

## **GUIDELINES ON VOTER REGISTRATION**

The North Carolina State Board of Elections by publication in the North Carolina Register pursuant to GS § 163-82.12, gives notice of adoption of new voter registration guidelines:

### **1) HANDLING INCOMPLETE VOTER REGISTRATION APPLICATIONS**

- a) General Statute 163-82.2 provides that the Executive Director of the State Board of Elections is the “Chief State Election Official” of North Carolina for purposes of P.L. 103-31, The National Voter Registration Act of 1993 (hereinafter “NVRA”). As such the Executive Director is responsible for the coordination of State responsibilities under the NVRA. The NVRA and North Carolina statute, in conjunction with 42 U.S.C. 15483 (HAVA), provides for a mail voter registration application. According to state and federal law, the North Carolina mail voter registration application is designed to elicit essential information from those individuals who are seeking to register to vote. The essential information that must be received from a voter registration applicant includes the following:

(1) Signature (42 USC § 1973gg-7(b)(2); GS § 163-82.6)

(2) Response to checkbox question, “Are you a citizen of the United States of America?” (42 USC § 15483(b)(4); GS § 163-82.4)

Counties may only suspend applications where a response to the citizenship checkbox has been omitted if the applicant did not list a place of birth in the United States. If the applicant did indicate a place of birth in the United States, but failed to check the citizenship box, the county board shall accept the place of birth as evidence that the applicant is a citizen and process the voter registration application accordingly.

(3) Response to checkbox question: “Will you be 18 years of age on or before election day?” (42 USC §15483(b)(4); GS § 163-82.4)

Counties may only suspend applications where a response to the age checkbox has been omitted if the applicant did not indicate their date of birth. If the applicant did indicate their date of birth, the county board shall accept the date of birth as evidence that the applicant is at least 18 years old and process the voter registration application accordingly.

(4) Residence address (GS § 163-82.4)

(5) Name (GS § 163-82.4)

(6) Date of birth (GS § 163-82.4)

- b) If an applicant for voter registration omits any essential element as outlined above on a voter registration application, then the county board of elections is required to notify the applicant of the omission and provide an opportunity for the applicant to correct the application. Pursuant to N.C.G.S. § 163-82.4, a voter has until 5:00 P.M. on the day before the county canvass to complete any required item on their voter registration form in order to be considered an eligible voter.
  
- c) Administratively, applications that are awaiting completion cannot be fully processed in the Statewide Elections Information Management System (SEIMS). Under the statutory authority referenced above, the Executive Director has outlined administrative guidelines for the handling of incomplete voter registration applications. These administrative guidelines are guided by state and federal law, including the list maintenance requirements under the NVRA and GS § 163-82.14. In setting out the guidelines below, it is the premise of the State Board of Elections that eligible citizens should be afforded every opportunity to become North Carolina registered voters. Voter registration applicants who omit required information from their registration applications shall be given ample chances to correct the omission. The guidelines for handling incomplete applications are as follows:

(1) **Notice of Omission of Required Element:** As long as the county has enough information to identify and contact the applicant, the individual should be notified of the deficiency of a required element on their voter registration application. County boards are required to notify the applicant in writing that their applications are incomplete. While county boards are encouraged to send the notice as soon as practicable, they must send the notice no later than ten (10) days from the county board's receipt of the application. The notice shall clearly state that the applicant has until 5:00 P.M. on the day before the canvass of the current election, as defined in GS § 163-55(c), to complete their voter registration application. If and when the applicant satisfies the missing requirement, the county board of elections will then continue the normal processing of the application in the statewide voter registration database. Incomplete applications that are awaiting required elements will be placed in a holding queue of the statewide voter registration database, the Incomplete Queue (hereafter "I-Queue"). County boards of elections to the highest degree reasonably possible shall attempt to contact applicants with incomplete applications and provide them with the opportunity to register to vote.

(2) **Requirement of Second Notice of Omission of Required Element:** Forty-five (45) days prior to a general election or general municipal election, county boards should review the applications in their I-Queue and mail, if enough information is available, a second notice to any applicant whose first notice was mailed more than sixty (60) days before the election. The notice shall clearly state that the applicant has until 5:00 P.M. on the day before the canvass of the current election, as defined in GS § 163-55(c) to complete their voter registration application. The notice shall also advise the applicant of the option of registering to vote in person at a one-stop absentee voting site pursuant to GS § 82.6A. If a person with a

pending incomplete voter registration application subsequently registers at a one-stop voting site, the incomplete application can thereafter be removed from the I-Queue.

(3) **Removal of Application:** If a new voter registration applicant does not complete all required elements by 5:00 P.M. on the day before the canvass of the current election, as defined in GS § 163-55(c), for which they would have otherwise met the registration deadline, then the county board of elections shall:

(a) Remove the application from the Incomplete Queue

(b) Applications that are removed from the I-Queue due to failure to correct the omission of a required element will be archived and placed in an Incomplete-Archive Queue (hereafter “Archive Queue”).

(c) If an applicant whose registration application is pending in the Archive Queue subsequently registers or provides the missing information that will complete his application, then the pending application will be removed from the Archive Queue.

(d) Incomplete applications that remain in the Archive Queue through two elections for federal office will be removed from the statewide voter registration database.

(4) **Handling of Changes to Voter Registration:** While an existing voter’s registration record should contain all required information, if an existing voter attempts to update his record within the county, but fails to sign the update application, then the voter should be notified and mailed a copy of his original update application. If the voter does not sign and return the application by 5:00 P.M. on the day before the current election, for which they would have otherwise met the registration deadline, then the voter’s record shall remain unchanged.

d) Initial Incomplete Queue Clean Up -- Applicants with incomplete applications that are currently in the I-Queue will be sent special notices by the State Board of Elections that will require the applicant to respond to the appropriate county board of elections within 30 days. If the applicant fails to provide the missing information that is preventing the proper processing of their application before the expiration of the 30-day period, the application will be placed in the Archive Queue and will remain therein for two elections for federal office as outlined above.

e) Provisional Research -- County boards of elections must search the pool of incomplete applications in both the I-Queue and Archive Queue for their county when conducting their provisional research. If any provisional voter is found to be in either of the incomplete queues, as long as they have provided the previously omitted element in their provisional applications, then their provisional ballot shall be counted pursuant to GS § 163-82.4(e). The provisional application and ballot would only be valid in the same

county in which a voter has a pending incomplete application. Any necessary verification mailings shall be conducted.

## **2) TRANSMITTING IMPROPERLY DIRECTED VOTER REGISTRATION APPLICATIONS**

- a) County boards of elections that receive voter registration applications that have been improperly directed to the wrong county shall:
  - (1) If the applicant resides in another county within North Carolina, the county board who receives the misdirected application shall mail the application to the correct county. If the misdirected application is received within seven (7) days of the registration deadline for a primary or general election during even-numbered years, then in addition to mailing the original, the misdirected application must be transmitted electronically to the correct county board of elections.
  - (2) If the applicant resides in another state, the county board that receives the misdirected application shall mail the application to the chief election official in the state in which the applicant actually resides.

## **3) PROCEDURES FOR USING THE NATIONAL CHANGE OF ADDRESS PROGRAM**

- a) Effective November 23, 2008, the post office revised the Move Update Standard in its Domestic Mail Manual (DMM). According to the new policy, discounted first-class mailings and all standard mailings, are subject to the Move Update Standard. Essentially, prior to mailing, all addresses must be checked by using an approved updating method. The update must have taken place within 95 days of the mailing. The USPS permits various methods of updating addresses; however, based on the nature of our agency, the National Change of Address system (NCOA) appears to be the only viable method.
- b) The following types of mailings are subject to the Move Update Standard:
  - (1) Precinct or Polling change notices;
  - (2) No contact notices;
  - (3) Confirmations sent to existing addresses in SEIMS; or
  - (4) Other administrative mailings sent to existing addresses in SEIMS.
- c) Addresses that are newly obtained directly from voters on voter registration applications/update forms or by some other approved method are not subject to the Move Update Standard. The types of mailings that would not be subject to the Move Update Standard include:

- (1) Verifications sent to voters by county boards of elections as a result of new applications for voter registration;
  - (2) Verifications sent to voters by county boards of elections as a result of address or name changes initiated by voters; or
  - (3) Address Confirmation Cards sent to a voter's forwarding address as a result of a county board receiving from the postal service a returned verification notice that included a forwarding address.
- d) Each quarter (January, April, July, and October), the State Board of Elections, will run the statewide voter registration database against the National Change of Address Program to determine if any registered voters have changed their address with the United States Post Office. Temporary address changes will be excluded. The State Board of Elections will make available to the county boards of elections a report showing any voter record with a reported change of address with the United States Postal Service. The State Board of Elections will report those address changes that return as an exact or probable match. The county boards of elections will be required to check the quarterly NCOA report to determine if any registered voters within their county have likely moved. If it is determined that any registered voter is likely to have moved, then the county board of elections shall send a NCOA authentication mailing to the voter at his new address under the following guidelines:
- (1) If the NCOA match returns a new address within the voter's existing county, then the county board is required to send a NCOA mailing to the registered voter within 30 days asking the voter to confirm whether he has moved within the county. The voter will be asked to sign and return the NCOA mailing confirming the address change before a change of address in the voter registration database can be effected. If and when the voter returns the NCOA mailing, then the change will be made to the voter record. If the voter does not return the NCOA mailing within 30 days, or the mailing is returned undeliverable, then the county board shall then send a forwardable address confirmation mailing to the voter's existing address and follow the appropriate list maintenance procedures;
  - (2) If the NCOA match returns a new address within a county in which the voter is not currently registered, then within 30 days, the board of elections for the county in which the voter is currently registered shall notify the voter that if he has moved, he is no longer eligible to vote in his old county and must register to vote in his new county of residence. The notice shall include a voter registration application. No change will be made to the voter registration database until such time that the voter registers in a new county or returns the NCOA mailing confirming the voter's address. If the voter does not register to vote in the new county within 30 days, or return the NCOA mailing within 30 days, or the NCOA mailing is returned as undeliverable, then the county board shall then send a

forwardable address confirmation mailing to the voter's existing address and follow the appropriate list maintenance procedures.

- (3) If the NCOA match returns a new address within a new state, then the voter's current county board of elections will be required to send a NCOA mailing within 30 days asking the voter to confirm whether he has moved outside of North Carolina. The voter will be asked to sign and return the mailing in order to authenticate the address change. If and when the voter returns the NCOA mailing, then the voter will be removed as a voter in the county of his previous residence. If the voter does not return the NCOA mailing within 30 days, or the mailing is returned as undeliverable, then the county board shall then send a forwardable address confirmation mailing to the voter's existing address, and follow the appropriate list maintenance procedures.

#### **4) LEGACY DATES OF BIRTH**

- a) The records of many registered voters in the Statewide Voter Registration database predate the requirement that a date of birth is needed to register to vote. The records of these voters contain dates of birth with 01/01/1900. Unless the voter submits a change of information to their voter record, these default legacy dates of birth will remain.