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October 28, 2020

Rae Hunter-Havens, Director
New Hanover County Board of Elections
230 Government Center Drive, Suite 38
Wilmington, NC 28403
newhanover.boe@nhcgov.com

VIA E-MAIL

Re: State Board of Elections Guidance on Ballots Returned by Non-Family Members

According to observers, 26 ballots have been rejected in New Hanover County because the ballots were returned by a person who is not a member of the voter's family. Based on the law and guidance described below, these ballots have been rejected incorrectly and should be counted immediately.

The State Board is clear that the "county board shall not disapprove an absentee ballot solely because it was delivered by someone who was not authorized to possess the ballot," such as someone other than the voter's near-relative delivering the ballot.¹ Further, failure to comply with the "delivery of an absentee ballot by a person other than the voter, the voter's near relative, or the voter's legal guardian [] is not sufficient evidence in and of itself to establish that the voter did not lawfully vote their ballot."²

We would appreciate confirmation that the 26 ballots described above will be counted at your next Board meeting.

Sincerely,

WALLACE & NORDAN, L.L.P.



John R. Wallace
Counsel to the North Carolina Democratic Party

¹ Numbered Memo 2020-23 (Sept. 22, 2020) at 2-3. "Near relative" includes the voter's spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild.

² *Id.* at 2.