

## Ep. 114 Everything You Need to Know About Voting in North Carolina

**Judith Kelley** [00:00:04] Imagine you've just filled out your ballot and you're walking up to the machine to deposit your ballot into the slot. Do you ever experience a brief moment of uncertainty? How do you know your vote will be counted? What if you scribbled outside the bubble on one option? How do you know the machine isn't simply shredding your ballot on the other side? And who runs these elections anyway? Elections really are the bedrock of our democracy. But for so many of us, the process around the ballot box is a black box, a total mystery. This year, the doubts and uncertainty surrounding the election are at an all time high as our circumstances are forcing massive changes in our normal election experience. Today, we're taking a look behind the curtain to see what actually happens during elections and just how your vote counts and is counted. I'm your Judith Kelley, and this is Policy 360. My guest today is perhaps the most qualified person to talk about the election process in North Carolina because he heads the team that makes it all happen. Damon Circosta is the chair of the North Carolina State Board of Elections, the state agency in charge of administering the election process and monitoring campaign finance, disclosure and compliance. He's also the executive director and vice president of the A.T. Fletcher Foundation, which supports public charities that serve North Carolina residents and even more importantly, an adjunct instructor at the Sanford School of Public Policy here at Duke University. Welcome, Damon. Thanks for joining me today.

**Damon Circosta** [00:01:40] Thanks, Dean Kelley. And I have to say, I agree with you. The most fun and enjoyable thing I've got going on right now is my teaching appointment at Duke. The students there are always a pleasure to be around and it's good to be with you!

**Judith Kelley** [00:01:51] So what does the Board of Elections do?

**Damon Circosta** [00:01:54] Well, so most states in the United States have a an elected official administer the elections. So people are familiar with hearing about the secretary of state of California or Michigan who administers the election.

**Judith Kelley** [00:02:06] Right.

**Damon Circosta** [00:02:06] Here in North Carolina, we have a five member board of elections and the board is appointed by the governor and it's got both Republicans and Democrats on it and our job is to just make sure that voting happens. So we administer the elections. We're the ones who oversee the county boards of elections. And those are the folks who make the day to day decisions on how the election will be conducted in their county. And our job is really to just make sure that democracy works, that your vote counts. And we do it every day, 365 days a year, even though Election Day isn't nearly as many days in the year.

**Judith Kelley** [00:02:38] Well, what what do you mean you do it every day? I mean, what are you doing in January?

**Damon Circosta** [00:02:43] The thing about elections that most people who interface with this system is they only see what happens on Election Day or maybe primary election day. But there is a tremendous amount of work going into the organization, the administration, making sure that the policies and procedures are on point, making sure that everything goes off without a hitch. I like to think of it like a shuttle launch. You know, the astronauts go up once a year. Our job is to be NASA and making sure that everything that happens on that shuttle launch happens with accuracy and accessibility and security.

**Judith Kelley** [00:03:14] Wow. You're making this sound so sexy.

**Damon Circosta** [00:03:17] Well, the election administrative community is finally having their moment in the sun. You know, we've toiled in obscurity for decades, and this year it seems like everybody wants to talk to your local election official.

**Judith Kelley** [00:03:30] True. True. So you said before that this board has both Republicans and Democrats on it. So how does the board manage the discussions they have and their affiliations and still sort of administer the duties of the board in a dispassionate way?

**Damon Circosta** [00:03:49] Well, certainly people who have a more partisan background and we are all nominated by political parties. In these polarized times, it seems that it's almost impossible for people to get together on anything. But I would say that in the Board of Elections in the election administration context, we've got a very healthy and long history of working with one another. We might not always agree, but we all understand that our job isn't to decide the election. Our job is to make sure that voters decide the election. And what we work on is making sure that whatever process that we come up with is fair, is accessible and is secure. So we're really just we're the plumbers of democracy. We're just making sure the pipes work.

**Judith Kelley** [00:04:33] All right. So how many pipes are you, are you keeping working right now? Like how many precincts and early voting sites and stuff do we have across the state?

**Damon Circosta** [00:04:39] Here in North Carolina, we will have over twenty five hundred Election Day precincts. We also have two other avenues by which North Carolinians can vote. So the traditional way is Election Day. That's November 3rd and there'll be twenty five hundred precincts. Every voter in North Carolina is assigned to a precinct and you can vote in that precinct. But in North Carolina, we have two other ways in which you can vote. One is early voting and early voting starts on October 15th. Runs to October thirty first. And so long as you're registered in the county, you can vote at any early voting location in the county. An additional advantage of early voting is it has a one stop component, meaning you can register and vote on the same day.

**Judith Kelley** [00:05:19] So you don't have to be registered in the county. Actually, you can just go there.

**Damon Circosta** [00:05:22] You have to live within the county.

**Judith Kelley** [00:05:24] Right.

**Damon Circosta** [00:05:24] And you can go and register to vote using the early voting period, October 15th to the thirty first. The last way in which North Carolinians can vote is a way that has been on our books for a long time, but is getting special attention here in the Corona virus and that's absentee vote by mail. And the way in which you do that is a registered voter can request an absentee ballot. They don't have to have any excuse. Some states require that you prove that you're out of town. No excuses required and what you do is, is you request your ballot, you fill out your ballot, you sign the outside envelope, you have a witness do the same thing, making sure that they saw that it was you who

voted and then you send it back to us. All three ways are accessible, all three ways are secure. And we are already seeing North Carolinians across the state cast their ballots.

**Judith Kelley** [00:06:13] That's great. But twenty five hundred. That's a lot. I mean, are you, are you going to have enough poll workers? I mean, with with COVID and everything going on, I imagine not a lot of people are like volunteering to hang out in close quarters for extended periods of time.

**Damon Circosta** [00:06:27] Well, Dean Kelly, I will say this, one of the many, many things that heartens me about being a North Carolinian is the way North Carolinians stepped up to make sure that their their neighbors and fellow citizens could vote. So, yes, like many places, we were concerned earlier this summer that we wouldn't have enough poll workers. Many of the poll workers that we have had historically are in higher risk for COVID-19 because of age. And we were concerned that we weren't gonna have the requisite labor force to get this done. We need roughly thirty five thousand people to serve as election officials throughout the course of the election season. So that's somewhere between five and ten thousand to conduct early voting and absentee vote by mail and then twenty five thousand on Election Day.

**Judith Kelley** [00:07:14] How do you train that many people?

**Damon Circosta** [00:07:16] With a lot of time and energy. It's one of the many things we're doing in those other 364 days a year is...

**Judith Kelley** [00:07:21] Right.

**Damon Circosta** [00:07:21] Training all of our election officials. We were worried about the shortage. And while we were worried about this shortage, we launched a campaign. It was called the Democracy Heroes Campaign. And we at the state board of elections basically created an interest form where any North Carolinian could indicate their interest. And we would forward that to the relevant counties so that they could get trained up and ready to go. We had over forty thousand North Carolinians indicate their interest. This is in addition to all the work that all 100 counties do to to recruit their poll workers.

**Judith Kelley** [00:07:55] Right.

**Damon Circosta** [00:07:56] And, we don't anticipate any poll worker shortages either on Election Day or during early voting. And I'll tell you what, that right there speaks to democracy. That makes me feel good about living in a society where the voters get to choose is that people from all walks of life, young people, older folks, stepped up to make sure that their fellow citizens could vote. And I couldn't be happier.

**Judith Kelley** [00:08:17] I mean, that's great. But how do you screen these people? How do you know you don't just have people sign up who are going to like stuff stuff in their pockets while they're counting?

**Damon Circosta** [00:08:24] So the good news is, is, one, they're all heavily trained, heavily supervised, and they all take an oath and under that oath, they choose to put their partisan politics aside and engage in the, the really tough work of making sure everybody can vote. And, the way in which we set up every precinct, in the way in which we set up every county board of elections is there's a lot of redundancy and overlap. So Republicans and Democrats are looking at ballots to make sure that they're accurate and Republicans

and Democrats are checking voters in side by side so that there's no real opportunity for one actor to engage in any chicanery.

**Judith Kelley** [00:08:59] All right. But what about the voting equipment itself? Like what kind of voting equipment are we using here in North Carolina and can, can it be hacked? Is it reliable?

**Damon Circosta** [00:09:08] One of the security features of North Carolina's election system, as it is with most places, is it's distributed. So in North Carolina, each county procures their own voting equipment and they are only allowed to procure voting equipment that has been certified by both the state board of Elections and a federal agency called the Election Assistance Commission. And so these machines have been tested and they defend against any sort of cyber security issues and all that sort of stuff. And most importantly, they're really not hackable. They are not connected to the Internet. That was a state law that was passed many years ago. They are kept with a good chain of custody. So we know everybody who's been able to be around those machines or see those machines. And really, if you're trying to hack, quote unquote, an election, the better way people try to hack is try and hack the minds of the voters. So we saw this in 2016 with the Russian interference.

**Judith Kelley** [00:10:04] Right.

**Damon Circosta** [00:10:05] They realized they couldn't actually get into the very secure voting machines. So what they tried to do is create fictitious accounts on Facebook and spread mistruth. So really, the hacking in North Carolina is not going to be the election machines themselves. They are very secure. What we have to be worried about is misinformation. And the way in which we proof against that is making sure that we're getting information from trusted sources. And more than one source.

**Judith Kelley** [00:10:31] So it's great to know that it's pretty hard to hack a full election and some of the stuff that I've been talking about when when talking about these issues is that elections also decentralized, that it's it's kind of difficult to really orchestrate a coordinated attack of a scale that would that would really tip the balance. But, you know, in the last election, the governor's race was incredibly close. And it's possible that if you just kind of tweaked a few things in one precinct, that could actually really matter. So what are some of the mechanisms we have for for flagging what might be irregularities if they were to occur? How does that show up?

**Damon Circosta** [00:11:17] Good question. Well, a couple of things to think about there. First of all, we have the ability to audit every single vote that happens in North Carolina. So we moved to an all paper balloting system, which means that regardless of whether or not you go in and fill in a bubble or use a computer to mark a ballot, every single ballot is made of paper. And we secure those away and we can go in and if we need to, count them by hand. So so we've got mechanisms in place to ensure that we can audit any vote afterwards. Second, the decentralization that you talked about is certainly a feature. It helps us make sure that we won't get any broad scale statewide cyber attack or something like that.

**Judith Kelley** [00:11:57] Right.

**Damon Circosta** [00:11:57] What it also makes sure that we do is when we have such different mechanisms for voting, we have to test all of them and we have to make sure that

they're accurate before they're deployed. And we have to make sure that they weren't tampered while they're doing that. That work is a tremendous amount of work. But that's really what our agencies involved in throughout the year, not just on Election Day.

**Judith Kelley** [00:12:17] So it's kind of like, you know, we've got all those fires going out, on in California right now. It's a little bit like there are filings sort of around every tiny cluster of trees.

**Damon Circosta** [00:12:29] Well, that's that's a good analogy. Yeah, I think that's a way in which we we think about security is is that every single vote has to be secure and every single vote has to be accessible to every citizen and so so we do a phenomenal amount with transparency. You know, the public can see what we're doing. We make sure that what we do isn't controlled by one political faction or another. And we make sure that there's several layers of redundancy throughout the system to make sure that your vote counts.

**Judith Kelley** [00:12:58] So let's talk a little bit about mail in ballots again, because or absentee ballots, as they're called, also because that seems to be really what a lot of folks are interested in and what a lot of people may be doing indeed for for the first time, right? Because they may have been able to cast in person before, but this time they just don't want to go. So we already explained how it works and one can accept, you know, or request a ballot online. Are there other ways you can request a ballot than online? Is there a phone number you can call or?

**Damon Circosta** [00:13:27] Indeed. So, so you can write to your county board of elections. You can mail to your county board of Elections. You just have to send them what's called an absentee ballot request form and many folks are getting those mailed by civic groups to their house. You can certainly go to the county board of Elections and have them. You can download them on a computer. Public libraries have them...

**Judith Kelley** [00:13:47] Right.

**Damon Circosta** [00:13:47] From time to time. So, yeah, there's many different ways in which you can request. The one that I think is sort of funny is is the ability to fax one in. I haven't used a fax machine in many, many years, but apparently they still exist and we will accept a fax ballot request form. So once you send your request in, then we have to check you up against the voter registration database.

**Judith Kelley** [00:14:07] Right.

**Damon Circosta** [00:14:07] And then we send you out a ballot. We send it to you with a what's called an absentee ballot container return envelope. But it's basically just an envelope that once you're done completing your ballot, you put your ballot inside, you seal it, and then you sign the outside of it and you get a witness to sign the outside of it.

**Judith Kelley** [00:14:24] No security envelope sleeve in North Carolina right?

**Damon Circosta** [00:14:27] No. Some states have a second security envelope that you have to put in addition to that. And we do not have such a thing.

**Judith Kelley** [00:14:34] So I actually already voted by absentee ballot and I was able to log in and I could see that you have received my ballot. And it says my ballot has been accepted.

**Damon Circosta** [00:14:43] Isn't that wonderful?

**Judith Kelley** [00:14:44] It's great. Does that mean too that I didn't mess up? Can I assume now that I didn't mess up?

**Damon Circosta** [00:14:49] That is correct. I'll I'll walk you through the process. So the ability for you to see that online was a feature we put in place this year, mostly in response to the overwhelming interest we've seen in absentee vote by mail due to the corona virus. So...

**Judith Kelley** [00:15:02] Right.

**Damon Circosta** [00:15:03] In a typical year, we get, you know, roughly four percent of our voters choosing to absentee vote by mail and we could see anywhere between 20 and 30 percent of voters choose that mechanism this time.

**Judith Kelley** [00:15:13] So what if I had messed up, though? I mean, would I have been told?

**Damon Circosta** [00:15:16] Certainly. So what happens is, is you tracked your ballot through ballot tracks and your ballot has been accepted, which means that at a Board of Elections meeting, a county board of elections meeting, both Republicans and Democrats looked at the outside container return envelope, made sure that everything was in order, verified that you hadn't sent in a different ballot somewhere else. So you only obviously can send in one and then they remove your ballot from the envelope. They scan it into the tabulation machine and there it awaits tabulation on Election Day. We don't count our votes before Election Day, but we do everything but count them. So it's ready to be tabulated on on Election Day. Had you messed up, had there been some sort of error, you didn't sign the thing or the witness address was missing or some such thing. You will be notified, and that notification is still even at this late date. What we want you to do after being notified is is the subject of many a litigation and hopefully they'll get some resolution here in the next wee little bit. But regardless if you did mess up, you would be notified and we would find some way to make sure that you can still cast your ballot.

**Judith Kelley** [00:16:25] And I could always go to the Web site of the, of the Board of Elections and it would tell me what to do.

**Damon Circosta** [00:16:30] Yeah. Yeah. And one of the things that we're trying to we're trying to wait for the courts to figure out is, is what do you do if your ballot is messed up? If a witness didn't sign it? How do we make sure that you can get your vote cast? The good news is the overwhelming majority of the folks who have cast a ballot, 97, 98 percent have had no problems. But that doesn't mean we can rest easy because that means two percent of our fellow citizens need to do something in order to make sure their vote counts. And that's what we'll spend a good bit of our time on here in the coming weeks.

**Judith Kelley** [00:17:02] It also turns out I think there was an investigation recently that show that African-Americans and minorities are more likely to have errors on their ballots

and have them rejected at a double or triple rate, which I mean, we're still talking small numbers, but still a little a little concerning.

**Damon Circosta** [00:17:22] Oh, I'd say more than a little disconcerting. Dean Kelly, as you know, the history of election administration in this country is not a history of inclusion particularly as it contains as it pertains to African-Americans. You know, the franchise was purposely withheld from Black voters for years and years. Even to this day, there's concerns about that. So when you say it's a little disconcerting, it's more than just that. We are trying to understand why there's been a higher rejection rate of African-American ballots. One supposition is that historically, African-Americans have not used this method of voting at the same rates that white voters have. And because it's a new method of voting, different from voting in person, that might create some of those those challenges. Regardless, it's my contention that democracy only works if every single eligible voter is able to cast their ballot. And so while there's a very low rate of ballots that are being withheld or needing some further action taken, even one is too much. And we have to make sure that we do everything we can to fix that.

**Judith Kelley** [00:18:27] Did you guys learn anything from when you were running the primaries on March 3rd?

**Damon Circosta** [00:18:32] I hazard to say that anybody in 2020 was lucky. But in one sense, North Carolina election administration officials were lucky. And here's why. The first documented Corona case in the capital county occurred on primary election day. So we were able to conduct our primary election without having to be concerned about the pandemic. There was two races in the state, a second primary in the 13th Congressional District and a county commissioners race in Columbus County that needed to have a second primary in June, which was a small and manageable number, but also gave us an opportunity to trial run some of our new Covid procedures. We were able to do that and we learned a lot. First, we learned that voters are going to choose different methods. So we had to be prepared for the more absentee vote by mail. Second, that voting in person is entirely safe if you take the right precautions, which we've done, which is lots of social distancing, mask and PPE for all of our voter personnel and voters who come to us, and proper ventilation and we're ready to go on all that and Election Day voting and early voting in person will be more secure than going to a trip to Walgreen's.

**Judith Kelley** [00:19:46] That's good to hear. So speaking of voting in person, so if I did get a, now I did send in my absentee ballot but imagine that I had decided, you know, I want to go and make a statement. I want to vote in person. That's what I want to do. Can I do that even though, I, I got an absentee ballot?

**Damon Circosta** [00:20:01] So the answer is yes, you can vote, but you can only vote once in North Carolina, and whether or not you request an absentee ballot or not doesn't mean you can't go to the polls. So if you if you decided that you didn't want to send in an absentee ballot after you received it, you could shred it, put it in the trash and go to vote at your precinct on Election Day or go to early voting. And we've got security in place to make sure that everybody only votes once, right? So everybody's registered to vote. Had you shown up on Election Day, having already voted, if you did so intentionally, that's a crime.

**Judith Kelley** [00:20:34] Right.

**Damon Circosta** [00:20:34] If you did so inadvertently, we would know that you'd already voted and we would make you cast what's called a provisional ballot so that nobody

should walk away without actually having a chance to attempt to vote. But then we could sort out who the proper ballot was at a later time.

**Judith Kelley** [00:20:47] So, so one reason that folks might decide to not do absentee and go in person is because if it's getting late and they start to worry about having their ballots counted, maybe it doesn't come in in time, it won't matter. And we've heard some about that on a national level, too, about when counting can start. And does it matter? What if your your ballot doesn't arrive until afterwards? And does that matter? And does it still get counted? Can you talk a little bit about what the what the rules are here in North Carolina?

**Damon Circosta** [00:21:16] Sure. So I'll start with the notion of when will your ballot get counted? Well here in North Carolina, we're going gonna be what's called an early counted state and that's because unlike some of these other states, Michigan, Pennsylvania, etc., we begin that process like we did with your ballot right before Election Day. So all we have to do on Election Day to process all those early votes is tabulate them.

**Judith Kelley** [00:21:38] Right.

**Damon Circosta** [00:21:38] And we will do that on Election Day. So you can see a situation where by the end of Election Day, the overwhelming majority of North Carolinians votes will be known 90 to 96, 97 percent. We do have a concern about the post office and some delays. Currently, the law is, is that everybody who wishes to vote must do so by November 3rd.

**Judith Kelley** [00:22:02] Right.

**Damon Circosta** [00:22:02] And we will we will accept ballots under current state law until three days after. The question of whether or not we would accept them later than that three day deadline is the subject of some current litigation. We propose that given that the Postal Service has said that they've got a potential for a week to even maybe more of a delay, that we would make sure that we would count any vote that was postmarked by Election Day so long as it comes in nine days after. And that's the reason we chose nine days, is because that's the same amount of time we offer overseas and military voters to get their ballots in. And given the reason we've done that is given the challenges that some, you know, overseas mail has had. We've given them some extra time and we think that given some of the challenges that the postal offices has said they might have, we should give everybody that same deadline.

**Judith Kelley** [00:22:53] Right. So, OK, so let's talk a little bit about fraud, because a lot of talk about fraud at this time. And we actually had a fraudulent incidence in the last election with what's called ballot harvesting, with mail in ballots that somebody's absentee ballot. Somebody went around and collected some of these. And and I guess filled them in then and it ended up being discovered. And that election was was rerun. How do we avoid having something like that happen again?

**Damon Circosta** [00:23:25] Well, let's start with the fact here. First of all, ballot fraud, ballot harvesting, etc. is so exceedingly rare in United States politics that when it does happen, it's international news. Lightning struck in North Carolina in twenty eighteen. And we saw a very, very, very close congressional race and we saw a intentional effort that was conspiratorial in nature that could have affected in the order of a couple hundred ballots. But because it was so close that couple hundred ballots could have made the difference. Interestingly enough, it was known to state board of election officials the type of



work that that ballot harvesting regime was up to. And we were doing things as early as 2016 to see how to thwart it. We had some challenges getting law enforcement involved. Eventually, they did. The gentleman who engaged and led that ballot fraud is going to jail. And as he should.

**Judith Kelley** [00:24:22] Right.

**Damon Circosta** [00:24:23] So let's start with that, that ballot harvesting and ballot fraud is exceedingly rare. And when it does happen, we know about it. And so we can take the appropriate measures, as we did in 2018, to make sure that the legitimate vote is counted. So what we need to do in this pandemic is ensure that we give the system an opportunity to work. And by that, I mean we as voters need to have patience. The board of elections doesn't need to get the vote count fast, but we certainly need to get it right. We do think we're gonna get the overwhelming majority of it fast. We do have procedures in place to ensure that ballot fraud or ballot harvesting does not happen and if it were to happen, we would know about it. So so really what we're talking about is making sure that while we protect everybody's vote, while we make sure everything's secure, we don't inadvertently disenfranchise people by making it exceedingly hard for individuals to vote.

**Judith Kelley** [00:25:17] So there was something in The New York Times the other day that was talking about signature matching. And it was you could play a little game in which you had to try to match up signatures. And I totally messed up. I could not match the two signatures. And yet this is a feature we have on our mail in ballots or absentee ballots is that we have to sign them and then you folks have to try to match it up. So so how is that working?

**Damon Circosta** [00:25:41] The good news for us is that we don't engage in signature matching as the principal means by which we authenticate and secure your ballot. Some states use signature matching as their first line of defense. And as you said, there's a horrible error rate with that. Even AI can't get signature matching right. And so we only resort to the quote unquote signature match if we have some other indicia of this being an improperly cast ballot. What we do in order to make sure that your vote is yours is all the voter registration and voter registration matching we do, coupled with having a witness verify that you are the person who is voting in that absentee vote by mail. And then we couple that with if there is any problem or any concern, we have everything we need on file to go back and have conversations with the voter or have them appear at the county canvass to ask questions of the voter. The good news is rarely does that come into play because the ability to fraudulently create a conspiracy to get enough votes to overturn an election would require so many thousands of people that it would cave in on itself before it got very, very far.

**Judith Kelley** [00:26:53] I mean I mean, one might make an argument that if voter fraud was done really well, we wouldn't truly know it. But it's also true that academics and others, I know they get into scrutinizing all this data for years after an election to see whether or not there really was something that that was off, right? And so we do have a way of thinking about that.

**Damon Circosta** [00:27:16] Yeah. And you make a good point. That one, the academics and others do scrutinize these ballots year in, and year out, and they find that there really isn't the opportunity to create any sort of widespread fraud. What we do know that is, is that our procedures rely a lot on very different people from very different partisan backgrounds looking over each other's shoulders.

**Judith Kelley** [00:27:37] Right, right.

**Damon Circosta** [00:27:38] So we all have really a system where where it would be next to impossible to do anything that would would make the vote count inaccurate.

**Judith Kelley** [00:27:48] So if I, what kind of experience, am I going to have it at the polls if I go to the polls this time around? First of all, do I need to bring an I.D. and is there going to be really long lines?

**Damon Circosta** [00:27:58] So first of all, as it pertains to photo I.D., the voters in this state passed a constitutional amendment a few years ago requiring that every voter who votes in person shows a photo ID. The courts stopped that from being enforced in this election for a couple reasons, not necessarily the Constitutional amendment, but the implementing language that the General Assembly passed had some concerns about constitutionality. So that's a long way of saying you do not need to show a photo I.D. when you go to the polls in 2020. The question about whether or not there is going to be a long line. Well, we've got twenty five hundred of these precincts. We've got roughly a third of our voters anticipated to vote by mail.

**Judith Kelley** [00:28:37] Right.

**Damon Circosta** [00:28:37] And we've got an early voting period that starts on the 15th of October, runs through the thirty first. So we don't anticipate long lines. There might be some isolated, isolated incidents of long lines. You know, the folks on the news like to see long lines and say, great, look at how enthusiastic voters are. And election administrators like to say, woops, we didn't get enough folks there to process those ballots quick enough. So. So we're hopeful that there won't be long lines. What you will see there'll be a little different is a couple things. First of all, we'll have a mask for you if you didn't bring your own. We won't turn any voter away, but we're strongly encouraging every voter to wear a mask. All of our personnel will have you know mask, gloves, PPE, all that sort of stuff.

**Judith Kelley** [00:29:17] Right.

**Damon Circosta** [00:29:18] We'll have extra staff dedicated to making sure that the voting enclosure is sanitized and we'll have extra staff making sure that people remain socially distanced while in line. In addition to that, what you'll notice differently is everybody who comes will either get their own, if they're in a county that uses a touch screen, they'll get their own stylus to touch the screen. And if they're in one that uses a, a pin, they'll get their own single use pen. We have procured enough hand sanitizer to fill a swimming pool. So we'll have plenty of that for everybody and and I anticipate we'll have a quick, enthusiastic and I'm very hopeful that we'll have a courteous crowd. You know, we've been hearing reports from other states about voter intimidation and issues like that. I don't think we're going to be that way in North Carolina because North Carolinians have a history of even if they disagree vehemently, that they're going to respect their fellow citizens right to have their voice heard as well. And so while we're prepared if there are issues of voter intimidation and we won't tolerate it, I really don't think North Carolinians are going to do that because it's not the North Carolina way.

**Judith Kelley** [00:30:28] Certainly there, I was going to ask you about that, certainly because there's been a lot of talk about, you know, some some people encouraging other people to show up and and watch the polls. And and there are some voters that might feel

worried about that in a fairly charged environment where we've had, you know, civil unrest and such. So what are the rules about, you know, if I wanted to go and watch the poll myself. Like, how far away would I have to stay? What are the rules?

**Damon Circosta** [00:30:54] So one thing to note is nobody is allowed in the voting enclosure unless they are there to vote and then they have to leave immediately thereafter or unless they are an observer. And to become an observer, you need to get an appointment from one of the two major political parties and those happened beforehand. Or unless an election administrator. Those are the only people were allowed into the polling enclosure. The chief judge at each polling enclosure is not to let anybody else in and can also remove people who are intimidating, blocking, keeping others from voting. And if that person chooses not to respect the chief judge's admonition to leave, then law enforcement will be called and law enforcement will send you away.

**Judith Kelley** [00:31:37] When I go to vote, if I were going to vote, can I personally like wear my, my Trump or Biton shirt or whatever I want to.

**Damon Circosta** [00:31:44] You're not allowed to campaign in the voting enclosure. There's a 50 foot buffer from outside where the voting enclosure is that no campaigning is to be allowed. The way we handle your Trump or Biden sweater is so long as you're engaged in voting, we're not gonna ask you to remove pieces of clothing.

**Judith Kelley** [00:32:02] OK.

**Damon Circosta** [00:32:02] But you're not allowed to engage in any campaigning while you're inside the voting enclosure.

**Judith Kelley** [00:32:06] Right.

**Damon Circosta** [00:32:07] You are allowed, as all citizens are. The First Amendment right to be outside the buffer zone, to hand out slate cards to, you know, hold a sign to do any of the traditional First Amendment activities that are protected. But you're not allowed to intimidate voters. You're not allowed to harass voters. And you're not allowed to campaign inside that 50 foot enclosure.

**Judith Kelley** [00:32:28] So, Damon, this has been really helpful, this and answering a ton of questions that might be on the minds of lots of folks and certainly I've learned stuff. Now, the question we all have, though, is about how Election Day itself will roll out in terms of the timing of announcing results. And you said earlier that that we start opening the ballots early so that we're ready to just tabulate them on the day of election. Might we actually have a situation in North Carolina where the opposite happens from what has been discussed, which, you know, what's been discussed is that voters show up and vote in-person on Election Day. And then there's like this lag until all that the mail in ballots get counted. Could we actually have an early lead where the elect, where the mail in ballots are the results we get first or what are you expecting? What time do you think we can we can turn off the telly as far as North Carolina is concerned?

**Damon Circosta** [00:33:17] Basically put it this way. The polls close at 7:30 p.m. on November 3rd. It takes us roughly an hour or two to upload and tabulate all of the voting that happened by mail that we received November 2nd and before and all of the early voting totals that happened during the early voting period. We anticipate that could be somewhere north of 80 percent of the entire electorate in North Carolina. So somewhere

around eight thirty or nine thirty at night, you can see 80 percent of North Carolinians vote totals come in. And then over the course of the next few hours, as precincts start reporting and going through their process and that gets uploaded into our information system, you'll see that come in. You'll know with a great degree of certainty, we'll anticipate that we'll know how North Carolinians voted relatively early in the process, which I believe in the East Coast, which would be North Carolina and Florida will be sort of these early count states. And then we'll have to wait for the rest of the nation to get their process procedures done. But we could know a great deal of what's going on early on November 3rd. But the only way we're gonna know any of that is if North Carolinians get out and vote. And so I'll just ask everybody to do that and make sure that their vote is heard.

**Judith Kelley** [00:34:27] Well, Damon, on that note, so say that we got some listeners out there who weren't planning to vote because they thought it wasn't going to matter, they weren't going to get counted and they thought the whole thing was too fraudulent. And now they listen to you and they're like, wow, I'm impressed. And this looks like it's going to be a safe process and a secure process. And I'm going to I'm gonna get out there and vote. So are they are they too late? When are they...

**Damon Circosta** [00:34:48] Absolutely not. If you're registered to vote in North Carolina, you can vote now or you can vote on Election Day, November 3rd. If you're not registered to vote yet, you can still vote. But you have to use our early voting process October 15th through October thirty first, because we can register your vote at the same time.

**Judith Kelley** [00:35:06] And then I could also just walk in.

**Damon Circosta** [00:35:08] So you have to be registered to vote to vote on Election Day and that voter registration deadline was October. October 9th. So if you're planning on voting and you're not sure if you're registered. Go use our early voting process. Go to your local county board of Elections website. They'll tell you the hours and times of when they're open and find one near you and then go ahead and show up and they'll register you to vote.

**Judith Kelley** [00:35:29] Well, this has been really helpful. I hope folks will get out there and vote. And just as we as we finish off Damon, you did mentioned that being a professor here at the Sanford School has been your most enjoyable professional experience, but that said, what do you enjoy most about being chair of this board?

**Damon Circosta** [00:35:48] Good question. I don't want to sound too rosy. It's it's a true honor to serve the whole job is making sure that my fellow citizens have an opportunity to vote. And so being able to foster democracy in that way is a wonderful thing. I will say the people who work the board of elections, the staff and my fellow board members are wonderful people. And it's really just a pleasure.

**Judith Kelley** [00:36:11] Well, Damien, we are thankful for your service. We're thankful for all the poll workers that are volunteering. All the other folks in the state who are helping make our election safe and secure. Thank you so much for joining me. Damon Circosta is the chair of the North Carolina State Board of Elections. He currently is also an adjunct professor here at the Sanford School and the executive director and vice president of the AJ Fletcher Foundation. I'm Judith Kelley and we'll be back soon with another episode of Policy 360. So go vote everyone.