

**From:** [Love, Katelyn](#)  
**Cc:** [SBOE Grp - Legal](#)  
**Subject:** Court Rulings in Democracy NC, Wise and Moore cases  
**Date:** Thursday, October 15, 2020 6:38:25 AM

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Directors (bcc State Board members),

This evening, Judge Osteen of U.S. District Court for the Middle District of North Carolina issued orders in the [Democracy NC](#), [Wise and Moore](#) cases. The key takeaways of these orders are:

- The cure process in Numbered Memo 2020-19, as revised on September 22, 2020, is expected to be in place, except as to absentee envelopes with a missing witness or assistant signature. For absentee envelopes that are missing a witness or assistant signature, the voter will need to be issued a new ballot.
- Numbered Memos 2022-22 (extending the deadline for receipt of postmarked absentee ballots) and 2020-23 (processes for in person return of absentee ballots) were not enjoined.

We are working to finalize guidance on these orders. This will take a few days because there are several other court matters still pending. These include temporary restraining orders issued by Judge Dever of the U.S. District Court for the Eastern District of North Carolina that expire at the end of the day on Friday and a state court order issued by Judge Collins that we will ask be modified.

In the meantime, we are providing the following guidance if you receive questions from voters whose ballots are on hold and who want to vote in person:

- If the status of a voter's ballot status is accepted or accepted-cured, it has been approved and they should not vote in person.
- If the voter's ballot status is anything other than accepted or accepted-cured, they will be contacted as soon as possible if there is an issue with their ballot that requires action by the voter. If a voter's ballot envelope has a pending deficiency and they present to vote in person, the voter will be given a regular ballot, and their absentee by mail ballot will disapproved.

If you have an absentee meeting scheduled over the next few days, your board will continue to follow [Numbered Memo 2020-28](#) and take no action on envelopes with deficiencies. We will issue revised guidance via numbered memo very soon. **Remember the temporary restraining orders by Judge Dever are still in effect until the end of the day on Friday.**

Karen will be sending out an invitation for an optional Huddle tomorrow at 11 a.m. We will give an overview of the court cases and answer any questions.

Sincerely,

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