



## Voting Location Agreement

The purpose of this agreement is to provide each precinct with necessary information and requirements of a voting location. A precinct is formed by the Buncombe County Board of Elections by the authority of the state of North Carolina according to General Statute 163-128 and General Statute 163-129. The location agrees to have the premises open for use prior to the election as needed for delivery of equipment, Monday evening before the election for setup, on Election Day itself, and after the election for removal of equipment. Election equipment needed to conduct the election will be delivered by a delivery service 1-3 days prior to the election. The site will designate a pre-determined secure location to be stored until ready for use. The equipment will be removed by a delivery service 1-3 days following each election. Each location agrees to provide the following on premises furnishings for use on Election Day; tables, chairs, electricity, computer hook-up when available, and lighting. Further, any on premises restroom or break room facilities needed by the poll workers will be made available. These areas will be left in as good and clean condition as they were prior to use. Facilities not supported in whole or in part by tax dollars, may donate the use of their facility or charge up to a \$300.00 rental fee. The Board of Elections must, by General Statute notify the voters of a voting location's move **45 days** before an election. Please inform the Board of Elections **90 days** in advance if we need to move to another location so that we can make the required arrangements and notifications or if there are construction concerns we need to know about.

1. This agreement is made and entered into between, Voting Location Name, (hereinafter called the lessor) and the Buncombe County Board of Elections, 77 McDowell Street, Asheville, NC 28801, (hereinafter called the lessee).
2. The lessor agrees to allow the following facility/building(s)(hereinafter referred to as "premises") to be used by the lessee as a voting place for the \_\_\_\_ precinct.

The location to be used is known as Voting Location Name. The use shall include parking that is necessary for the effective use of any part of the premises that is needed to allow curbside voting and accessibility for disabled voters or voters with special needs.

3. It is understood that the premises to be used as a voting place are supported in whole or in part by tax revenues and that by operation of G.S. 163-129; the lessee has the right to demand and use such premises. The use of the premises as a voting place shall continue indefinitely until mutual agreement between the lessor and lessee provides otherwise.
4. The lessee and election staff will ensure that all election materials from such election-related activity are removed from the outside of the premises prior to leaving on Election Day. The lessee will further inform all candidates of the need to remove campaign items located at the premises after the election.
5. The lessor and lessee pledge to work with one another in a cooperative fashion and to keep each other fully and promptly informed of developments that might adversely affect the use of the premises as a voting place. The parties shall endeavor to reach mutual agreements that will allow the normal functions of the premises if possible during use by the lessee, but with the understanding that the lessee's voting place use must not be unreasonably hindered.
6. With the exception of injuries resulting from the condition of the premises to which Lessee and the Board of Elections has no control over, the Lessee agrees to hold harmless and indemnify the Lessor for any negligence resulting from the conduct or omission of any employee or agent of Lessee while using the premises as a voting precinct.

The following outlines use of the voting location for your information and planning.

- a. **The Board requests that the structure, or part thereof, be vacated so the election can be held. Only precinct officials, voters, Board of Elections officials and party observers are allowed in the voting enclosure during the hours of voting.**
- b. **In even numbered years there may be as many as three elections per year: a primary in May, a second primary (if needed) in June, and a general election in November. Elections are always on the first Tuesday after the first Monday.**
- c. **In odd numbered years, only municipal elections are held with the primary being conducted in October and the general election in November. During these odd numbered years, only precincts within the municipal boundaries of the City of Asheville, Black Mountain, Montreat, Weaverville, Woodfin, and Biltmore Forest participate. Elections are always on the first Tuesday after the first Monday.**
- d. **Traditionally the Democrat and Republican parties hold at least one precinct meeting per year at the precinct's voting location to elect their officers. They will contact you and we have encouraged them to give you sufficient notification of their meetings. While the tax supported voting location is not allowed to charge for the use of the space, it can charge a custodial fee and/or utility costs for the time used. (G.S. 163-129) We encourage privately owned voting locations to allow these organizational meetings if possible.**

- e. The Board of Elections will require those in control of the voting location to provide parking that is adequate for voters as determined by the Board of Elections. (G.S. 163-129)
- f. During Election Day the voting place will be marked with 50 foot boundary markers which outline the electioneering boundaries for candidates and their representatives. Furthermore, at least one handicap parking space, located closest to the entrance of the building, will be designated for Curbside Voting.
- g. Please be aware that only registered voters living within the precinct boundaries may vote at the voting location. This means that employees, staff and/or faculty associated with the facility must travel to their own assigned precinct to vote

Listed below are General Statutes 163-99, 163-128, 163-129, 163-166.3 and 163-166.4.

Please read these Statutes as they explain the impact of a voting location on your building.

If you should have any questions regarding the above policies/procedures, please do not hesitate to call 828-250-4200.

**§ 163-99. Use of schools and other public buildings for political meetings.**

The governing authority having control over schools or other public buildings which have facilities for group meetings, or where polling places are located, is hereby authorized and directed to permit the use of such buildings without charge, except custodial and utility fees, by political parties, as defined in G.S. 163-96, for the express purpose of annual or biennial precinct meetings and county and district conventions.

Provided, that the use of such buildings by political parties shall not be permitted at times when school is in session or which would interfere with normal school activities or functions normally carried on in such school buildings, and such use shall be subject to reasonable rules and regulations of the school boards and other governing authorities. (1975, c. 465; 1983, c. 519, ss1, 2.)

**§ 163-128. Election precincts and voting places established or altered.**

- (a) Each county shall be divided into a convenient number of precincts for the purpose of voting. Upon a resolution adopted by the county board of elections and approved by the Executive Director of the State Board of Elections voters from a given precinct may be temporarily transferred, for the purpose of voting, to an adjacent precinct. Any such transfers shall be for the period of time equal only to the term of office of the county board of elections making such transfer. When such a resolution has been adopted by the county board of elections to assign voters from more than one precinct to the same precinct, then the county board of elections shall maintain separate registration and voting records consistent with the procedure prescribed by the State Board of Elections, so as to properly identify the precinct in which such voters reside. The polling place for a precinct shall be located within the precinct or on a lot or tract adjoining the precinct Except as provided by Article 12A of this Chapter, the county board of elections shall have the power from time to time, by resolution, to establish, alter,

discontinue, or create such new election precincts or voting places as it may deem expedient. **Upon adoption of a resolution establishing, altering, discontinuing, or creating a precinct or voting place, the board shall give 45 days' notice thereof prior to the next primary or election.** Notice shall be given by advertisement in a newspaper having general circulation in the county, by posting a copy of the resolution at the courthouse door and at the office of the county board of elections, and by mailing a copy of the resolution to the chairman of every political party in the county. Notice may additionally be made on a radio or television station or both, but such notice shall in addition to the newspaper and other required notice. No later than 30 days prior to the primary or election, the county board of election shall mail a notice of precinct change to each registered voter who as a result of the change will be assigned to a different voting place.

**§ 163-166.3. Limited access to the voting enclosure.**

- (a) Persons Who May Enter Voting Enclosure.** – During the time allowed for voting in the voting place, only the following persons may enter the voting enclosure:
- (1.) An election official.
  - (2.) An observer appointed pursuant to G.S. 163-45.
  - (2a) A runner appointed pursuant to G.S. 163-45, but only to the extent necessary to announce that runner's presence and to receive the voter list as provided in G.S. 163-45.
  - (3.) A person seeking to vote in that voting place on that day but only while in the process of voting or seeking to vote.
  - (4.) A voter in that precinct while entering or explaining a challenge pursuant to G.S. 163-87 or G.S. 163-88.
  - (5.) A person authorized under G.S. 163-166.8 to assist a voter but, except as provided in Subdivision of this section, only while assisting that voter.
  - (6.) Minor children of the voter under the age of 18, or minor children under the age of 18 in the care of the voter, but only while accompanying the voter and while under the control of the voter.
  - (7.) Persons conducting or participating in a simulated election within the voting place or voting enclosure, if that simulated election is approved by the county board of elections.
  - (8.) Any other person determined by the election officials to have an urgent need to enter the voting enclosure but only to the extent necessary to address that need.

**§ 163-166.4. Limitation on activity in the voting place in a buffer zone around it.**

- (a) Buffer Zone and Adjacent Area for Election-Related Activity.** No person or group of persons shall hinder access, harass others, distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election related activity in the voting place or in a buffer zone which shall be prescribed by the county board of elections around the voting place, the county board of elections shall, where practical, set the limit at 50 feet from the door of entrance to the voting place, measured when that door is closed, but in no event shall it set the limit at more than 50 feet or a less than 25 feet. Except as provided in subsection (b), the county board of elections shall also provide an area adjacent to the buffer zone for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election- related activity.
- (b) Special Agreements About Election –Related Activity.** The Executive Director of the State Board of Elections may grant special permission for a county board of elections to enter into an agreement with the owners of managers of a non public building to use the

building as a voting place on the condition that the election-related activity as described in subsection (a) of this section not be permitted on their property adjacent to the buffer zone, if the Executive Director finds all of the following:

- (1.) That no other suitable voting place can be secured for the precinct.
- (2.) That the county board will require the chief judge of the precinct to monitor the grounds around the voting place to ensure that the restriction on election-related activity shall apply to all candidates and parties equally.
- (3.) That the pattern of voting places subject to agreements under this subsection does not disproportionately favor any party, racial, or ethnic group, or candidate. An agreement under this subsection shall be valid for as long as the nonpublic building is used as a voting place.

**(c) Notice about Buffer Zone.** No later than 30 days before each election, the county board of elections shall make available to the public the following information concerning each voting place:

- (1.) The door from which the buffer zone is measured.
- (2.) The distance the buffer zone extends from that door.
- (3.) Any available information concerning where political activity, including sign placement, is permitted beyond the buffer zone.

**(d) Buffer Zone at One Stop Sites.** *The provisions of this section shall apply to one-stop voting sites in G.S. 163-227.2 except that the notice in subsection (c) of this section shall be provided no later than 10 days before the opening of one-stop voting at the site. Added by S.L. 2001-460, s.3 eff. Jan. 1, 2002. Amended by S.L. 2003-365, effective January 1, 2004; S.L. 2007-391, s. effective August 19, 2007.*

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**Voting Location Name**

**As the person representing this facility, I have read the above and agree to assist in the application of these terms in order to uphold the integrity of the election process.**

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**Facility Representative** **Phone**

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**Facility Contact Person** **Phone**

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**Buncombe County Board of Elections Official** **Phone**