

08 NCAC 01 .0106 EMERGENCY POWERS OF EXECUTIVE DIRECTOR

(a) In exercising his or her emergency powers and determining whether the "normal schedule" for the election has been disrupted in accordance with G.S. 163A-750, the Executive Director shall consider whether one or more components of election administration has been impaired. The Executive Director shall consult with State Board members when exercising his or her emergency powers if feasible given the circumstances set forth in this Rule.

(b) For the purposes of G.S. 163A-750, the following shall apply:

- (1) A natural disaster or extremely inclement weather include a:
 - (A) Hurricane;
 - (B) Tornado;
 - (C) Storm or snowstorm;
 - (D) Flood;
 - (E) Tidal wave or tsunami;
 - (F) Earthquake or volcanic eruption;
 - (G) Landslide or mudslide; or
 - (H) Catastrophe arising from natural causes resulted in a disaster declaration by the President of the United States or the Governor.
- (2) An armed conflict includes mobilization, pre-deployment, or deployment of active or reserve members of the United States armed forces or National Guard during a national emergency or time of war.

(c) The Executive Director acting under G.S. 163A-750 to conduct an election in a district where the normal schedule for the election is disrupted must ensure that remedial measures are calculated to offset the nature and scope of the disruption(s). In doing so, the Executive Director shall consider the following factors:

- (1) Geographic scope of disruption;
- (2) Effects on contests spanning affected and non-affected areas;
- (3) Length of forewarning and foreseeability of disruption;
- (4) Availability of alternative registration or voting opportunities;
- (5) Duration of disruption;
- (6) Displacement of voters or election workers;
- (7) Access to secure voting locations;
- (8) Sufficiency of time remaining for the General Assembly and the Governor to adopt emergency legislation addressing the disruption;
- (9) Detrimental effects on election integrity and ballot security; and
- (10) Aggregate effects on important Federal and State certification deadlines.

*History Note: Authority G.S. 163A-750;
Eff. October 1, 2018;
Emergency Amendment Eff. March 20, 2020;
Emergency Amendment Expired on June 18, 2020 pursuant to G.S. 150B-21.1A(d)(3).*