIVILEGED -- C3184-17513-0001-01 - Voto Latino, et al v Watauga County -- Case Resolved by Way of Consent Judgment Between Plaintiff's and State Board of Elections & RNC intervenors and Legislative Intervenors
Attachments: Voto Latino Litigation -- Consent Judgment.pdf

Friends:

Good afternoon and happy Friday. As you may recall, this matter, in which the DNC and the various Plaintiff voting organizations sued the NC Board of Elections regarding revisions to the Same Day Voting laws, was stayed for over a year provided that the State Board of Elections complied revisions to the voting procedures (I know that I have probably oversimplified this summary).

In any event, the matter was finally resolved by way of the attached Consent Judgment between the parties, which was entered by United States District Court Judge Thomas Schroeder on Monday, April 28. The operative language is set forth on pages 7-8 of the Consent Judgment, which enjoins the State Board of Elections from doing certain things as enumerated therein. There are no admissions of any wrongdoing, etc. by any party.

This resolution was worked out between DNC and the various Plaintiff voting organizations on one hand and the State Board of Elections, the Legislative Intervenors and the RNC intervenors on the other. Since we have always been an unhappy fellow traveler (since the Watauga County BOE must do whatever the State BOE requires it to do) and otherwise a token defendant, we merely signed on in order to make sure that the Watauga BOE was included in the voluntary dismissal and that we were not otherwise still hanging in the wind.

In sum, this litigation is now over as far as the Watauga BOE is concerned.

Please let me know if you have any questions. Have a nice weekend.

Very respectfully,

Brad

Bradley O. Wood

Partner

Womble Bond Dickinson (US) LLP

d: 336-728-7012

e: Brad.Wood@wbd-us.com

One West Fourth Street
Winston-Salem, NC 27101



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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

VOTO LATINO, et al.,

Plaintiffs,

v.

ALAN HIRSCH, in his official capacity as
Chair of the State Board of Elections, et al.,

Defendants.

Case No. 1:23-cv-861-TDS-JEP

DEMOCRATIC NATIONAL
COMMITTEE, et al.,

Plaintiffs,

v.

ALAN HIRSCH, in his official capacity as
Chair of the State Board of Elections, et al.,

Defendants.

Case No. 1:23-cv-862-TDS-JEP

STIPULATION AND CONSENT JUDGMENT

The Voto Latino Plaintiffs (Voto Latino, The Watauga County Voting Rights Task Force, Down Home North Carolina, and Sophie Mead); the DNC Plaintiffs (Democratic National Committee and North Carolina Democratic Party); the State Board Defendants (Karen Brinson Bell, Alan Hirsch, Jeff Carmon, Stacy Eggers IV, Kevin Lewis, and Siobhan O'Duffy Millen), the Watauga County Board Defendants (Michael Behrent, Eric Eller, Matt Walpole, Leta Councill, and Elaine Rothenberg); the Legislative Intervenors (Philip E. Berger and Destin Hall); and the RNC

Intervenors (Republican National Committee, North Carolina Republican Party, Virginia A. Wasserberg, and Brenda M. Eldridge) collectively (the “Consent Parties”) stipulate to the following and request that this Court approve this Consent Judgment. This Stipulation and Consent Judgment encompasses Plaintiffs’ claims against the final sentence of Section 10.(a), subsection (d) of 2023 Senate Bill 747 (the “Undeliverable Mail Provision”), codified at N.C. Gen. Stat. § 163–82.6B(d), which requires that a same-day registrant’s registration be denied and their ballot be removed if the first address verification mailing required under N.C.G.S. 163-82.7(c) (the “Address Verification Mailing”) is returned as undeliverable by the United States Postal Service.

I.
RECITALS

WHEREAS on October 10, 2023, the North Carolina General Assembly enacted Senate Bill 747 (“S747”) over the Governor’s veto. The bill includes the “Undeliverable Mail Provision,” which applies to same-day registrants and states: “Notwithstanding any other provision of this Chapter, if the Postal Service returns the first notice required under G.S. 163-92.7(c) as undeliverable before the close of business on the business day before canvass, the county board shall not register the applicant and shall retrieve the applicant’s ballot and remove that ballot’s votes from the official count.” N.C. Gen. Stat. § 163–82.6B(d).

WHEREAS Plaintiffs filed their respective complaints on October 10, 2023;

WHEREAS the Undeliverable Mail Provision took effect on January 1, 2024;

WHEREAS on January 21, 2024, this Court preliminarily enjoined the State Board Defendants from utilizing the procedures of the Undeliverable Mail Provision without first providing same-day registrants with notice and an opportunity to be heard, *see* ECF No. 68 at 93–94.

WHEREAS on January 29, 2024, State Board Defendants reissued Numbered Memo 2023-05, which governs same-day registration procedures, to provide notice and opportunity to be heard for same-day registrants, pursuant to the Court's Order, *see* Notice, ECF No. 72;

WHEREAS the Defendants believe that continued litigation over the Undeliverable Mail Provision will result in the unnecessary expenditure of State resources, and is contrary to the best interests of the State of North Carolina;

WHEREAS the Consent Parties, in agreeing to these terms, acting by and through their counsel, have engaged in arms' length negotiations, and the Consent Parties are represented by counsel knowledgeable in this area of the law;

WHEREAS the Consent Parties agree that the Consent Judgment promotes judicial economy, protects the limited resources of the Consent Parties, and resolves Plaintiffs' claims regarding the Undeliverable Mail Provision against the Defendants;

WHEREAS Plaintiffs agree to a waiver of any entitlement to fees, including attorneys' fees, expenses, and costs against the Defendants with respect to any and all claims raised by Plaintiffs in this action relating to the Undeliverable Mail Provision;

WHEREAS it is the finding of this Court that: (i) the Court held in its January 21, 2024 preliminary injunction order that federal law requires notice and an opportunity to be heard or for cure prior to retrieving a ballot pursuant to the Undeliverable Mail Provision, (ii) the terms of this Consent Judgment constitute a fair, adequate, and reasonable settlement of the issues raised with respect to the Undeliverable Mail Provision, and (iii) the Consent Judgment is intended to and does resolve Plaintiffs' claims;

NOW, THEREFORE, upon consent of the Consent Parties, in consideration of the mutual promises and recitals contained in this Stipulation and Consent Judgment, including relinquishment of certain legal rights, the Consent Parties agree as follows:

II. JURISDICTION

This Court has jurisdiction over the subject matter of this action pursuant 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the Constitution and laws of the United States. The Court shall retain jurisdiction of this

Stipulation and Consent Judgment for the duration of the term of this Stipulation and Consent Judgment for purposes of entering all orders and judgments that may be necessary to implement and enforce compliance with the terms provided herein.

III. PARTIES

This Stipulation and Consent Judgment applies to and is binding upon the following parties, the "Consent Parties":

- A. Alan Hirsch, in his capacity as Chair of the North Carolina State Board of Elections;
- B. All members of the North Carolina State Board of Elections; and
- C. Karen Bell, in her official capacity as Executive Director of the State Board of Elections;
- D. The members of the Watauga County Board of Elections;
- E. Philip E. Berger, in his official capacity as President Pro Tempore of the North Carolina Senate, and Destin Hall, in his official capacity as Speaker of the North Carolina House;
- F. Republican National Committee, North Carolina Republican Party, Virginia A. Wasserberg, and Brenda M. Eldridge; and
- F. All Plaintiffs.

IV.
SCOPE OF CONSENT JUDGMENT

A. This Stipulation and Consent Judgment constitutes a settlement and resolution of Plaintiffs' claims against Defendants regarding the Undeliverable Mail Provision. Plaintiffs recognize that by signing this Stipulation and Consent Judgment, they are releasing any claims under federal or state law that they might have against the Undeliverable Mail Provision so long as this Consent Judgment remains in effect.

B. The Consent Parties to this Stipulation and Consent Judgment acknowledge that this does not resolve or purport to resolve any claims pertaining to the constitutionality or legality of other provisions of North Carolina Senate Bill 747 (2023).

C. The Consent Parties to this Stipulation and Consent Judgment further acknowledge that by signing this Stipulation and Consent Judgment, the Consent Parties do not release or waive the following: (i) any rights, claims, or defenses that are based on any events that occur after they sign this Stipulation and Consent Judgment, (ii) any claims or defenses that are not encompassed by their challenge to the Undeliverable Mail Provision, and (iii) any right to institute legal action for the purpose of enforcing this Stipulation and Consent Judgment or defenses thereto.

D. By entering this Stipulation and Consent Judgment, Plaintiffs are fully settling a disputed matter between themselves and Defendants regarding the Undeliverable Mail Provision. The Consent Parties are entering this Stipulation and Consent Judgment for the purpose of resolving disputed claims and avoiding the burdens and costs associated with the costs of litigating this matter through final judgment. Nothing in this Stipulation and Consent Judgment constitutes an admission by any party of liability or wrongdoing.

V.

INJUNCTIVE RELIEF

**ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED, AND JUDGED
FOR THE REASONS STATED ABOVE THAT:**

A. State Board Defendants are ENJOINED from utilizing the procedures of N.C. Gen. Stat. § 163-82.6B(d) to remove from the official count the votes of the ballot of any voter who has provided contact information in the registration process and whose first notice required under N.C. Gen. Stat. § 163-82.7(c) is returned by the Postal Service as undeliverable before the close of business on the second business day before the county canvass, without first providing such voter notice and an opportunity to remedy the address verification failure. Such notice shall be provided to the voter via U.S. mail and, if the voter provided additional contact information, by telephone and email, within one business day of receiving the

undeliverable mail notice. Voters must be permitted to remedy the address verification failure with documentation submitted in person, by mail, by email, or by fax. The documentation must be received by 5 p.m. on the day before county canvass; provided, however, that a voter who is unable to provide the documentation by this deadline may also provide documentation in person at the county canvass, or may address the county board at the county canvass.

B. Further, State Board Defendants are ENJOINED from utilizing the procedures of N.C. Gen. Stat. § 163-82.6B(d) to remove from the official count the votes of the ballot of any voter who has provided contact information in the registration process as a result of that voter's first notice required under N.C. Gen. Stat. § 163-82.7(c) having been returned by the Postal Service as undeliverable after the close of business on the second business day before the county canvass; and

C. All remaining claims in the Complaints are dismissed without prejudice.¹

VI.

ENFORCEMENT AND RESERVATION OF REMEDIES

A. The parties to this Stipulation and Consent Judgment may request relief from this Court if issues arise concerning the interpretation of this Stipulation and Consent Judgment that cannot be resolved through the process described below. This

¹ For the avoidance of doubt, the dismissal without prejudice includes Counts IV and V of the DNC Plaintiffs' complaint.

Court specifically retains continuing jurisdiction over the subject matter hereof and the Consent Parties hereto for the purposes of interpreting, enforcing, or modifying the terms of this Stipulation and Consent Judgment, or for granting any other relief not inconsistent with the terms of this Consent Judgment, until this Consent Judgment is terminated. The Consent Parties may apply to this Court for any orders or other relief necessary to construe or effectuate this Stipulation and Consent Judgment or seek informal conferences for direction as may be appropriate. The Consent Parties shall attempt to meet and confer regarding any dispute prior to seeking relief from the Court.

B. If any Party believes that another has not complied with the requirements of this Stipulation and Consent Judgment, it shall notify the other Party of its noncompliance by emailing the Party's counsel. Notice shall be given at least one business day prior to initiating any action or filing any motion with the Court.

C. The Consent Parties specifically reserve their right to seek recovery of their litigation costs and expenses arising from any violation of this Stipulation and Consent Judgment that requires any Party to file a motion with this Court for enforcement of this Stipulation and Consent Judgment.

VII.
GENERAL TERMS

A. Voluntary Agreement. The Consent Parties acknowledge that no person has exerted undue pressure on them to enter into this Stipulation and Consent Judgment. Every Party is voluntarily choosing to enter into this Stipulation and Consent Judgment because of the benefits that are provided under the agreement. The Consent Parties acknowledge that they have read and understand the terms of this Stipulation and Consent Judgment; they have been represented by legal counsel or had the opportunity to obtain legal counsel; and they are voluntarily entering into this Stipulation and Consent Judgment to resolve the dispute among them.

B. Severability. The provisions of this Stipulation and Consent Judgment shall be severable, and, should any provisions be declared by a court of competent jurisdiction to be unenforceable, the remaining provisions of this Stipulation and Consent Judgment shall remain in full force and effect.

C. Agreement. This Stipulation and Consent Judgment is binding. The Consent Parties acknowledge that they have been advised that (i) no other Party has a duty to protect their interest or provide them with information about their legal rights, (ii) signing this Stipulation and Consent Judgment may adversely affect their legal rights, and (iii) they should consult an attorney before signing this Stipulation and Consent Judgment if they are uncertain of their rights.

D. Entire Agreement. This Stipulation and Consent Judgment constitutes the entire agreement between the Consent Parties relating to the enforcement of the Undeliverable Mail Provision. No Party has relied upon any statements, promises, or representations that are not stated in this document. No changes to this Stipulation and Consent Judgment are valid unless they are in writing, identified as an amendment to this Stipulation and Consent Judgment, and signed by all Parties. There are no inducements or representations leading to the execution of this Stipulation and Consent Judgment except as herein explicitly contained.

E. Warranty. The persons signing this Stipulation and Consent Judgment warrant that they have full authority to enter this Stipulation and Consent Judgment on behalf of the Party each represents, and that this Stipulation and Consent Judgment is valid and enforceable as to that Party.

F. Counterparts. This Stipulation and Consent Judgment may be executed in multiple counterparts, which shall be construed together as if one instrument. Any Party shall be entitled to rely on an electronic or facsimile copy of a signature as if it were an original.

G. Effective Date. This Stipulation and Consent Judgment is effective upon the date it is entered by the Court.

**THE PARTIES ENTER INTO AND APPROVE THIS STIPULATION AND
CONSENT JUDGMENT AND SUBMIT IT TO THE COURT SO THAT IT
MAY BE APPROVED AND ENTERED. THE PARTIES HAVE CAUSED
THIS STIPULATION AND CONSENT JUDGMENT TO BE SIGNED ON
THE DATES OPPOSITE THEIR SIGNATURES.**

Respectfully submitted, this the 22nd day of April, 2025.

ELIAS LAW GROUP LLP

/s/ Aria C. Branch

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*Special Appearance pursuant to Local
Rule 83.1(d)

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* Local Rule 83.1(d) special appearance

*Counsel for Plaintiffs Democratic National
Committee and North Carolina
Democratic Party in matter 1:23-cv-862.*

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Counsel for Intervenors Republican National Committee, North Carolina Republican Party, Virginia A. Wasserberg, and Brenda M. Eldridge in matters 1:23-cv-861 and 1:23-cv-862.

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Counsel for Defendants Michael Behrent, Eric Eller, Leta Councill, Matt Walpole, and Elaine Rothenberg in matter 1:23-cv-861.

NORTH CAROLINA
DEPARTMENT OF JUSTICE

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Counsel for Defendants North Carolina State Board of Elections, Karen Brinson Bell, Alan Hirsch, Jeff Carmon, Stacy Eggers IV, Kevin N. Lewis, and Siobhan O'Duffy Millen


Dated: 4/21/2025

Karen Brinson Bell
Executive Director
North Carolina State Board of Elections

**IT IS SO ORDERED. JUDGMENT SHALL BE ENTERED IN
ACCORDANCE WITH THE FOREGOING CONSENT JUDGMENT.**

Dated: April 28, 2025


United States District Judge

Matthew.Snyder

From: Bell, Karen B <Karen.Bell@ncsbe.gov>
Sent: Monday, May 5, 2025 11:57 PM
To: Matthew.Snyder
Cc: Baddour, Neil; SBOE_Grp - VotingSystems.Sboe
Subject: RE: [External] voting equipment

Hi Matt,

Apologies on the delayed response. As I mentioned in another reply, I needed to gather some information so I could better answer your email.

The State Board has not decertified the m100s, though there are some limitations that should be considered with these units. There's no encryption with the m100 and PCMCIA cards like in newer systems, making these units more vulnerable. Additionally, while I have not supported the release of cast vote records for ballot secrecy reasons, if this were to be enacted into legislation, then the m100s do not have this capability. With these things in mind, there may come a point in time when the SBE would need to consider decertification.

Numerous jurisdictions in North Carolina and across the country have procured the Express Votes, which are certified in our state and at the federal level. While any voter is welcome to use these ballot marking devices, they do specifically meet the ADA compliance requirement. It's unclear to me, why your board would not adopt these units for such a purpose given the track record in other counties. The primary voting method can be hand-marked paper ballots inserted into a digital scanner, which we have three certified options in NC.

While the board may choose to wait on purchasing a system that's currently under federal test and/or certification, I would caution that even if certified in 2025, as may be the case for Hart's new system, or early 2026 for ES&S, the companies would still have to submit to state certification. While this has been a priority during my tenure, I cannot speak to what the capacity or priority may be for the next administration. Recall that the entire state certification process does require several months before counties could even procure or conduct a test or simulated election. This could create a tight timeline with the 2026 election cycle and a requirement of the HSGP subgrant provided to your county that must be expended by February 2027.

Certainly, I appreciate your board's efforts to move to the newest of technology. I hope my reply has given some food for thought and helps ensure you do not get boxed into having to move forward on new equipment at less optimal time.

Thank you,
Karen

Karen Brinson Bell, CERA, PMP

Executive Director, NCSBE
(919) 814-0700 Main Line



From: Matthew.Snyder <Matthew.Snyder@watgov.org>
Sent: Wednesday, April 16, 2025 2:45 PM
To: Bell, Karen B <Karen.Bell@ncsbe.gov>

Deal would end two legal challenges of NC's 'undeliverable mail provision'

CJ STAFF

APRIL 22, 2025

LISTEN TO THIS STORY (7 minutes)

- Two legal challenges of the disputed "undeliverable mail provision" in North Carolina election law would end under a proposed deal filed Tuesday in federal court.
- The Democratic National Committee, North Carolina Democratic Party, and activist groups working with Democratic operative Marc Elias' law firm reached a deal with the State Board of Elections and state legislative leaders.
- Under the deal, election officials would not be able to discard a same-day voter's ballot under terms of the provision without giving the voter a chance to "remedy" the issue.

Two legal challenges against the disputed "undeliverable mail provision" in North Carolina election law would end under a proposal filed Tuesday in federal court. A court order blocked election officials from enforcing the provision in 2024.

A **third lawsuit** challenging the provision continues to proceed before US District Judge Thomas Schroeder.

The undeliverable mail provision was included in Senate Bill 747, a 2023 election reform measure approved over then-Gov. Roy Cooper's veto. The provision required election officials to discard a ballot from a same-day voter if one address verification card mailed to the voter was returned by the US Postal Service as undeliverable.

A proposed **consent judgment** filed Tuesday shows that the Democratic National Committee, North Carolina Democratic Party, and left-of-center activist groups represented by Democratic operative Marc Elias' law firm reached an agreement with the State Board of Elections and state legislative leaders to end legal action related to the disputed provision.

The state and national Democratic Party groups targeted other portions of SB 747 that are not part of the proposed deal.

"Defendants believe that continued litigation over the Undeliverable Mail Provision will result in the unnecessary expenditure of State resources, and is contrary to the best interests of the State of North Carolina," according to the proposed judgment.

Elections officials would be blocked from using the undeliverable mail provision to remove a same-day voter's ballot "without first providing such voter notice and an opportunity to remedy the address verification failure," according to

the court filing. "Such notice shall be provided to the voter via U.S. mail and, if the voter provided additional contact information, by telephone and email, within one business day of receiving the undeliverable mail notice."

A voter targeted by the undeliverable mail provision "must be permitted to remedy the address verification failure with documentation submitted in person, by mail, by email, or by fax," the court filing continued. "The documentation must be received by 5 p.m. on the day before county canvass; provided, however, that a voter who is unable to provide the documentation by this deadline may also provide documentation in person at the county canvass, or may address the county board at the county canvass."

Election officials also would be blocked from removing a same-day voter's ballot if it's "returned by the Postal Service as undeliverable after the close of business on the second business day before the county canvass."

A third set of plaintiffs led by activist group Democracy North Carolina did not take part in the deal unveiled Tuesday.

Before SB 747, elections officials could remove a same-day voter's ballot after receiving two pieces of undeliverable mail sent to the voter's address. SB 747 would have cut the number of undeliverable mailings from two to one.

The Democracy NC suit accused lawmakers of targeting young voters in violation of the 26th Amendment. The complaint also argued that the change in state law violated voters' due process rights and created an undue burden on the right to vote.

The law's actual goal was "enhancing public confidence in elections," according to an April 11 court **filing** from legislative leaders. **Lawmakers** and the **State Board of Elections** both filed motions for summary judgment in the case.

If Schroeder grants summary judgment, he would not proceed with a **trial** scheduled for "late summer."

"The Undeliverable Mail Provision stemmed from concerns with difficulties in verifying addresses close in time to the election," legislators' court filing continued. "Under the pre-747 scheme, there was little time for completion of two mailers before canvass — especially for voters using [same-day registration] towards the end of early voting."

"Indeed, the normal lag time with two mailers frequently meant the second mailer was returned as undeliverable after canvass, resulting in counted votes from unregistered persons," legislative lawyers wrote.

"Plaintiffs attempt to minimize these real concerns and paint a picture of legislation designed to target 18–25-year-olds," the court filing added. "The undisputed facts show otherwise. It is undisputed that the NCSBE, after careful thought, suggested moving to a one verification mailing system, which the General Assembly adopted."

"Plaintiffs also ignore several substantive recommendations made by NCSBE which were adopted in full that enhanced the Undeliverable Mail Provision's administrative practicability — including a specific recommendation that a [Help America Vote Act] document serve as proof of residence, which was aimed at helping college students."

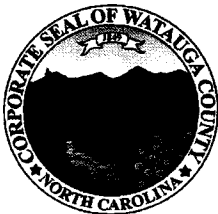
"Central to Plaintiffs' case are allegations that the General Assembly enacted S.B. 747 in order to obstruct or limit young voters from utilizing SDR. But the factual record shows that age was never a consideration when drafting S.B. 747," lawmakers' lawyers argued.

Schroeder issued an injunction in January 2024 blocking the challenged provision from taking effect. The State Board of Elections then adopted temporary rules designed to address Schroeder's concerns.

"Here, Plaintiffs are likely to show that the undeliverable mail provision of S. 747 imposes a substantial burden on SDR voters because it lacks notice and opportunity to be heard before removing the votes of a cast ballot from the count," Schroeder wrote when issuing his injunction.

"For SDR voters, the lack of notice and opportunity to be heard is inconsistent with the State's interest in counting all eligible voters' ballots," Schroeder concluded. "Moreover, given the lack of showing of an administrative burden on county boards of elections, the risk of irreparable injury, the balance of equities, and the public interest all weigh in favor of requiring notice and an opportunity to be heard."

Schroeder rejected all other arguments plaintiffs offered to block other sections of SB 747.



WATAUGA COUNTY BOARD OF ELECTIONS

County Courthouse ♦ 842 West King Street Boone, North Carolina 28607

A RESOLUTION TO PRELIMINARILY RECOMMEND TO THE WATAUGA COUNTY BOARD OF COMMISSIONERS THE ADOPTION AND ACQUISITION OF VOTING EQUIPMENT

WHEREAS, the Watauga County Board of Commissioners, with the approval of the Watauga County Board of Elections, may adopt and acquire only a voting system of a type, make, and model certified by the State Board for use in some or all voting places in the county at some or all elections in accordance with G.S. 163-165.8;

WHEREAS, the Watauga County Board of Elections must recommend the adoption and acquisition of any voting system by the Watauga County Board of Commissioners after completing the requirements in G.S. 163-165.9(a);

WHEREAS, the Watauga County Board of Elections must recommend to the Watauga County Board of Commissioners which type of voting system should be acquired by the county, pursuant to G.S. 163-165.9(a)(1);

WHEREAS, the Watauga County Board of Elections has witnessed a demonstration in the county of the type of voting system being recommended, and has also witnessed a demonstration of at least one other type of voting system certified by the State Board of Elections as required by G.S. 163-165.9(a)(2);

WHEREAS, the Watauga County Board of Elections will seek approval from the State Board of Elections prior to replacing any voting system, pursuant to G.S. 163A-165.9(b)(3);

WHEREAS, the Watauga County Board of Elections plans to make a final recommendation to the Watauga County Board of Commissioners on the adoption and acquisition of a voting system at its June 8, 2025 meeting.

THEREFORE, BE IT RESOLVED that the Watauga County Board of Elections hereby preliminarily recommends that the Watauga County Board of Commissioners adopt and acquire the following certified voting equipment pursuant to G.S. 163-165.9(a)(1):

Voting Type: DS200 (Hand marked paper ballots with ballot marking device for ADA compliance)

Vendor: ES&S / PRINTELECT

Number of Units 31

EVS 5.2.4.0 Computer Workstation \$3,495

Voting System Cost to County: \$179,538

(not including shipping)

Adopted this the 13th day of May 2025.

Michael Behrent, Chair
Watauga County Board of Elections



WATAUGA COUNTY BOARD OF ELECTIONS

County Courthouse ♦ 842 West King Street Boone, North Carolina 28607

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WHEREAS, the Watauga County Board of Elections has witnessed a demonstration in the county of the type of voting system being recommended, and has also witnessed a demonstration of at least one other type of voting system certified by the State Board of Elections as required by G.S. 163-165.9(a)(2);

WHEREAS, the Watauga County Board of Elections will seek approval from the State Board of Elections prior to replacing any voting system, pursuant to G.S. 163A-165.9(b)(3);

WHEREAS, the Watauga County Board of Elections plans to make a final recommendation to the Watauga County Board of Commissioners on the adoption and acquisition of a voting system at its June 8, 2025 meeting.

THEREFORE, BE IT RESOLVED that the Watauga County Board of Elections hereby preliminarily recommends that the Watauga County Board of Commissioners adopt and acquire the following certified voting equipment pursuant to G.S. 163-165.9(a)(1):

Voting Type: Verity Scan ballot tabulators and Verity Touch Writers (Hand marked paper ballots with ballot marking device for ADA compliance)

Vendor: Hart Intercivic

Number of Units 31 Verity Scans and 28 Verity Touch Writers

**Voting System Cost to County: \$278,416
(not including shipping)**

Adopted this the 13th day of May 2025.

Michael Behrent, Chair
Watauga County Board of Elections



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 2021-01

TO: County Boards of Elections
FROM: Karen Brinson Bell, Executive Director
RE: Procedures for Purchasing Voting Equipment
DATE: March 1, 2021 (Revised April 14, 2023; July 20, 2023)

This Numbered Memo updates Numbered Memo 2019-04 and details the procedures a county board of elections is required to follow when seeking to purchase certified voting systems and components.

When seeking to use a new voting system in the county, a county board of elections must follow the same procedures regardless of when the voting system was certified.

Only voting systems certified by the State Board may be used in North Carolina. North Carolina law and the Elections Systems Certification Program adopted by the State Board establish the role of the county board of elections in selecting a new voting system for that county and impose procedures during and after the adoption and acquisition of a certified voting system for use in the county.

For detailed information on the certification process and the role of the State Board and vendors, please see the Elections Systems Certification Program.

Voting Systems Certified by the State Board

The following voting systems are certified for use in North Carolina:

- ES&S EVS 6.3.0.0
 - DS200 precinct tabulator
 - DS300 precinct tabulator
 - DS850 central tabulator
 - DS450 central tabulator
 - DS950 central tabulator
 - ExpressVote ballot marking device
- ES&S EVS 5.2.4.0
 - DS200 precinct tabulator
 - DS450 central tabulator
 - DS850 central tabulator
 - ExpressVote ballot marking device

- AutoMARK ballot marking device
- Hart InterCivic Verity Voting 2.2/2.5
 - Verity Scan precinct tabulator
 - Verity Touch Writer ballot marking device
 - Verity Central Workstation central tabulator
 - Verity Print ballot on demand
- ES&S Unity 3.4.1.1
 - M100 precinct tabulator
 - DS200 precinct tabulator
 - M650 central tabulator
 - DS850 central tabulator
 - AutoMARK ballot marking device
- ES&S Unity 3.0.1.1
 - M100 precinct tabulator
 - M650 central tabulator
 - AutoMARK ballot marking device
- Clear Ballot ClearVote 1.4¹
 - ClearCast precinct tabulator
 - ClearAccess ballot marking device
 - ClearCount central tabulator
 - ClearAudit election audit system

Requirements for Adopting and Acquiring a Certified Voting System

Ultimately, the county board of commissioners (with the recommendation and approval of the county board of elections) must adopt and acquire a voting system that is certified by the State Board for use in the county. Before the board of county commissioners approves the adoption and acquisition of a voting system, the county board of elections must do the following:²

Step 1: Witness a demonstration of the recommended voting system plus at least one other certified voting system not currently used in your county. The demonstration can take place in the county or at a site designated by the State Board.

- The demonstration should be organized as part of a public meeting with invitations sent to the county board of commissioners, the county manager, the county attorney, and the political parties in the county.
- The county board should give public notice of the demonstration and meeting, as it does for all other board meetings.

¹ Clear Ballot is not currently used in any county in North Carolina.

² See G.S. § 163-165.9 and Section 3.3.2 of the Certification Program.

- A majority of county board members must meet the demonstration requirement. All board members of the county board of elections should witness a demonstration if possible.

Step 2: Make a preliminary recommendation to the board of county commissioners as to which voting system should be acquired by the county.

- Official action to preliminarily recommend to the board of commissioners can be taken as soon as the same meeting during which the demonstration is conducted, provided the meeting is properly noticed. Alternatively, the meeting to preliminarily recommend a voting system may be noticed prior to the demonstration as long as the meeting is held after the demonstration.
- The Board can document its recommendation by resolution, letter, presentation, or other official action.

Step 3: The county board must either: (1) test the proposed voting system in at least one precinct where the voting system would be used if adopted, or (2) test the proposed voting system in a simulated election.

Option 1: Testing in a Precinct in an Election

- County board staff must notify State Board voting systems staff of its intent to test the recommended voting system.
- The voting systems election management system and the components of the system must undergo Logic & Accuracy testing prior to use in the test election.
- After completing canvass, the county board must determine that the recommended voting system has met the requirements for voting in that county.

Option 2: Testing in a Simulated Election

- County boards may test proposed voting equipment in a simulated election, in accordance with standards established by the State Board.³
- Please refer to the *Standards for Simulated Election* policy, adopted by the State Board on July 31, 2020 (revised March 28, 2023), for more information on how to test the proposed equipment in a simulated election. The policy is attached to this memo.
- State Board staff must be notified of any plans to conduct a simulated election prior to scheduling.

Step 4: Seek State Board approval to replace the current voting system.

- The county board of elections cannot replace any voting system, or any portion thereof, without approval of the State Board.⁴

³ G.S. § 163-165.9(a)(3)(b).

⁴ See G.S. § 163-165.9(b)(3).

- The form to request approval is attached to this memo.

Step 5: Make a final recommendation to the board of county commissioners.

- The board of commissioners can decline to adopt or acquire any voting system recommended by the county board of elections, but it cannot adopt and acquire a voting system that has not been approved by the county board of elections.⁵
- The public contracting and procurement statutes do not apply to the purchase of a certified voting system.
- Along with the final recommendation, the CBE must submit the proposed vendor contract to the State Board of Elections for review and approval.

Requirements After the County Has Adopted and Acquired a Certified Voting System

The county board of elections must conduct acceptance testing when a newly procured voting system (or any newly acquired type of equipment for a voting system) is delivered. Acceptance testing ensures that the system delivered is identical to that which was certified and that it operates in good working condition. This testing is conducted by the county board with the assistance of State Board staff or consultants approved by the State Board.

Additionally, the county board of elections must also comply with any requirements of the State Board regarding training and support of the voting system by completing all of the following:⁶

- The CBE must comply with all of the vendor's specifications for ballot printers. The CBE can contract with noncertified ballot printer vendors as long as that vendor meets all of the specifications and the State Board's quality assurance requirements.
- The CBE must maintain annual software license agreements.
- The CBE must uphold annual maintenance agreements necessary to maintain the warranty of the voting system or employ qualified personnel to maintain a voting system in lieu of entering into maintenance agreements.
- Before entering into any maintenance agreement, the CBE shall ensure the vendor agrees to operate a training program for qualified personnel hired by the CBE.
- The CBE must notify the State Board at the time of every repair, according to State Board guidelines.
- The CBE must continue to comply with the Voting Systems Vendor Code of Ethics.

⁵ See G.S. § 163-165.8.

⁶ See G.S. § 163-165.9A(a).

Frequently Asked Questions

Q: The county board wants to purchase an additional piece of equipment that is part of the voting system the board currently uses. Is the board required to witness a demonstration and is the county board of commissioners required to adopt and acquire the new equipment? Do we need to conduct a simulated election after purchasing the new equipment?

A: The county board does not need to witness a demonstration or seek approval of the county commissioners to adopt and acquire a new component of the county's currently used voting system. Nor does the county need to conduct a simulated election. The county is not adopting a new voting system but rather is purchasing an additional piece of equipment within its currently existing system. With any new purchase of a voting system or any component thereof, the county board needs to conduct acceptance testing to be coordinated with the State Board.

Q: The county board wants to upgrade from ES&S EVS 5.2.4.0 to ES&S EVS 6.3.0.0. Is this considered "adopting and acquiring" a new voting system under the statute?

A: Yes. These are two different voting systems, each of which was required to go through full certification review by the State Board. A county board is "adopting and acquiring" a new voting system if it is upgrading to EVS 6.3.0.0 from any other certified voting system, and the county board needs to complete all required steps for adopting and acquiring a new voting system. On the other hand, a county board is not considered to have adopted and acquired a new voting system if it is upgrading to the most recent certified version of the system, where that more recent certified version was not required to go through full certification review by the State Board (e.g., moving from ES&S Unity 3.0.1.1 to Unity 3.4.1.1, or from Hart InterCivic Verity 2.2 to Verity 2.5). The State Board determines whether a new version of a voting system is a mere modification of an existing certified system or a new voting system entirely, the latter of which requires full certification review and all preapproval procedures by the county before acquiring a new system.

Q: The county board wants to purchase equipment from a newly certified voting system but much of its existing equipment will continue to work and be used. Is this considered adopting a new voting system?

A: Changing from one certified voting system to another certified system is considered adopting and acquiring a new voting system, even though some equipment remains the same, and your county board needs to complete all required steps for adopting and acquiring a new voting system. A "voting system" is the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, hardware, and documentation required to program, control, and support the equipment) that is used to define ballots; to cast or tabulate votes; to read election media; to report or display election results; and to maintain and produce

any audit trail information.⁷ Although some hardware, can be configured to work with more than one system, if the county is adopting equipment from a new voting system that underwent separate State certification, it is acquiring a new voting system.

Q: The county board wants to adopt a new voting system, and three members of the current board witnessed demonstrations of that new system and another currently certified voting system in the past. Is the board required to witness demonstrations again?

A: A majority of county board members voting on the recommendation must have witnessed a demonstration, so if a majority of the board has already witnessed a demonstration of the recommended voting system and at least one other certified voting system not currently used in the county, the board is not required to repeat the demonstration. However, all board members of the county board of elections should witness a demonstration if possible. Board members are not required to attend demonstrations on the same day.

Q: Can my county board conduct a simulated election prior to witnessing demonstrations?

A: No. The simulated election must take place after witnessing the demonstration of the proposed voting system and one other certified system not currently in use in the county and after making a preliminary recommendation to the county commissioners as to which system the county should adopt and acquire.

Q: Can the demonstration required in Step 1 be conducted virtually?

A: Yes. If a quorum of board members is present, the demonstration must be publicly noticed as a meeting of the board and the county board of commissioners, county manager, county attorney, and the political parties in the county must be notified of the demonstration. Ideally, a virtual demonstration would be provided live. However, if a vendor is offered the opportunity to present in person and live by virtual means, and the vendor declines, the county board may witness a prerecorded demonstration of that vendor's system.

Q: Can the county board's test of a proposed new voting system occur in all precincts or voting sites?

A: No. Using a proposed new voting system in all voting sites or all precincts circumvents the purpose of testing the voting system before it is acquired and ultimately authorized by a county and the State Board to be used as the county's voting system.

⁷ Elections Systems Certification Program at page 3-4 (emphasis added).

Accessibility Requirement

The Help America Vote Act mandates that a voting system provide the same opportunity for access and participation to voters with disabilities as it does to voters without disabilities.

Federal law requires that each voting place have an accessible voting option for voters with disabilities to vote independently. A county board may choose to use any of the certified ballot marking devices to meet this requirement, but due to limitations in tabulation software, a county may not acquire voting systems from more than one vendor.

In selecting the voting system that will be used, county boards should be mindful of the requirement that they must make available at each voting place "an adequate quantity of official ballots or equipment." Similarly, county commissioners shall provide "for each of those voting places sufficient equipment of the approved voting system."⁸ County boards should consider the expected turnout in their county and each voting place, including One-Stop early voting, central transfer location, and Election Day, future elections, and the need to reduce long lines whenever possible.

⁸ G.S. § 163-165.10.

Request for Replacement of County Voting System

The _____ County Board of Elections ("Board"), having met on _____ hereby seeks the approval of the State Board of Elections to replace its voting system, or a portion thereof. Before approving the adoption and acquisition of any voting system by the board of county commissioners, the county board of elections carried out the following steps, which are documented on this form.

STEP 1: DEMONSTRATION

The county board must witness a demonstration of the recommended voting system plus at least one other certified voting system not currently used in the county. The demonstration can take place in the county, at a site designated by the State Board, or by virtual means.

- The demonstration should be organized as part of a public meeting with invitations sent to the county board of commissioners, the county manager, the county attorney, and the political parties in the county.
- The county board should give public notice of the demonstration and meeting, as it does for all other board meetings.
- A majority of county board members voting on the recommendation must have witnessed a demonstration. All five members of the county board of elections should attend a demonstration if possible.

County Board member 1: _____ Voting Systems Reviewed: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Hart InterCivic Verity 2.2 <input type="checkbox"/> Hart InterCivic Verity 2.5 </div> <div> <input type="checkbox"/> ES&S EVS 5.2.4.0 <input type="checkbox"/> ES&S EVS 6.3.0.0 </div> <div> <input type="checkbox"/> ES&S Unity 3.4.1.1 </div> </div>	Demo Location: _____ Date: _____
County Board member 2: _____ Voting Systems Reviewed: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Hart InterCivic Verity 2.2 <input type="checkbox"/> Hart InterCivic Verity 2.5 </div> <div> <input type="checkbox"/> ES&S EVS 5.2.4.0 <input type="checkbox"/> ES&S EVS 6.3.0.0 </div> <div> <input type="checkbox"/> ES&S Unity 3.4.1.1 </div> </div>	Demo Location: _____ Date: _____
County Board member 3: _____ Voting Systems Reviewed: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Hart InterCivic Verity 2.2 <input type="checkbox"/> Hart InterCivic Verity 2.5 </div> <div> <input type="checkbox"/> ES&S EVS 5.2.4.0 <input type="checkbox"/> ES&S EVS 6.3.0.0 </div> <div> <input type="checkbox"/> ES&S Unity 3.4.1.1 </div> </div>	Demo Location: _____ Date: _____
County Board member 4: _____ Voting Systems Reviewed: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Hart InterCivic Verity 2.2 <input type="checkbox"/> Hart InterCivic Verity 2.5 </div> <div> <input type="checkbox"/> ES&S EVS 5.2.4.0 <input type="checkbox"/> ES&S EVS 6.3.0.0 </div> <div> <input type="checkbox"/> ES&S Unity 3.4.1.1 </div> </div>	Demo Location: _____ Date: _____
County Board member 5: _____ Voting Systems Reviewed: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Hart InterCivic Verity 2.2 <input type="checkbox"/> Hart InterCivic Verity 2.5 </div> <div> <input type="checkbox"/> ES&S EVS 5.2.4.0 <input type="checkbox"/> ES&S EVS 6.3.0.0 </div> <div> <input type="checkbox"/> ES&S Unity 3.4.1.1 </div> </div>	Demo Location: _____ Date: _____

STEP 2: PRELIMINARY RECOMMENDATION

The county board must make a preliminary recommendation to the board of county commissioners as to which voting system should be acquired by the county.

- Official action to preliminarily recommend can be taken as soon as the same meeting during which the demonstration is conducted, provided the meeting is properly noticed. Alternatively, the meeting to preliminarily recommend a voting system may be noticed prior to the demonstration as long as the meeting is held after the demonstration.
- The Board can recommend by resolution, letter, presentation, or other official action.

Following the voting system demonstration, the Board recommended:

- ☐ by resolution dated _____
- ☐ by letter dated _____ signed by _____
- ☐ by presentation given on _____
- ☐ by nature of an official action taken on _____

that _____ County adopt and acquire the:

- ☐ ES&S EVS 6.3.0.0 Voting System
- ☐ ES&S EVS 5.2.4.0 Voting System
- ☐ ES&S Unity 3.4.1.1 Voting System
- ☐ Hart InterCivic Verity 2.5 Voting System

STEP 3: TEST THE PROPOSED VOTING SYSTEM

The county board must either: (1) test the proposed voting system in at least one precinct where the voting system would be used if adopted, or (2) test the proposed voting system in a simulated election.

- County board staff must notify State Board voting systems staff via email (votingsystems.sboe@ncsbe.gov) of its intent to test the recommended voting system.
- The voting systems election management system and the components of the system must undergo Logic & Accuracy testing prior to use in the test election.
- After completing the test election, the county board must determine that the recommended voting system has met the requirements for voting in that county.
- Simulated elections must be conducted in accordance with the Standards for Simulated Election policy.

<input type="checkbox"/>	On _____, the county board staff notified the State Board of Elections voting systems staff of its intent to test the recommended voting system.
<input type="checkbox"/>	The recommended voting system was tested on _____. The voting systems election management system and all of the components of the system were subject to Logic & Accuracy testing prior to use in the test election.
<input type="checkbox"/>	If tested during a real election, the recommended voting system was tested in _____ one-stop absentee voting site(s) and/or _____ Election Day precinct(s).
<input type="checkbox"/>	The Board, having completed its election (real or simulated) in which the recommended voting system was tested, has determined that the recommended system meets the requirements for voting in the county.

STEP 4: SBE APPROVAL

The county board must obtain the approval of the State Board before replacing any voting system, or any portion thereof.

The County Board seeks the approval of the State Board of Elections to replace its current voting system, or a portion thereof, with the following voting system:

☐ Hart InterCivic Verity 2.5 Voting System

☐ ES&S Unity 3.4.1.1 Voting System

☐ ES&S EVS 6.3.0.0 Voting System

☐ ES&S EVS 5.2.4.0 Voting System

The Board proposes to adopt and acquire the voting system's election management system (EMS) and the following components of the system:

Component Type	Model	Quantity
<i>Precinct Ballot Tabulator (PBT)</i>		
<i>Central Ballot Tabulator (CBT)</i>		
<i>Ballot Marking Device (BMD)</i>		
<i>BMD Printer</i>		
<i>Ballot on Demand (BOD) Printers</i>		

The Board proposes to use the _____ ballot marking device and its accessible peripherals to meet ADA requirements to allow for accessible voting.

Along with this request, the County Board is submitting the proposed vendor contract to permit the State Board of Elections to review and approve the terms of the vendor's contract.

THE COMPLETION OF THE FORGOING STEPS IS ATTESTED TO AND THE REQUEST FOR APPROVAL OF VOTING SYSTEM REPLACEMENT IS HEREBY MADE BY:

Board Chair:	_____	Date:	_____
Board Secretary:	_____	Date:	_____
Board Member:	_____	Date:	_____
Board Member:	_____	Date:	_____
Board Member:	_____	Date:	_____

State Board of Elections use only		
The proposed voting system replacement <input type="checkbox"/> IS <input type="checkbox"/> IS NOT approved.		
Approved by:		Date:

STEP 5: ADOPTION AND ACQUISITION OF NEW VOTING SYSTEM BY BOARD OF COUNTY COMMISSIONERS

Following SBE approval, the County Board understands that it may then proceed to ask its Board of County Commissioners for the approval and funding to acquire the recommended voting system. The board of county commissioners, with the approval of the county board of elections, may adopt and acquire only a voting system of a type, make, and model certified by the State Board for use in some or all voting places in the county at some or all elections. The board of county commissioners may decline to adopt and acquire any voting system recommended by the county board of elections but may not adopt and acquire any voting system that has not been approved by the county board of elections.



NORTH CAROLINA

STATE BOARD OF ELECTIONS

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

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

Fax: (919) 715-0130

Standards for Simulated Election

Adopted by the State Board of Elections on July 31, 2020

(Amended March 28, 2023)

Authority

G.S. § 163-165.9(a)(3)(b), as amended by Part IV of Session Law 2019-239, authorizes a county board of elections to test new voting equipment “during a simulated election, in accordance with standards established by the State Board.” The simulated election may be conducted in lieu of testing a new voting system during an election in at least one precinct in the county where the voting system would be used if adopted and acquired.

Standards

A county board of elections conducting a simulated election before approving the adoption and acquisition of any voting system shall complete the following procedures:

1. One standard test election shall be coded by precinct with the following additional “administrative polls”: absentee by mail, provisional, election day transfer and at least three one-stop sites. Contests will model actual election contests and include at least the following: federal partisan single-seat contests; state partisan single-seat contests, including unaffiliated candidates and at least one qualified write-in; county partisan single-seat and multi-seat contests; nonpartisan single-seat and multi-seat contests which allow write-ins; and at least one referendum question.
2. If applicable to the voting system being tested, a second sample election will be coded by style with the same criteria listed in paragraph 1.
3. The county board shall use equipment and coding for 10% of all county precincts or 5 precincts, whichever is greater (unless 5 exceeds the maximum number of precincts, in which case, use equipment and coding for the number of actual county precincts). Additionally, the county shall test all administrative polls, including at least one one-stop site per ten precincts up to a maximum of three one-stop sites. A number of ballots necessary to generate a complete nonrepeating test deck, rounded up to the next multiple of ten ballots, shall be printed. The county board will set up all necessary voting equipment, and testing personnel

shall vote simulated election ballots according to standard ballot marking instructions for the purpose of ensuring that the system is operating properly and has been programmed to count votes accurately.

4. After all simulated voting sites have been opened, voted, and closed, the county board will import results into the election management software, print reports, and compare results against the tabulator results tapes.
5. The State Board of Elections will provide the county board of elections at least two sites chosen at random for a hand-eye sample audit. With each chosen site, the highest contest on the simulated election ballot and one other contest selected at random will be audited.
6. County board of elections members and staff may conduct the simulated election. If possible, the county board of elections shall include precinct officials in the simulated election event. The public shall be invited and may observe the simulated election event.
7. All records, ballots, and related documents for the simulated election shall be retained for 5 years after the testing event and in accordance with the Records Retention and Disposition Schedule for County Boards of Elections as issued by the North Carolina Department of Cultural Resources, specifically item 23, "Voting Machine Lists, Testing Records and Certifications."
8. If the county board of elections seeks approval from the State Board to replace the current voting system with the system tested in the simulated election, the following documentation shall be provided with the request as evidence of the simulated election:
 - a. Summary election results report(s);
 - b. By precinct election results report(s); and
 - c. Copies, or a link to digital copies, of tabulator results tapes.

EQUIPMENT PURCHASE OPTIONS

HART INTERCIVIC

BASIC EQUIPMENT PACKAGE

31 Verity Scan ballot scanners @ \$6,370	\$197,470
28 ADA Verity Touch Writers w/ Access @ \$5,500	\$154,000
Verity Computer Workstation	\$5,900 (w/ 5 yr warranty)
Verity Count Software	\$12,000
Brother Laser Printer	\$795
140 vDrive Flash memory cards @ \$66	\$9,240
3 Verity Key electronic security token @\$109	\$327
Ballot Transport Bags 31 @ \$150	\$4,650
Battery Charger 2 @ \$704	\$1,408
Implementation Services	\$24,000
<u>Annual license and support fee</u>	<u>\$12,242</u>
Total with NC Discount not including shipping	\$278,416

HART INTERCIVIC RECURRING COSTS

Annual license and support fee	\$12,242
Extended Warranties	
Verity Print 12 @ \$60	\$720
Verity Scan 31 @ \$120	\$3,720
Verity Touch Writer 28 @ \$60	\$1,680
Total	\$18,362

BALLOT ON DEMAND

12 Verity Print units @ \$6,100	\$73,200
24 vDrive Flash memory cards @ \$66	\$1,584
12 Autoballot Kits @ \$499	\$5,988
<u>Annual License and support fee</u>	<u>\$2,050</u>
Total with NC Discount not including shipping	\$53,263

ES&S / PRINTELECT

ASIC EQUIPMENT PACKAGES

DS300 PACKAGE

29 DS300 ballot scanners w/ 4GB @ \$5,995	\$173,855
2 DS300 ballot scanners w/ 8GB @ \$6,110	\$12,220
31 DS300 ballot boxes @ \$995	\$30,845
10 4GB memory devices @ \$115	\$1,150
28 ADA Express Votes @ \$3,660	\$102,480
28 Express Vote cases @ \$250	\$7,000
2 4GB memory devices @ \$115	\$230
1 Pack Express Vote ballot stock	\$26.25
2 Implementation Services @ \$2,050	\$4,100
Election On-Site Support	\$5,675
<u>Tabulation Equipment Installation</u>	<u>\$7,685</u>
Total with Customer Loyalty Discount and Trade In (not including shipping)	\$309,386.25

EVS 6.3.0.0 COMPUTER WORKSTATION **\$4,149**

DS200 PACKAGE

31 DS200 ballot scanners @ \$6,140	\$190,340
31 Tote bins @ \$395	\$12,245
10 4GB memory devices @ \$115	\$1,150
2 Implementation Services @ \$2,050	\$4,100
1 Election On-Site Support	\$5,675
<u>Tabulation Equipment Installation</u>	<u>\$4,185</u>
Total with Customer Loyalty Discount and Trade In (not including shipping)	\$176,043

EVS 5.2.4.0 COMPUTER WORKSTATION **\$3,495**

ES&S / PRINTELECT RECURRING COSTS**DS200**

Annual Reporting and Media Burn	\$12,400
Annual Hardware Maintenance / Extended Warranties	
DS200 31 @ \$320	\$9,920
Automark 28 @ \$420.46	<u>\$11,772</u>
Total	\$34,092

DS300

Annual Reporting and Media Burn	\$12,400
Annual Hardware Maintenance / Extended Warranties	
DS300 31 @ \$330	\$10,230
Express Votes 28 @ \$215	<u>\$6,020</u>
Total	\$28,650

BALLOT ON DEMAND

12 Compact Printer with firmware @ \$665	\$7,980
12 Laptop Computers with Router @ \$1,725	\$20,700
12 Balotar software licenses	\$31,000
Implementation Services	<u>\$2,050</u>
Total	\$71,570

BALLOT ON DEMAND ANNUAL WARRANTY/MAINTENANCE/SUPPORT FEE

12 Balotar Licenses @ \$775	\$9,300
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EZ CART

19 VC EZ CART 3000 @ \$1,875	\$35,625
2 VC EZ CART 3000 @ \$1600	<u>\$3,200</u>
Total not including shipping	\$38,825



WATAUGA COUNTY BOARD OF ELECTIONS

County Courthouse ♦ 842 West King Street Boone, North Carolina 28607

A RESOLUTION TO PRELIMINARILY RECOMMEND TO THE WATAUGA COUNTY BOARD OF COMMISSIONERS THE ADOPTION AND ACQUISITION OF VOTING EQUIPMENT

WHEREAS, the Watauga County Board of Commissioners, with the approval of the Watauga County Board of Elections, may adopt and acquire only a voting system of a type, make, and model certified by the State Board for use in some or all voting places in the county at some or all elections in accordance with G.S. 163-165.8;

WHEREAS, the Watauga County Board of Elections must recommend the adoption and acquisition of any voting system by the Watauga County Board of Commissioners after completing the requirements in G.S. 163-165.9(a);

WHEREAS, the Watauga County Board of Elections must recommend to the Watauga County Board of Commissioners which type of voting system should be acquired by the county, pursuant to G.S. 163-165.9(a)(1);

WHEREAS, the Watauga County Board of Elections has witnessed a demonstration in the county of the type of voting system being recommended, and has also witnessed a demonstration of at least one other type of voting system certified by the State Board of Elections as required by G.S. 163-165.9(a)(2);

WHEREAS, the Watauga County Board of Elections will seek approval from the State Board of Elections prior to replacing any voting system, pursuant to G.S. 163A-165.9(b)(3);

WHEREAS, the Watauga County Board of Elections plans to make a final recommendation to the Watauga County Board of Commissioners on the adoption and acquisition of a voting system at its June 8, 2025 meeting.

THEREFORE, BE IT RESOLVED that the Watauga County Board of Elections hereby preliminarily recommends that the Watauga County Board of Commissioners adopt and acquire the following certified voting equipment pursuant to G.S. 163-165.9(a)(1):

Voting Type: DS300 and Express Vote (Hand marked paper ballots with ballot marking device for ADA compliance)


Vendor: ES&S / PRINTELECT

Number of Units 31 DS300 and 28 Express Votes

Evs 6.3.0.0 Computer Workstation

**Voting System Cost to County: \$313,535.25
(not including shipping)**

Adopted this the 13th day of May 2025.


Michael Behrent, Chair
Watauga County Board of Elections



WATAUGA COUNTY BOARD OF ELECTIONS

County Courthouse ♦ 842 West King Street Boone, North Carolina 28607

A RESOLUTION TO PRELIMINARILY RECOMMEND TO THE WATAUGA COUNTY BOARD OF COMMISSIONERS THE ADOPTION AND ACQUISITION OF VOTING EQUIPMENT

WHEREAS, the Watauga County Board of Commissioners, with the approval of the Watauga County Board of Elections, may adopt and acquire only a voting system of a type, make, and model certified by the State Board for use in some or all voting places in the county at some or all elections in accordance with G.S. 163-165.8;

WHEREAS, the cost to acquire a new voting system is substantial.

WHEREAS, the lifetime of the new voting system is impacted by the care in which it is maintained.

WHEREAS, the average age of our election officials is over seventy years old.

WHEREAS, the volume and weight of the voting systems and supplies has continued to grow over the years.

WHEREAS, ensuring the correct items are delivered to the correct voting sites is critical to operations.

THEREFORE, BE IT RESOLVED that the Watauga County Board of Elections hereby preliminarily recommends that the Watauga County Board of Commissioners adopt and acquire the following voting equipment.

Vendor: PRINTELECT


Number of Units 19 VC EZ CART 3000 @ \$1,875 each

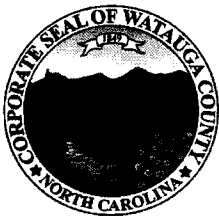
Vendor: CALDWELL COUNTY BOARD OF ELECTIONS

Number of Units 2 VC EZ CART 3000 @ \$1,600 each

**Voting System Cost to County: \$38,825
(not including shipping)**

Adopted this the 13th day of May 2025.


Michael Behrent, Chair
Watauga County Board of Elections



WATAUGA COUNTY BOARD OF ELECTIONS

County Courthouse ♦ 842 West King Street Boone, North Carolina 28607

A RESOLUTION TO PRELIMINARILY RECOMMEND TO THE WATAUGA COUNTY BOARD OF COMMISSIONERS THE ADOPTION AND ACQUISITION OF VOTING EQUIPMENT

WHEREAS, the Watauga County Board of Commissioners, with the approval of the Watauga County Board of Elections, may adopt and acquire only a voting system of a type, make, and model certified by the State Board for use in some or all voting places in the county at some or all elections in accordance with G.S. 163-165.8;

WHEREAS, the Watauga County Board of Elections must recommend the adoption and acquisition of any voting system by the Watauga County Board of Commissioners after completing the requirements in G.S. 163-165.9(a);

WHEREAS, the Watauga County Board of Elections must recommend to the Watauga County Board of Commissioners which type of voting system should be acquired by the county, pursuant to G.S. 163-165.9(a)(1);

WHEREAS, the Watauga County Board of Elections has witnessed a demonstration in the county of the type of voting system being recommended, and has also witnessed a demonstration of at least one other type of voting system certified by the State Board of Elections as required by G.S. 163-165.9(a)(2);

WHEREAS, the Watauga County Board of Elections will seek approval from the State Board of Elections prior to replacing any voting system, pursuant to G.S. 163A-165.9(b)(3);

WHEREAS, the Watauga County Board of Elections plans to make a final recommendation to the Watauga County Board of Commissioners on the adoption and acquisition of a voting system at its June 8, 2025 meeting.

THEREFORE, BE IT RESOLVED that the Watauga County Board of Elections hereby preliminarily recommends that the Watauga County Board of Commissioners adopt and acquire the following certified voting equipment pursuant to G.S. 163-165.9(a)(1):

Voting Type: Balotar Ballot on Demand (Hand marked paper ballots with ballot marking device for ADA compliance)
Vendor: ES&S / PRINTELECT
Number of Units 12 Balotars
Voting System Cost to County: \$71,570
(not including shipping)

Adopted this the 13th day of May 2025.


Michael Behrent, Chair
Watauga County Board of Elections