North Carolina Voter Protection Laws in a Nutshell, 2014
INTRODUCTION

This publication (“Nutshell”) is intended to distill complex election law for lawyers, advocates, voter registration campaigns, and “get out the vote” campaigns. It combines state election law with state regulations, rules, attorney general opinions, and other election materials to provide a comprehensive interpretation of the law and practices with respect to elections. While this Nutshell does not cover every provision of state election law, it highlights those provisions that, in our experience, have most affected the voting rights of voters of color.

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DISCLAIMER

THIS NUTSHELL WAS PREPARED FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT LEGAL ADVICE AND IS NOT INTENDED TO AND DOES NOT CREATE AN ATTORNEY-CLIENT RELATIONSHIP. ANY DECISION TO TAKE ACTION, LEGAL OR OTHERWISE, OR TO OBTAIN LEGAL ADVICE OR AN ATTORNEY, SHOULD NOT BE BASED SOLELY ON INFORMATION CONTAINED IN THIS PUBLICATION.
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VOTER REGISTRATION

Who may register to vote?

To be eligible to register to vote in North Carolina, a person must be:

- At least 18 years of age by the next general election day;
- A citizen of the United States; and
- A resident of North Carolina and have lived at the North Carolina residence for at least 30 days preceding the general election.1

A citizen may register and vote in a primary at age 17 if he or she will be 18 on or before the day of the general election.2 However, no citizen may vote for referenda until age 18.3 Finally, as of January 1, 2014, pre-registration will no longer be offered for sixteen and seventeen year olds.4

North Carolina permits a person previously convicted of a felony to register and vote upon the completion of all parts of his or her sentence, including probation and parole. Restoration of voting rights is automatic upon completion of the sentence and does not require a separate document or authorization from a court.5 Unpaid restitution does not affect restoration of voting rights. (See “Voter Registration List Maintenance” below).

When will the general election be held?

- Tuesday, November 4, 2014

What is the voter registration deadline?

- October 10, 2014, if applying by mail, fax, or scanned document.6
- As of January 1, 2014, citizens will no longer be able to register and vote at in-person Absentee Voting (“early voting” or “one-stop”) locations. Same Day Registration has been eliminated.7

An application for registration is considered to have met the deadline if it is submitted as follows:

- Submitted to the county board of elections in person, by fax, or by transmission of a scanned document by a time established by that board, but no earlier than 5:00 p.m. on October 10, 2014, provided that, in the case of a fax or scan, the original (hard) version of the completed, signed application is received by the county board no later than 20 days before the general election; or
- Mailed, by first-class or other class of postal service, or by some similar type of express delivery, provided that the mailing/express package is postmarked by the registration deadline (October 10, 2014), or where the postmark is
missing or unclear, the application is received by the county board of elections no later than 20 days before the general election.⁸

**Uniform Military and Overseas Voters Act:** If, due to uniformed service, an individual was absent on the registration deadline, but returned to their county of residence after that date, that individual can still register in person at any time at the office of the board of elections or the voting place is open. That same individual can also still vote in a primary or general election, even though they registered after the deadline. That individual can even register and vote on election day.⁹

In addition, persons who were previously convicted of a felony but have completed all parts of a sentence between the 25th day before Election Day and Election Day may apply to register and vote on Election Day by submitting a specified application form to the director or any member of their resident county’s board of elections or to an election judge for the precinct in which they are eligible to vote.¹⁰

**Where can a person apply for voter registration?**

A person may register to vote by applying in person at any of the following locations:

- Board of elections office for the applicant’s resident county¹¹;
- Early Voting site for the applicant’s resident county (beginning 10 days before Election Day through the last Saturday before Election Day; however citizens cannot register AND vote at the same time through Same Day Registration);¹²
- Office of any state agency that accepts applications for programs of public assistance, disability services, or unemployment benefits (i.e. WIC, food stamps, Medicaid, Mental Health, Development Disabilities, and Substance Abuse Services, Employment Security Commission).¹³ If an agency provides services to a person with a disability at his or her home, the agency must also provide voter registration service at the person’s home;¹⁴
- North Carolina Division of Motor Vehicles offices¹⁵, or
- Military recruitment centers.¹⁶

Once a person previously convicted of a felony completes all parts of his or her sentence, the State must inform the person of the restoration of his or her right to vote and provide them an opportunity to register to vote.¹⁷

Public high schools and libraries must make available, but are not authorized to accept, voter registration applications; public libraries must designate at least one employee to assist applicants in completing the registration forms during operating hours; public libraries are not required, however, to accept voter registration applications.¹⁸

Mail-in application can be obtained on the internet at the website of the Board of Elections (http://www.ncsbe.gov/ncsbe/Voter-Information/VR-Form).
What information must be provided on a voter registration application?

An applicant must provide the following information, on the requisite application form, to the board of elections in order to register to vote:

- Name.
- Date of birth.
- Residence address.
- County of residence.
- Date of application.
- Gender, race, and ethnicity, but no application may be denied because an applicant does not provide such information.
- Political party affiliation, if any.
- Telephone number (to assist in contacting the voter if needed in processing the application). Form must conspicuously state that the provision of a telephone number is optional, and no application can be denied because an applicant does not provide his or her telephone number.
- Driver’s license number, or, if the applicant does not have a driver’s license number, the last four digits of the applicant's social security number.
- If no Driver’s License or Social Security Number has been issued, the State Board shall assign a unique identifier number to an applicant for voter registration if the applicant has not been issued either a current and valid driver’s license or a social security number. That unique identifier number shall serve to identify that applicant for voter registration purposes.19
- Statement whether the applicant is currently registered to vote anywhere, and at what address.
- Any other information the State Board of Elections finds necessary to enable county officials to satisfactorily process the application.20

In addition, the application form must include the following:

- Statement that if the applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.
- Statement that if the applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.
- Voter’s attestation (by signature) that he or she meets each eligibility requirement, under penalty of a Class I felony.21

How do homeless people register to vote?

Homeless citizens are entitled to register and vote in North Carolina if they are otherwise qualified to vote under North Carolina law. For voter registration purposes, North Carolina law requires residence to be broadly construed to provide all persons with the opportunity to register and to vote, including stating a mailing address different from residence address. In the event
that a person's residence is not a traditional residence associated with real property, then the location of the usual sleeping area for that person shall be controlling as to the residency of that person.\footnote{22}

When registering, homeless citizens should describe the specific location where they regularly sleep or keep their effects, using cross-streets and landmarks. Even if they have no physical residence address, homeless citizens will still need to list an address where they can receive election-related mail. Often, a homeless shelter or church will allow area homeless persons whom they regularly assist to use the shelter’s or church’s address.

**Can students register to vote in North Carolina while attending college?**

Yes. Students can register to vote using their campus or off-campus address in North Carolina, so long as that student has made a home in the community where they are living for the purpose of attending school and has no intent to return to their former home after graduation. The student does need not to intend on staying in that college community after graduation.\footnote{23}

**May people register to vote by mail? If so, are there any special requirements for first-time voters who register to vote by mail?**

Yes. Prior to voting for the first time, applicants registering by mail must identify themselves by submitting, either as part of the registration application or in person at the voting place, a copy of a current and valid photo identification or another document that shows the name and address of the applicant (e.g. a current utility bill, bank statement, government check, paycheck).\footnote{24}

County boards of elections may opt to send verification notices to voters as part of list maintenance procedures. If a verification notice sent to a first time voter registering by mail is returned by the Postal Service within 25 days before an election, the voter may be required to vote in person in that first election.\footnote{25}

**Will mail-in voter registration applications be accepted if they are received by the registrar’s office after the registration deadline?**

Yes, if the application is postmarked before the deadline. If the postmark is missing or unclear, the application is validly submitted if received in the mail no later than 20 days before Election Day.\footnote{26}

**May a person correct or complete a form after the deadline for voter registration if it was submitted before the deadline?**

Yes. If a person fails to complete any required item on the voter registration application form, but provides enough information on the form to enable the county board of elections to identify and contact him or her, that applicant must be notified of the omission and given the opportunity to complete or correct the application form. If a person completes the form and is determined by the county board of elections to be eligible to vote by the date of the general
election, he or she must be permitted to vote. If the form is not completed by the date of the general election day, the applicant must be allowed to vote by a provisional ballot, which must be counted if the correct information is provided to the county board of elections by 5:00 p.m. on the day before the county canvass (generally 10 days after a general election).

**How many voter registration applications may individuals or groups conducting voter registration drives receive from the state or county boards of elections?**

North Carolina law requires the State Board of Elections to make voter registration applications available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration drives. North Carolina does not specify a limit. In addition, voter registration groups have the option to copy as many federal or state mail-in registration forms as needed onto white regular-weight copy paper and use those forms for voter registration purposes.

**Are there any special rules pertaining to the federal registration application?**

No. Both federal and North Carolina law require boards of elections to accept, use, and process the federal mail-in registration application as a valid voter registration application.

**May individuals or groups conducting voter registration drives copy completed voter registration applications before delivering them to the appropriate registration authorities?**

Neither federal nor North Carolina law prohibits the copying of completed voter registration applications before they are delivered to the appropriate office. Nevertheless, always mail or deliver all originals to the appropriate registration authorities prior to the registration deadline. It is a misdemeanor to accept another person’s application and fail to deliver it before the registration deadline.

Copies are useful for “get out the vote” (GOTV) activities or to assist with voter registration verification efforts. It is a good idea to note on the copy when and to which registration authority the original application was transmitted.

**Are individuals or groups conducting voter registration drives required to submit completed voter registration applications to registration officials within a certain time limit?**

North Carolina law does not specify a particular time limit for individuals or groups conducting voter registration drives to submit completed voter registration applications. Nevertheless, always mail or deliver all originals to the appropriate registration authorities prior to the registration deadline. It is a misdemeanor to accept another person’s application and fail to deliver it before the registration deadline.

To allow sufficient time for processing, individuals or groups conducting voter registration drives should mail or deliver a completed voter registration application no more than
10 days after accepting it from an applicant, or no more than 2 days if accepted within 2 weeks of the registration deadline, but always prior to the registration deadline.

**How long will it take to process voter registration applications that are mailed or delivered to boards of elections?**

North Carolina law does not provide a specific time frame within which boards of elections must process applications that were personally delivered or received by mail. However, all election officials are required by federal law to process all applications postmarked or received by the registration deadline in time for all eligible voters to vote in the applicable election. Generally, voters should expect to receive their voter registration cards within two weeks of submitting an application, and, if they have not, they should inquire directly with the appropriate board of elections. You can also check your registration status on the NC Public Voter Search.

**What are the time limits for DMVs and other public agencies to process voter registration applications?**

A voter registration application received by the Division of Motor Vehicles (DMV) or a designated voter registration agency must be processed and forwarded to the appropriate board of elections within 5 business days after receipt of the application. All persons whose applications are accepted by the DMV or a designated voter registration agency by or on the registration deadline are eligible to vote in the next election.

**What can a person do if his or her registration application is denied?**

If the county board of elections denies an applicant’s registration application, the board must send, by certified mail and within 2 business days of its decision, a notice informing the applicant of its decision and options for further action, including the applicant’s right to cure any deficiencies and his or her right to appeal the decision. The voter should then correct the deficiency, if possible, either by completing a new registration application or supplying the missing or correct information to the board of elections in advance of the registration deadline. If the registration deadline has passed, the person should nevertheless complete a new registration application, so that the information is correctly processed and added in time for the next election, and should attempt to vote in the upcoming election by a provisional ballot, in the precinct of the voter’s current residence.

Finally, any applicant whose registration is denied may appeal in writing the denial within five days after receipt of the notice of denial. If the applicant appeals, the county board of election should promptly set a date for a public hearing. The written appeal must include the appealing party’s name, date of birth, address, and reasons for the appeal.
What is the procedure for determining whether an individual’s registration application has been correctly processed and accepted?

The National Voter Registration Act of 1993 (NVRA) requires state election officials to provide notice to each person who submits a completed voter registration form of whether his or her application was accepted or denied. If the registration application is accepted, the applicant will receive a notice by non-forwardable mail at the address on the applicant’s registration application. The notice will usually state that the local county board of elections will register the applicant if the notice is not returned as undeliverable to the board of elections office. If the application is denied, the board of elections must notify the applicant by certified mail, within 2 days of its decision, that the application has been denied and the reason for the denial.

IDENTIFICATION REQUIREMENTS

What identification is required at the voting place? Currently, no ID is required. However, beginning in 2016, North Carolina will require all voters to show a government-issued photo identification, including:

- NC drivers license, including a learner’s permit or a provisional license
- NC state ID
- US passport
- US military ID
- Veterans ID
- Tribal enrollment card issued by a federally recognized tribe or the state of NC
- Any other state drivers license or state-issued ID, only if the voter registered within 90 days of the election

What identification is required for voter registration?

The Help America Vote Act of 2002 (HAVA) requires an applicant to include, on his or her voter registration application, a current and valid driver’s license number, if the applicant has one, or the last four digits of his or her social security number. If the applicant has neither a driver’s license nor a social security number, then the state must assign the applicant a unique identification number for voter registration purposes.

In addition, HAVA provides that first-time voters who register to vote by mail (including those who register through a privately-sponsored voter registration drive) must either send a copy of proof of identification with their mail-in application or present ID at the polls on Election Day. The type of proof may include a copy of current and valid photo identification (driver’s license or state ID), a current utility bill, a bank statement, or government documentation that shows the applicant’s name and current address.
Can election officials delay the processing of a voter registration application or deny registration outright, based on their inability to match the applicant’s HAVA identification number (driver’s license number or last four digits of SSN) with a record in the Social Security Administration or state driver license database?

No. North Carolina law instructs boards of elections to obtain any needed additional information on voter registration applications that are not completed properly. An applicant with an incomplete application must be notified and given the opportunity to complete the form. The county board of elections may prescribe a deadline to complete the form in order for the applicant to vote by regular ballot on Election Day. Nevertheless, if the information is not completed by Election Day, the voter must still be allowed to vote a provisional ballot, and the ballot will be counted if the correct information is provided to the county board of elections by at least 5:00 p.m. on the day before the county canvass (meetings held 10 days after a general election).

What identification is required to obtain or cast an absentee ballot?

North Carolina does not require registered voters to present ID in order to request or cast an absentee ballot unless you do not or cannot provide one or more of the following identifying information of the voter for which you are seeking an absentee ballot:

- The number of the voter's North Carolina driver’s license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.
- The number of the voter's special identification card for nonoperators issued under G.S. 20-37.7.
- The last four digits of the applicant's social security number.

If you do not provide such identifying information, you will be required include a copy of a North Carolina driver’s license, photo identification from a government agency, a current utility bill, bank statement or government documentation that shows the applicant’s name and current address.

However, after January 1, 2016, voters seeking to cast an absentee ballot at their resident county in-person Absentee Voting (“early voting”) site must present one of the acceptable forms of photo identification mentioned above.

VOTER REGISTRATION LIST MAINTENANCE

For what reasons can a person’s name be removed from a list of registered voters?

North Carolina law permits boards of elections to remove a voter’s name from the voter registration rolls at the voter’s request or if a board learns that the voter has died, has been convicted of a felony, or has moved outside of the county. Furthermore, boards of elections may remove a voter who, after failing to respond to a confirmation notice (which must be sent by
forwardable mail), fail to cast a ballot in the two federal general elections conducted after the mailing.53

Under what circumstances will an individual’s name be placed on a list of inactive voters?

North Carolina does not maintain a list of “inactive” voters, but, as discussed above, voters can be removed from active voter lists for failing to respond to a confirmation notice and not casting a ballot in the two federal general elections conducted after the mailing.54

How do voters get their names restored to the active list?

A voter removed from the voter registration list for failing to respond to a confirmation mailing and not casting a ballot in the two federal general elections conducted after the mailing may be reinstated and permitted to vote at their resident precinct upon giving oral or written affirmation of continuous residency.55

What should voters do if they change their address?

New Address Within Same County
A voter changing his or her address within the same county may update his or her registration address by completing and mailing or delivering to the county’s board of elections prior to the registration deadline:

- A change of address form;
- The voter’s identification card indicating the address change; or
- A signed letter indicating the address change.56

Change of Registration at One-Stop Voting Site. - A person who is already registered to vote in the county may update the information in the registration record at the one-stop voting site, in accordance with procedures prescribed by the State Board of Elections, but an individual’s party affiliation may not be changed during the one-stop voting period before any first or second partisan primary in which the individual is eligible to vote.57

New Address Outside of County but within State: A voter changing his or her address to a different county must complete a new voter registration application and mail or deliver it to their new county’s board of elections prior to the registration deadline.58 Nevertheless, a voter who has moved to a different county less than 30 days before an election must vote in his or her former county of residence and former precinct.59

Changing an address only at the DMV60 or with a state agency61 is sufficient for voter registration purposes.
Voters who fail to update their registration address are subject to the following rules:

- Voters who moved within the same precinct are permitted to vote at that precinct.  
- Voters who moved to another precinct within the same county should vote provisionally at their new precinct or at the county board of elections’ office.  
- Voters who moved less than 30 days before an election should vote at their former precinct.

Under all circumstances, a change of address form should be completed upon voting at the correct voting place.

What are the procedures for removing names of individuals who have felony convictions from the registration rolls?

Each month the State Board of Elections compiles a report of individuals convicted of felonies and forwards the report to county boards of elections. If a registered voter appears on the report, the county board of elections must notify the voter (by mail to the voter’s registration address) and must give that voter at least 30 days to object and be heard before any action is taken.

May individuals whose names have been removed because of a felony conviction have their right to vote restored?

Yes. North Carolina automatically restores the citizenship rights, including the right to vote, of persons previously convicted of a felony after the completion of all parts of a sentence (including probation and parole).

In order to vote, however, a person previously convicted of a felony who has completed all parts of his or her sentence must re-register to vote by:

- Completing a regular voter registration application form. By signing the form, the applicant attests to the completion of all parts of his or her sentence; and
- Submitting the regular voter registration application form to the county board of elections.
- No additional documents are required for voter registration purposes.

A person sentenced by a North Carolina state court, upon the completion of all parts of their sentence, must be informed of the restoration of his or her right to vote and must be provided with an opportunity to re-register to vote. It is prudent – but not required for the purposes of voter registration – that a person sentenced in jurisdictions other than North Carolina, including federal courts, obtain documentation from the sentencing jurisdiction that all parts of his or her sentence have been completed and file such documentation with the county clerk of court.
If a person completes all parts of a sentence between the 25th day before an election and
election day, he or she may apply to register on Election Day by submitting a specified
application form to the director or any member of the board of elections for his or her resident
county or to a judge of the precinct in which he or she is eligible to vote.71

**What are the procedures for removing names of individuals who have been found to be
mentally incompetent?**

North Carolina law does not provide for the removal from the voter registration rolls of
those who are found to be mentally incompetent.

**What may voters do if they learn that their names have been removed from the registered
voters’ list in error?**

If the registration deadline has not passed and the erroneously-removed voter is otherwise
eligible under North Carolina law to vote, he or she should simply complete a new voter
registration application, mail or deliver it to the appropriate board of elections, and confirm that
it has been received, successfully processed, and that the board has added the voter to the rolls.
(The voter should receive a voter identification card with their assigned precinct.)

If the voter registration deadline has passed, the erroneously-removed voter should
attempt to vote in the upcoming election by provisional ballot.72 In addition, the voter should
contact his or her county board of elections and, if he or she needs further assistance, the North
Carolina State Board of Elections.

**Who may obtain a list of registered voters?**

Any person may obtain from a county board of elections a printed or electronic list of
registered voters, including lists that classify voters by party affiliation, gender, race, precinct
name, and/or any other categories. No list may contain a voter’s date of birth, but lists may be
produced according to voters’ ages. Requestors must reimburse the board of elections for the
actual cost incurred in preparing a list.73

**How often are names removed from voter registration lists?**

The law does not provide for any specific time tables for the updating or maintenance of
voter registration lists; however, boards of elections are generally required to regularly conduct
programs to remove names of registered voters who are no longer qualified to vote in the county
not less than twice a year.74 Programs to remove names from the list can be conducted through
house-to-house canvasses, general mailings requesting address verification, participation in the
U.S. Postal Service’s national change of address program, or other means deemed appropriate by
the board.75
**Should voters be notified before their names are removed from voter registration lists?**

Yes. Federal law requires certain steps to be followed before the name of a registered voter can be removed from the list. Upon receiving that notice, the voter should respond promptly to avoid the risk of having his/her name removed from the voter rolls.

As discussed above, additional requirements exist for voters who have felony convictions.

**What can voters do if they do not appear on their precinct’s voter registration list?**

A voter who goes to his or her proper voting place, but does not appear on the voter registration list, may vote by provisional ballot. (See “Provisional Ballots” below.)

**ABSENTEE AND EARLY VOTING**

**Who is permitted to vote by absentee ballot?**

Any qualified North Carolina voter may vote by absentee ballot for any reason.

**How may individuals request an absentee ballot?**

A qualified voter or his or her near relative or verifiable legal guardian may request an absentee ballot by completing a request form created by the State Board of Elections and signed by the voter or his or her near relative. Forms are available on the North Carolina State Board of Elections website ([www.ncsbe.gov/ncsbe/Voting/Absentee-Voting](http://www.ncsbe.gov/ncsbe/Voting/Absentee-Voting)). A voter may also request an absentee ballot in writing specifying the following:

- The voter’s name and residence address
- If the voter’s near relative is making the request, the near relative’s name and residence address
- The address the voter would like the ballot sent to, if different from the residence address
- One of these forms of identification:
  - The voter’s NC drivers’ license number (or learner’s permit or a provisional license)
  - The voter’s special identification card number
  - The last four digits of the voter’s social security number
- The voter’s date of birth
- The voter’s signature or near relative’s signature.

If a voter states that he or she expects that a sickness or physical disability will last the remainder of the calendar year, the voter’s request will be sufficient for all of the primaries and elections held during the calendar year when the application is received.
When is the deadline for requesting an absentee ballot?

- October 28, 2014 (at a county board of elections’ office in person or by mail)

Generally, voters may apply for absentee ballots in the 50 days leading up to an election, but no later than 5 p.m. on the Tuesday before the election. However, a voter may vote in person at the early voting site for their resident county until the last Saturday before the election.

If a voter becomes sick or disabled after the deadline, the board of elections will personally deliver an absentee ballot if the voter requests such an accommodation in writing no later than 5:00 p.m. on the day before Election Day.

May a first time voter cast an absentee ballot?

Yes.

What steps must voters take if they request but do not receive an absentee ballot?

If the deadline for requesting absentee ballots has not passed, a voter should contact his or her county board of elections and explain the situation. If the deadline has passed, a voter may, subject to challenge, either vote in person at his or her county early voting site(s) (until the last Saturday before the election), or vote by regular ballot in person in his or her precinct on Election Day.

How must voters cast their absentee ballots to ensure they are counted?

A voter must mark his or her absentee ballot in the presence of two other qualified North Carolina voters, who at all times must respect the voter’s privacy unless the voter requests assistance. The voter and witnesses must sign the envelope, and the voter or a near relative or verifiable legal guardian must deliver, in person, by mail or by commercial courier the completed ballot (in the return envelope provided) to the county board of elections no later than 5:00 p.m. on the day of the statewide primary, general election or county bond election. If ballots are received later than 5:00 p.m. on the day of the election, those ballots will not be counted unless they are postmarked on or before the day of the election and are received by the county board of elections not later than three days after the election by 5:00 p.m. “Delivered in person” includes delivering the ballot to an election official at a one-stop voting site under G.S. 163-227.2 during any time that site is open for voting.

When is the deadline for casting an absentee ballot to ensure it is counted?

- November 4, 2014 (5:00 p.m.)

Are there other requirements for casting an absentee ballot?

No.
When will absentee ballots be counted?

Boards of elections may begin counting absentee ballots after 5:00 p.m. on Election Day.92

What are the procedures for determining if an absentee ballot will be counted?

Upon receipt of executed absentee ballots, the board of elections determines whether the votes are legal by examining the registration records to ensure that the ballots are validly cast and that the voters are qualified and have not already voted in person in that election.93 Questionable ballots are subject to challenge.94 Validly cast ballots are opened and, preserving secrecy, absentee voters’ names are entered and ballots are placed in the appropriate ballot box.95

What should individuals do if they requested an absentee ballot but want to vote in person on Election Day?

If a voter requested and received an absentee ballot but did not return it, he or she may, subject to challenge, either vote in person at their resident county early voting site (until the last Saturday before the election), or vote by regular ballot in person in their precinct on Election Day.96

Is there early voting? If so, describe.

Yes. From the second Thursday before an election until 1:00 P.M. on the last Saturday before an election, voters may vote in person at their county in-person Absentee Voting (“early voting” or “one stop”) site.97 There are no additional requirements to vote at such a site, unless the voter is seeking to vote for the first time after registering to vote by mail. In that case, the voter must prove of residency by presenting a North Carolina driver’s license, photo identification from a government agency, a current utility bill, bank statement or government documentation that shows the applicant’s name and current address.98 And, beginning January 1, 2016, all voters will need to present photo identification to vote.99

What if a person is overseas and wants to register to vote by absentee ballot?

The following individuals may register to vote and request an absentee ballot at the same time:

- A qualified uniformed-service voter whose voting residence is in NC including:
  - A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the U.S. who is on active duty
  - A member of the merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmosphere Administration of the United States
- A member of the National Guard or State militia unit who is on active status
- A spouse or dependent of any of these members
- A qualified overseas voter who, before leaving the U.S., would have been eligible to vote in NC had they been 18
- A qualified overseas voter who was born outside of the U.S. but the last place his or her parents or legal guardian was, or would have been, eligible to vote before leaving the United States is NC and that voter has not registered anywhere else.

The registration, generally, must be received by the registration deadline; however, if, due to uniformed service, an individual was absent on the registration deadline, but returned to their county of residence after that date, that individual can still register in person at any time the county board of elections or the voting place is open. An individual request for absentee ballot must be received by the appropriate election official by 5:00 p.m. on the day before Election Day. The actual absentee ballot must be received by the appropriate county board of elections no later than the close of the polls or the overseas voter may submit the ballot by mail, electronic submission, or another authorized means by 12:01 a.m. at the place where the voter completes the ballot on Election Day. For more information on military and overseas citizen voting, go to [http://www.ncsbe.gov/ncsbe/Voter-Registration/Military-Overseas-Voting](http://www.ncsbe.gov/ncsbe/Voter-Registration/Military-Overseas-Voting).

**What if individuals do not request an absentee ballot, but cannot reach their voting place on Election Day because of unforeseen emergency circumstances?**

If a voter becomes sick or disabled after the deadline to request absentee ballots, the board of elections will personally deliver an absentee ballot if the voter submits a request for such an accommodation in writing no later than 5:00 p.m. on the day before the election.

**VOTING PLACE LOCATIONS AND PROCEDURES**

**What hours are the polls open on Election Day?**

Polls must open at 6:30 a.m. and close at 7:30 p.m. All voters in line to vote at the time the polls are scheduled to close must be permitted to vote even if they reach the booths/machines after the scheduled closing time.

**When is the final list of voting place locations made available to the public?**

To establish, alter, discontinue, or create a precinct or voting place, county boards of elections must give at least 45 days notice prior to an election, although, with the approval of the Executive Director of the State Board of Elections, county boards may temporarily transfer voters to an adjacent precinct.

**How are decisions about precincts and voting place locations made?**
Once precincts are established, county boards of elections are entitled to demand and use any school or other state, county, or municipal building, or any other accessible building supported or maintained, in whole or in part, by tax revenues.\textsuperscript{107}

**How and when will voters be notified about voting place changes?**

No later than 30 days prior to an election, county boards of election must mail a notice to each registered voter who, as a result of a change, will be assigned to a different voting place.\textsuperscript{108}

**Are there specific guidelines on how large precincts can be?**

No. However, county boards of elections must “choose the voting places and allocate the equipment in a way that as nearly as practicable provides equal access to the voting system for each voter.”\textsuperscript{109}

**Are there specific guidelines on how many voting machines and voting booths are required in each precinct?**

No. However, county boards of elections must “choose the voting places and allocate the equipment in a way that as nearly as practicable provides equal access to the voting system for each voter.”\textsuperscript{110}

**Are there specific guidelines regarding whether multiple precincts can be contained in a single voting place?**

No. However, a proposal to locate a voting place outside of a precinct is subject to approval by the Executive Director of the State Board of Elections, conditioned on the county board of elections' demonstration that:

- No facilities adequate to serve as a voting place are located in the precinct;
- Adequate notification and publicity are provided to notify voters in the precinct of the new polling location;
- The plan does not unfairly favor or disfavor voters with regard to race or party affiliation;
- The new voting place meets all requirements for voting places including accessibility for elderly and disabled voters; and
- The proposal provides adequately for security against fraud.\textsuperscript{111}

**What activities are not permitted at voting places on Election Day?**

No person or group may 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 the site’s buffer zone, which county boards of elections may set at no more than 50 feet and no less than 25 feet from the door of entrance to the voting place.\textsuperscript{112}

**What activities are permitted at voting places on Election Day?**
Individuals may engage in election-related activity outside of the voting place’s buffer zone, which county boards of elections may set at no more than 50 feet and no less than 25 feet from the door of entrance to the voting place.\textsuperscript{113}

Also, the chair of each political party in the county may designate two non-candidate observers per voting place, each of whom must be a registered voter of the county and must have “good moral character.”\textsuperscript{114} The chair of each political party may also appoint 10 at-large observers for the county; not more than two observers from the same political party shall be permitted in the voting enclosure at any time, except that in addition one of the at-large observers from each party may also be in the voting enclosure. Generally four, but no more than six observers total may be in the voting place at one time.\textsuperscript{115} Each observer is entitled to inspect the list of persons who have voted in the precinct so far in that Election Day.\textsuperscript{116} The parties may also designate “runners,” who, like observers, may inspect the voter list.\textsuperscript{117} The State Board of Elections may specify the times when observers and runners may inspect the voter list, but access cannot be limited to less than three times during Election Day or with spacing less than one hour apart.\textsuperscript{118}

**Can voters request assistance with voting equipment at the voting place?**

Yes. Any voter is entitled to assistance from a near relative, even if the voter is not disabled or illiterate.\textsuperscript{119} A voter who is disabled, illiterate, blind, or is not proficient in English is entitled to assistance from any person of that voter’s choice (other than an employer, union representative, or employer/union agent).\textsuperscript{120} The person rendering assistance may not persuade or induce any voter to cast a vote in any particular way, may not make or keep any memorandum of anything that occurs within the voting booth, and may not, directly or indirectly, reveal to any person how the assisted voter marked his/her ballot.\textsuperscript{121}

**Can a child/minor enter the voting booth with the voter?**

Yes.\textsuperscript{122}

**What accommodations must be made for non-English speakers or individuals unable to read?**

If a voter is disabled, illiterate, or blind, or if the voter requires assistance by reason of limited English proficiency, the voter is entitled to assistance by any person of the voter’s choice (other than an employer, union representative, or employer/union agent).\textsuperscript{123}

**Will there be central polling locations where voters, regardless of where they live, can vote?**

Other than early voting sites, North Carolina does not provide for central polling locations where any voter in the county may vote regardless of his or her residence. Polling locations are based on the precinct and residence of the voter, and voters who vote in person on Election Day should vote at the voting place for their assigned precinct.

**What accommodations must be made for individuals who are unable to write?**
Illiterate voters are entitled to assistance by any person of the voter’s choice (other than an employer, union representative, or employer/union agent).\textsuperscript{124}

**What accommodations must be made for voters with disabilities?**

Disabled voters are entitled to assistance by any person of the voter’s choice (other than an employer, union representative, or employer/union agent).\textsuperscript{125} Also, disabled voters must be allowed to vote either in their vehicle or in the immediate proximity of the voting place (“curbside”) if they are able to travel to the voting place, but, because of age or physical disability are unable to enter the voting place to vote in person without physical assistance.\textsuperscript{126} Furthermore, any disabled or elderly voter assigned to an inaccessible voting place may, upon advance request, be assigned to an accessible voting place.\textsuperscript{127}

**How much time do voters have to cast their ballot?**

No time limit is prescribed, although the county board of elections’ general duty to conduct “safe, secure, fair, and honest” elections suggests that voters are afforded a reasonable amount of time to cast their ballots.\textsuperscript{128}

**If a voter is in line to vote at poll closing time but has not reached the voting machine, may the voter still vote?**

Yes. Voters in line to vote at the time the polls are closed must be permitted to vote, even if a voter reaches the voting booth/machine after the time for closing.\textsuperscript{129}

**May voters who have moved within the county to a new address in another precinct but who have not registered at their new address be allowed to vote at the precinct for their old address?**

Yes, but only if the voter moved less than 30 days before an election. Otherwise the voter should vote provisionally at his or her new precinct.\textsuperscript{130}

**Are poll watchers or other non-voters permitted inside the voting place?**

The chair of each political party in the county may designate two non-candidate observers per voting place, each of whom must be a registered voter of the county and must have “good moral character.” Each observer is entitled to inspect the list of persons who have voted in the precinct so far on that Election Day. The parties may also designate “runners,” who, like observers, may inspect the voter list. The State Board of Elections may specify the times when observers and runners may inspect the voter list, but access cannot be limited to less than three times during Election Day or, with spacing, less than one hour apart.\textsuperscript{131}

**CHALLENGES AND VOTER INTIMIDATION**

**Can a person’s right to vote be challenged at the polls?**
Yes. The right of any person to register, remain registered, or vote is subject to objection and challenge on one or more of the following grounds:

- The person is not a resident of the State of North Carolina;
- The person is not a resident of the county in which the person is registered;
- The person is not a resident of the precinct in which the person is registered;
- The person is not 18 years of age, or if the challenge is made within 60 days before a primary, that the person will not be 18 years of age by the next general election;
- That a person has been adjudged guilty of a felony and remains ineligible to vote;
- The person is dead;
- The person is not a citizen of the United States;
- The person has already voted in that primary or election;
- The person presenting to vote is not who he or she represents himself or herself to be.132

**Who can challenge a person’s right to vote at the polls and when can that person challenge?**

Up to 25 days before an election, any registered voter of the county may challenge the right of any person to register, remain registered, or vote in that county.133 On the day of an election, at the time a registered voter presents to vote, any other registered voter of the precinct may exercise the right of challenge. A precinct judge may enter challenges against voters in the precinct to which the judge is appointed regardless of the judge’s place of residence.134

**What can individuals do if they are challenged at the polls?**

A challenged voter who believes he or she is qualified to vote may endeavor to prove his or her identity and continued residency in the precinct by taking an oath tendered by the precinct’s chief judge. Even if the challenged voter takes the oath, precinct officials may sustain the challenge unless they are satisfied that the challenged voter is qualified.135 If the challenge is sustained, the challenged voter may vote by challenged ballot, and the matter will be decided by the county board of elections at the county canvass (generally 10 days after a general election).136

**What constitutes illegal intimidation of voters at the polls?**

Under state law, it is a misdemeanor for any person to interfere with, or attempt to interfere with, any voter when inside the voting place or when marking his or her ballot.137 Punishment for such interference may be heightened if committed because of race, color, religion, nationality, or country of origin.138 Furthermore, no person or group may 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 county boards of elections may set at no more than 50 feet and no less than 25 feet from the door of entrance to the voting place.139
In addition, it is against federal law for any individual to challenge a qualified and registered voter for the purpose of annoying or delaying, or otherwise intimidating said voter at the polls. Challenges may not be made indiscriminately and may only be made if the challenger knows, suspects, or reasonably believes such a person not to be qualified and entitled to vote.

North Carolina also prohibits certain acts of intimidation outside of the voting place, including:

- Misrepresenting the law to the public through mass mailing or any other means of communication where the intent is to discourage potential voters from exercising their lawful right to vote.
- State or local officer or employee discharging or threatening to discharge from employment, or otherwise intimidating or oppressing, any other state or local officer, employee, or subordinate.
- Discharging or threatening to discharge from employment, or otherwise intimidating or opposing any legally qualified voter.

Election judges may order the arrest of any person violating any election laws, but such arrest shall not prevent the person arrested from registering or voting if he is entitled to do so.

**Can a challenger challenge a voter simply because he or she does not have photo identification or did not bring it to the polls?**

No. However, starting January 1, 2016, under North Carolina S.L. 381 (commonly referred to as the “Voter ID” bill), local election officials may ask for photo identification to determine if the photo bears “any reasonable resemblance” to that voter. If precinct judges unanimously agree that the photo identification does not bear any reasonable resemblance to the voter, then the voter can only vote provisionally.

**Are law enforcement officers allowed in a voting place during voting hours?**

North Carolina does not prohibit law enforcement officers from being in a voting place during voting hours. In fact, any two election judges “shall have the authority to deputize any person or persons as police officers to aid in maintaining order at the place of registration or voting.” Nevertheless, intentional intimidation by law enforcement officers, as well as the use, procurement, or encouragement by others of law enforcement officers for purposes of intimidation, may constitute a violation of federal and state voter intimidation laws and/or a violation of the voter’s constitutional rights.

**To whom should a person report acts of intimidation?**

Acts of voter intimidation should be reported first to the precinct’s election judges, then to the local police and also to the county board of elections. Individuals may also contact the North Carolina State Board of Elections, toll-free at (866) 522-4723, or the United States Department of Justice, Civil Rights Division, Voting Section at (800) 253-3931.
What is a provisional ballot?

North Carolina defines a provisional ballot as an official ballot that is voted and then placed in an envelope that contains an affidavit signed by the voter certifying identity and eligibility to vote. It can be counted only after the voter’s eligibility to vote is verified and only if it is determined that the person voted in the correct precinct. Voters who cast a ballot in the wrong precinct will not have their ballot counted.

Who may request a provisional ballot?

If an individual seeking to vote claims to be a registered voter and, though eligible to vote in the election, does not appear on the official list of eligible registered voters in that voting place, that individual may request a provisional ballot. To be fully counted, the voter must be eligible and the provisional ballot must be cast in the proper precinct for the voter’s current residence.

If a voter was properly registered to vote in the election by the county board, no mistake of an election official in giving the voter a ballot or in failing to comply with G.S. 163-82.15 or G.S. 163-166.11 shall serve to prevent the counting of the vote on any ballot item the voter was eligible by registration and qualified by residency to vote.

Why and when will provisional ballots be provided to voters?

A provisional ballot will be provided if a voter does not appear in the official list of eligible registered voters in the voting place, and:

- The voter is a registered voter in the county and has moved into the precinct 30 days or more prior to the election and has not reported the change to the board of elections;
- The voter is attempting to vote in his or her resident precinct and claims to have applied for voter registration in the county, but there is no record of the person's name on the registration records;
- The voter was removed from the list, but the person maintains continuous eligibility within the county and precinct;
- The voter disputes the voting districts (and ballots) to which the voter has been assigned;
- If prior to January 1, 2016, the voter registered by mail and is voting for the first time, but has not submitted, either as part of the registration application or in person at the voting place, a copy of a current and valid photo
identification card or another document that shows the name and address of the applicant (i.e., a current utility bill);\textsuperscript{158}

- If after January 1, 2016, the precinct judges have unanimously agreed that the voter’s photo identification does not bear a reasonable resemblance to the voter;\textsuperscript{159}
- The voter failed to complete a required item on the voter registration form, was notified of the omission, did not complete the form by Election Day, and will provide the correct information to the county board of elections by 5:00 p.m. on the day before the county canvass, which occurs 10 days after a general election;\textsuperscript{160} or
- Any voter who votes after the statutory poll closing time of 7:30 p.m. by virtue of a federal or State court order or any other lawful order, including an order of a county board of elections.\textsuperscript{161}

What procedures must an election official follow when issuing a provisional ballot?

If a person is found to not be registered to vote in the precinct, the election judge must inform the person of the provisional voting process and, based on information provided by the person, determine whether that person may be eligible to vote provisionally. The person may then cast a provisional official ballot at that voting place upon executing a written affirmation stating that the person is a registered voter in the county in which the individual seeks to vote and is eligible to vote in that election.\textsuperscript{162}

What can voters do if they request but do not receive a provisional ballot?

Voters who ask for a provisional ballot and are refused can report the incident to the North Carolina State Board of Elections, toll-free at (866) 522-4723. Voters may also file a formal complaint with the State Board of Elections under the Help America Vote Act.\textsuperscript{163}

What information must be provided to voters who cast provisional ballots?

Boards of election have a duty to provide proper assistance in voting provisionally to voters not clearly eligible to vote in the precinct, but who seek to vote there, or guidance to another voting place where they are eligible to vote.\textsuperscript{164} In addition, boards of elections must post at each active voting place instructions on how to cast a provisional ballot, as well as general information on voting rights under applicable state and federal law, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if the voter believes those rights have been violated.\textsuperscript{165} Finally, at the time an individual casts a provisional ballot, election officials must provide written information stating that anyone casting a provisional ballot may ascertain (without charge) whether and to what extent the ballot was counted, and, if the ballot was not counted in whole or in part, the reason it was not counted.\textsuperscript{166}

How do election officials determine whether a provisional ballot will be counted?
Provisional ballots are initially reviewed by the board of elections’ staff, who determines whether the voter is qualified and registered in the county and qualified by residency to vote in the election district where the ballot was cast.  

**Do voters who cast a provisional ballot have a right to present evidence or appear before the election officials evaluating whether it will count?**

If a voter failed to complete a required item on the voter registration form (including a first-time voter identification issue), he or she may provide the correct information to the county board of elections by 5:00 p.m. on the day before the county board of elections’ canvass meeting, which occurs 10 days after a general election.  

Otherwise, upon learning that a provisional ballot was not counted, a voter may file a protest before the canvass meeting. If a voter shows good cause for failing to file his or her protest before the canvass meeting, the voter may file his or her protest no later than 5:00 p.m. on the second business day after the canvass meeting. The county board will conduct a hearing and decide the protest.

**When will provisional ballots be counted?**

The initial counting of official ballots must occur immediately after the polls close and must be continuous until completed; provisional ballots shall be counted by the county board of elections’ canvass, which occurs on the 10th day after every general election. During the canvass, the county board of elections will examine provisional ballots, verify the initial counting, and hear any protests.

**How can voters find out whether their provisional ballots have been counted?**

The State Board of Elections established a system for informing a provisional voter whether and to what extent the ballot was counted, and, if the ballot was not counted in whole or in part, the reason it was not counted. The system must be available to every provisional voter without charge, and must contain reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote.

Because provisional ballots will be counted only if they are cast by a qualified registered voter in the proper precinct, it is imperative that every effort be made to vote in the correct precinct.

**Do voters have a right to appeal the determination of whether their provisional ballots will count?**

No, but voters may file a complaint under the Help America Vote Act, which will require the Board of Elections to conduct a hearing on the record, provide a remedy where appropriate, and publish the results of the procedures on its website.
1 N.C. Const. art. VI, § 1 (2014); see also N.C.G.S. § 163-55 (2014).
3 N.C.G.S. § 163-55(b) (2014).
4 2013 N.C. Sess. Laws 381, s. 12.1(c), effective September 1, 2013 (repealing Preregistration).
6 N.C.G.S. § 163-82.6(c) (2014).
7 2013 N.C. Sess. Laws 381, s. 16.1, effective September 1, 2013 (repealing Same Day Registration).
8 N.C.G.S. § 163-82.6(c)-(c1) (2014).
9 N.C.G.S. § 163-258.28 (2014).
10 N.C.G.S. § 163-82.6(d) (2014).
11 N.C.G.S. § 163.82.3 (2014).
12 See N.C.G.S. § 163-82.1(b) (2014); See also 2013 N.C. Sess. Laws 381, s. 16.1, effective September 1, 2013 (repealing Same Day Registration).
14 N.C.G.S. § 163-82.20(d) (2014).
16 N.C.G.S. § 163-82.21 (2014).
18 N.C.G.S. §§ 163-82.22-23 (2014).
20 N.C.G.S. § 163-82.4(a) (2014).
21 N.C.G.S. § 163-82.4(b) (2014).
24 N.C.G.S. § 163-166.12(a) (2014).
25 N.C.G.S. § 163-82.7(g)(2) (2014).
26 N.C.G.S. § 163-82.6(c1) (2014).
27 N.C.G.S. § 163-82.4(e) (2014).
30 N.C.G.S. § 163-82.6(a) (2014).
31 N.C.G.S. § 163-82.6(a1)(1) (2014).
32 N.C.G.S. § 163-82.6(a) (2014).
33 N.C.G.S. § 163-82.6 (a1)(1) (2014).
36 N.C.G.S. § 163-82.19(a) (2014).
37 N.C.G.S. § 163-82.7(b) (2014).
38 N.C.G.S. § 163-82.4(e) (2014).
41 N.C.G.S. § 163-82.7(c) (2014).
42 N.C.G.S. § 163-82.7(d) (2014).
43 N.C.G.S. § 163-82.7(b) (2014).
44 2013 N.C. Sess. Laws 381, s. 2.1, effective January 1, 2016 (amending N.C.G.S. § 163-227.2(b)); See also N.C.G.S. § 163-166.13 (2014).
46 42 U.S.C § 15483(b) (2014); N.C.G.S. § 163-166.12(a) (2014).
49 Id.
51 2013 N.C. Sess. Laws 381, s. 2.7, effective January 1, 2016 (amending N.C.G.S. § 163-227.2(b))
56 See N.C.G.S. § 163-82.15(a) (2014).
57 N.C.G.S. § 163-82.6A(e) (2014).
58 See generally N.C.G.S. § 163-82.1(c) (2014).
60 See N.C.G.S. § 163-82.19(2014); see also U.S.C.A. § 1973gg-3(d)(2014)(providing that a change of
61 address submitted on a voter registration form at the state motor vehicle office shall serve as notification of
62 an address change with respect to voting in federal elections).
64 address submitted on a voter registration form at a state-designated voter registration agency shall serve as
65 notification of an address change with respect to voting in federal elections).
70 N.C.G.S. § 163-82.14(c) (2014).
72 See N.C.G.S. § 163-82.20A (2014); N.C.G.S. § 163-82.4(b) (2014).
73 N.C.G.S. § 163-82.20A (2014).
75 N.C.G.S. § 163-82.6(d) (2014).
76 See N.C.G.S. § 163-166.11 (2014).
77 N.C.G.S. § 163-82.10(b) (2014).
79 Id.
82 N.C.G.S. § 163-226(a) (2014).
83 See N.C.G.S. § 163-230.1(f) (2014) ("near relative" means spouse, brother, sister, parent, grandparent,
84 child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild.)
86 N.C. State Board of Elections. Quick Links, State Absentee Ballot Request Form, at
89 N.C.G.S. § 163-22(a) (2014).
91 N.C.G.S. § 163-227.2(b) (2014).
93 See N.C.G.S. § 163-227.2(a) (2014).
95 N.C.G.S. § 163-231(a) (2014).
96 N.C.G.S. § 163-231(b) (2014).
97 N.C.G.S. § 163-23 (2014).
100 Id.