EXHIBITS TO THE 30 (b) (6) DEPOSITION OF NC STATE BOARD OF ELECTIONS (BY KIM WESTBROOK STRACH) 7 OF 8
Results:

- **765** voters exact match of first and last name, DOB and last four of SSN—registered in NC and another state and voted in NC and the other state in 2012 general election.

- **35,750** voters with first and last name and DOB match that are registered in NC and another state and voted in both in 2012 general election.

- **155,692** voters exact match of first and last name, DOB and last four of SSN—registered in NC and another state and NC is not the latest date of registration or activity.

These results are being investigated by our office.
10-year Death Audit

- Identified 50,000+ new death records from DHHS that had not previously been provided to SBOE.
- Audited identified 13,416 deceased voters on voter rolls in October 2013. These votes were subsequently removed.

Data: 81 deceased voters have voter history later than the date of their death.
Integration
Centralization
Modernization
Maintenance Process – The New SEMS
Future Improvements to the List
Implementing the use of Electronic and Digital Information at the Polling Place
Legislative Request

- Obtaining digital photographs of registered voters and verifying identity of those voters.
- Maintaining information stored electronically in a secure fashion.
- Utilizing electronically stored information, including digital photographs and electronic signatures, to create electronic poll books.
- Using electronic poll books to assist in identifying individuals attempting to vote more than once in an election.
- A proposed plan for a pilot project to implement electronic poll books, including the taking of digital photographs at the polling place to supplement the electronic poll books.
- Any other related matter identified by the State Board impacting the use of digital and electronic information in the voting place.
Current Capabilities

The State Board of Elections currently has an Electronic Poll Book for use in all elections. With our current software, we can do the following:

- Maintain information stored electronically in a secure fashion. Current information is encrypted before it leaves the server and from the electronic poll book.
- Utilize electronically stored information, including digital photographs and electronic signatures, to create electronic poll books. We currently have electronic information in our current poll book; adding photographs and signatures would merely be an enhancement.
- Assist in identifying individuals attempting to vote more than once in an election. (Currently data is audited for double voting after an election.)
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<th>Name</th>
<th>Address 1</th>
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Update Voter Registration

Step 1 of 2: Please enter the registration information and click "Review"

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<th>Application Information</th>
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Jurisdiction List

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ftp://all.ncsbe.gov/Agency/JointCommittee_April_2014.pdf
Data Needed

The State Board of Elections has the ability to upgrade our software to include photographs of voters obtained by DMV and supplement them with photographs taken at the polling site.

To accomplish: (1) Obtaining digital photographs of registered voters and verifying identity of those voters.

We are currently working with DMV to obtain Driver License Photographs and signatures. Even though we have two completely different IT systems (mainframe vs. Microsoft) there should be no issues. We currently receive data and images from DMV on a daily basis.
New Functionality

To accomplish: A proposed plan for a pilot project to implement electronic poll books, including the taking of digital photographs at the polling place to supplement the electronic pollbooks.

We would need to add an enhancement to our current electronic pollbook system to add the ability to take a picture at the polling place to either supplement missing images or capture all images.

To have 100% of the voter images, we can collect any photographs that we could not match with DMV records at the time a voter presents to vote.
A simple webcam attached to a current pollbook system. The camera would be facing the voter.
Project Plan to Pilot

1. Obtain DMV photographs and signatures and enhance Statewide Voter Registration System to store and link to registered voters. Current Status: Working with DMV on method and timeframe to transfer images with current data updates.

2. Enhance current electronic poll book to include linked photographs and signatures. Current Status: In the planning phase, looking to pilot during 2015 municipal election cycle.

3. Costs would be minimal to the state since we would utilize internal resources to complete and our current software is already designed to handle images. County costs would include laptops, printers, and web cameras for those not using our electronic poll book.
## E-Poll Book Considerations

The following is a summary of the poll book method utilized by North Carolina counties in the 2012 General Election:

<table>
<thead>
<tr>
<th>Poll Book Method</th>
<th>Counties</th>
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<tr>
<td>SBE Electronic Poll</td>
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<tr>
<td>Book</td>
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<tr>
<td>Third Party Vendor</td>
<td></td>
</tr>
<tr>
<td>Manual Entry/Paper</td>
<td>53</td>
</tr>
<tr>
<td>Poll Book</td>
<td></td>
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</tbody>
</table>

- **Connectivity**: Ensuring reliable internet connection for electronic poll books, counties would need to acquire equipment and set up systems to allow for online voting.
- **County Investment**: The county would need to invest in hardware, software, and training staff to use the electronic poll books.
- **Efficencies & Integrity**: Electronic poll books offer increased security and data integrity, reducing the risk of errors and fraud. The system can also track and verify voter eligibility and election results.
The Future?

Challenges:
- List maintenance, or duplicate voter registrations and voting is challenging since matching on names and birth dates are not always exact.

Solution:
- Utilize facial recognition or biometrics to check for multiple voter registrations and voting.
Implementation of the Voter Information Verification Act
HB 589 Implementation Partners

NC DMV

NC Department of Vital Records

Registers of Deeds Offices

100 County Boards of Elections

Thank You
Implementation Timeline

September 2013
- Preregistration Removed

October 2013
- New Voter Card Introduced
- Multipartisan Absentee Team
- Temporary Rules

January 2014
- No Fee DMV ID
- State Absentee Ballot Request Form
- SEIMS Changes

March 2014
- New Absentee Instructions & Envelope

April 2014
- Voter Education at One-stop Sites
SBOE Voter ID Webpage

<table>
<thead>
<tr>
<th>Voter ID Requirements in NC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Requirements</strong></td>
</tr>
</tbody>
</table>

- Expanding on previous updates, North Carolina will require voters to show a photo identification (e.g., driver's license, voter ID card) when they present to vote in person. This change is a result of the Voter Information Verification Act (VIVA) (S.L. 2013-244). Without ID, a voter will be directed to show

- Any form of identification when they vote.
Implementation Projects

- VIVA Outreach Team
- DMV Mobile Units
- Outreach Pamphlets & Posters
North Carolina State Board of Elections

Provisional Voting
Administrative Procedures

Issued by the Administration Division of the
North Carolina State Board of Elections

Last revised 9/2011
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Appendix A: N.C.G.S. 163-168.11

Appendix B: Sec 6(e) of NVRA 42 USC 1973gg-6e

Appendix C: Title 42 Chapter 146 Subchapter III Part A §15482
Part A: Introduction

Voting is very straightforward for most voters. When they come to the polling place, they will accurately state the required information: name, residence address, and party affiliation (for a primary); and that information will appear on the poll book properly listed. They are immediately permitted to vote.

However, it is not that straightforward every time. Occasionally the voter does not appear in the poll book at all. Years ago, that voter was simply out of luck and could not vote. Precinct officials would try to find the information, of course, but if they could not, the voter was turned away and his or her vote was lost.

Today, we no longer simply turn people away. Precinct officials still try, as they did in years past, to find the voter’s information. Perhaps it was listed in a way that made it momentarily difficult to recognize. No matter what the case may be, if the precinct officials cannot find the proper information to enable the voter to vote immediately they will provide the voter with the opportunity to mark a provisional ballot.

A provisional voter differs from a regular voter in several significant ways:

1. The voter must complete a Provisional Ballot Envelope at the same time they mark their ballot. The envelope includes an application to register to vote. The voter puts the provisional ballot in the Provisional Ballot Envelope, seals it and returns the entire package to the precinct officials.

THE PROVISIONAL BALLOT MUST NOT BE INSERTED INTO THE TABULATOR UNDER ANY CIRCUMSTANCES!

2. Precinct officials keep provisional ballots in a separate, secure storage place, not combined with regular ballots.

3. Precinct officials do not count provisional ballots. Instead, they take them to the county board office on election night.

4. Between Election Day and canvass, the county board of elections determines whether the provisional voter was in fact entitled to vote and, if so, counts the votes in all races for which the provisional voter was eligible.

5. If the county board cannot determine that the provisional voter was eligible to vote, it will not count the ballot at all.

6. The provisional voter is entitled to know whether the provisional ballot was counted. If their Ballot was NOT counted, the reason why.

These Provisional Voting Administrative Procedures spell out the obligations of the county board of elections, precinct officials and voters at each step of the provisional ballot process.
Part B: Who May Vote a Provisional Ballot?

Precinct officials should never turn away a voter who wishes to vote a provisional ballot. A voter who is otherwise considered ineligible to vote a regular ballot should be offered a provisional ballot. The answer to the question “Who may vote a provisional ballot?” is “Anyone.”

Part C: Whose Provisional Ballots Will Count?

The provisional ballot of every eligible voter will be counted in all races for which the voter was entitled to vote.

There are eight categories of provisional voters whose provisional ballots may count in the election vote totals:

1. Voters who moved to a new precinct within the county more than 30 days ago and did not report that move to the county board ("unreported move voters")

A voter is still eligible to vote in person at their old precinct for 30 days after moving. After 30 days, however, that eligibility expires and the voter should have reported their move to the county board. If they did, the voter would then be eligible to vote in their new precinct. But if they did not, the voter may appear at their old precinct and get a precinct transfer to their new precinct, or they may vote a provisional ballot.

The voter may also vote the provisional ballot in their new precinct. The voter will be eligible there for all races, and their provisional ballot will be counted for all races.

A voter may also vote the provisional ballot in their old precinct. The voter will be eligible there, but not necessarily for all races. The voter will be eligible only for those races in which they would also be eligible if they were voting at their new precinct.

2. Voters who are registered but do not appear on the precinct records ("unrecorded voters").

There may be a number of reasons why a voter’s name may not appear on the precinct records.

If it can be determined after Election Day and before the canvass that the voter did in fact properly register and should have appeared in the precinct records, the voter is determined to be eligible and their provisional ballot will be counted.
3. Voters who were previously removed as part of list maintenance or "purge" but claim continuous residence and right to vote ("previously removed voters")

County boards of elections regularly attempt to update their voter registration records by removing the names of individuals who have moved out of the county, become deceased, or otherwise become ineligible. A voter who has had no contact with the county board over a period of time and whose mail has been returned undeliverable, may have been removed as part of a previous list maintenance action.

If the voter has in fact maintained continuous residence in the county, the voter is considered to be eligible and their provisional ballot will be counted.

4. Voters who may be assigned to the wrong election district in a particular race ("jurisdictional dispute voters")

A voter may be in the correct precinct but may believe that they have been assigned to the wrong electoral district in a particular contest.

For instance, the voter may be offered the ballot to vote in the County Commissioner District One race but believes that their residence is in fact in County Commissioner District Two. In that case, the voter may vote a provisional ballot on County Commissioner Two, the ballot will count in the District Two race if it is determined that the voter is in fact eligible to vote in District Two. The voter shall not be allowed to cast ballots in both District One and District Two.

5. Voters who are in a precinct other than the precinct of residence who wish to vote in that precinct nonetheless ("out of precinct voters")

A properly registered, eligible voter of the county may vote a provisional ballot at any precinct in the county. Their ballot will count in all contests in which the voter would have been eligible to vote if they had voted at their correct precinct, but not in other contests.

A person who is a resident of another county or another state will, of course, not be eligible to vote in this county. If an ineligible voter casts a provisional ballot, it will not be counted in any race, including races for federal offices.

6. Voters who dispute the party affiliation that is reflected on their voter registration. ("incorrect party voters")

A properly registered voter may believe that, in a primary election, the registration records mistakenly show him as affiliated with the wrong political party. The voter may vote a provisional ballot of the other party, but their ballot will count only if it can be determined that in fact, an administrative error did occur. The voter may not vote a provisional ballot for more than one party.
7. **Voters who appear after 7:30 p.m. and vote by virtue of a court or State Board order keeping the polls open ("extended hours voters")**

The polls close at 7:30 p.m. Voters in line at that time may vote, even if they in fact cast their ballot after 7:30 p.m. But voters who arrive after 7:30 p.m. are too late and are not allowed to vote.

Occasionally, however, a court or the State Board may order that one or more polls be kept open after 7:30 p.m. In that case, all voters arriving after 7:30 p.m. will be permitted to vote, but they must vote by provisional ballot. If it is later lawfully determined that the extended hours were proper, the provisional votes will be counted. (See Part H, Special Circumstances One)

8. **Voters required to show ID who do not show ID ("ID not provided voters")**

The registration books will indicate if a person is required to show ID. If such a voter does not present ID at the polls, the voter may vote a provisional ballot, and the provisional ballot will count only if the voter provides proper ID to the county board no later than 5:00 p.m. on the day before the county canvass.
Part D: Pre-Election Day Obligations of the County Board of Elections

The county board of elections has six principal obligations regarding provisional ballots before the election even begins. Most of these it can delegate to the county director of elections to carry out.

1) Learn and Apply the Law

The first obligation of members of county boards of elections, county directors of elections and elections staff is to learn and apply the law. This is an obligation of the county board that may not be delegated. The chief statute is a North Carolina statute found at N.C.G.S. 163-163.11. The full text of that statute is in Appendix A of these Provisional Voter Administrative Procedures. Here, in layman’s language, is what that law says:

If an individual seeking to vote says that they are a registered voter of the county but their name does not appear in the poll book, the precinct election officials must offer the voter the opportunity to cast a provisional ballot. Once the voter has completed a written affirmation that they are a registered voter and eligible to vote, the voter may mark a provisional ballot. The precinct official must provide the voter with the Provisional Voter Instructions sheet which enables them to find out if their provisional ballot was counted. The precinct officials secure the provisional ballots and transfer them to the county board. The county board verifies the voter’s eligibility and counts the ballot in all races for which the voter was eligible. The State Board of Elections has the authority to adopt guidelines for securing the cast ballot and affirmation and transmitting them to the county board.

The state statute on provisional voting was adopted by the North Carolina General Assembly ensuring eligible voters are able to cast their ballots and not be turned away at the polls, and to comply with federal law. The two relevant federal statutes are Section 8(e) of the National Voter Registration Act, 42 USC §1973gg-5(e), (found in Appendix B) and Section 302 of the Help America Vote Act, 42 USC § 15482, (found in Appendix C)

2) Develop Local Instructions for Precinct Officials

The second obligation of the county board, the county director and staff is to develop local instructions for precinct officials at the polls. If a precinct official cannot find a voter’s information in the poll book, exactly what is the precinct official to do? Is the precinct official to make a call? To whom? At what number? At what email address? Or take the matter to the precinct chief judge? These local instructions should be fully in place and clearly spelled out for the precinct officials.

3) Train Precinct Officials and Other Elections Workers

Once the county board members and directors of elections have become familiar with the statutes and these Provisional Voter Administrative Procedures and local instructions, it is their obligation to fully train all precinct officials and county board employees who will be involved in handling provisional ballots.
4) Each Precinct Must have a person or persons Designated to be in Charge of Provisional Voting

The county board must name (or it may delegate to the director the responsibility to name) one or more precinct officials at each precinct to be in charge of Provisional Voting. These persons will be in charge of all provisional voting instructions on Election Day and may also be designated as the Help Station at that precinct.

5) Provide the Required Provisional Voting Materials

It is the obligation of the county board to insure that each precinct has a proper supply of these materials:

1. A secure container into which precinct officials may place provisional ballots and envelopes to be later transported to the county board office for verification and counting.
2. A Provisional Poll book for recording the provisional voter's information.
3. Provisional Ballot Envelopes for voters to complete.
4. Provisional Voter Instruction Sheets for voters to follow and to assist the voter in learning the status of their provisional ballot.
5. Provisional ballot PIN labels printed through SEIMS to be attached to the Provisional Poll book, the Provisional Ballot Envelope and the Provisional Instructions for precinct officials.

6) Develop Local Procedures for Verifying and Counting Provisional Ballots

Between Election Day and canvass day, the county board determines which provisional ballots are to be counted, based on the eligibility and residency of the voter. County boards of elections should have procedures in place well before the time for making these determinations.

These procedures must specify the following:

1. How Provisional Ballot Envelopes will be received on election night and stored securely.
2. Whether and to what extent authority will be delegated to directors and staff to make initial determinations regarding a provisional voter's eligibility.
3. How Provisional Ballot Envelopes will be opened and the ballots counted when a provisional voter's eligibility is confirmed.

These obligations are laid out in Part G below.
Part E: Duties of Precinct Officials at the Precinct

In almost every case, the voter comes to the polls expecting to be able to vote in the regular manner. The voter may learn from a precinct official that their name does not appear on the poll book and that they must vote a provisional ballot. This is, of course, not the news the voter wants. Delivering the news is not a pleasant task for the precinct official, but it is a necessary one.

Duties of the precinct officials are as follows:

1) Try to Find the Voter's Information at the Precinct

The first duty of the precinct official is to try to find the voter’s registration information among the records available at the precinct. Is the voter listed under a slightly different spelling? Is there a supplemental set of records that can be checked? Has the voter had a name change? Is the last name hyphenated?

If the voter's information cannot be quickly found through this kind of effort, the precinct official must proceed to step 2.

2) Follow Local Instructions for Contacting the County Office

The second duty is necessary if the effort to find the voter's registration information among the precinct records fails. The second duty is to contact the county board office to try to find the registration information. This duty falls to the precinct official in charge of provisional voting at the Help Station.

Exactly how this duty is to be carried out will vary from county to county. The county board of elections has the obligation to develop local instructions for the precinct officials to follow. Most typically, the instructions will follow this pattern:

1. The voter is sent over to the Help Station for assistance.
2. The precinct official immediately calls the county board office by telephone at a specified number or contacts the board office by email at a specified email address.
3. The precinct official provides the county board office the relevant information and waits for the office to try to find the voter's information from the central registration records.
4. If the county board office is able to verify that the voter is eligible to vote in the county at that precinct, the voter is permitted to vote a regular ballot.
5. If the county board office is not able to verify the voter’s eligibility to vote in the county or at that precinct, the voter is permitted to vote a provisional ballot.
3) Inform the Voter of the Opportunity to Vote by Provisional Ballot

If the county board office is not able to verify the voter's eligibility to vote in the county the precinct official is to inform the voter that they may vote a provisional ballot.

At this step, the voter must be told:

1. Their voter registration information cannot be verified at the moment.
2. The voter may vote a provisional ballot.
3. If the voter chooses to vote a provisional ballot, the county board of elections will continue to attempt to verify the voter's registration information between Election Day and the official tallying of the votes.
4. If the county board is able to verify the voter's information, their ballot will be counted for all eligible contests.
5. If the county board is not able to verify the voter's information, the ballot will not be counted.
6. The voter will be able to find out whether the ballot was counted and if not, why.
7. The voter will be asked to give up-to-date registration information.
8. In the case of missing identification information, the date by which the voter must supply the information in order for the ballot to be counted.

4) Prepare the Provisional Voting Items for the Voter

For every provisional voter, the precinct official must complete the following steps:

1. Enter the name of the voter and other requested information into the Provisional Poll book.
2. Affix one provisional ballot PIN label (SEIMS produces three for each voter) to the Provisional Poll book beside the name of the voter.
3. Affix the second provisional ballot PIN label to the Provisional Ballot Envelope.
4. Affix the third provisional ballot PIN label to the Provisional Voter Instruction Sheet.
5. For "extended hours voters," see Part H, Special Circumstance One, p. 2-22, of these Provisional Voting Administrative Procedures.

5) Give the Voter the Provisional Voting Items

If the voter is voting a provisional ballot, the precinct official gives the provisional voting items to the voter and explains the following:

1. The Provisional Envelope serves as an application for a provisional ballot and as an update to your voter registration record.
2. The voter may use the Provisional Voter Instruction Sheet to find out whether their provisional ballot was counted and if not, why?
3. Hand to the voter:
   - The Provisional Voter Instruction Sheet.
   - The Provisional Ballot Envelope with the voter registration/update form attached.
   - The prefolded ballot. Make sure precinct or VTD is identified on the ballot.
4. Tell the voter that they may ask for assistance filling out the required paperwork.
5. Instruct the voter to mark the ballot, insert it into the Provisional Envelope, seal the envelope, and return the entire package to the precinct official.
6. Direct the voter to the voting booth. When practical, set up a separate voting area for provisional voters.

The voter is entitled to the same assistance in marking their ballot as a voter voting a regular ballot.

6) Check the Provisional Ballot Envelope and the Voter Update Form

In the voter's presence, check to be sure that:

1. The voter has completed the Provisional Ballot Envelope.
2. The Provisional Ballot Envelope is properly sealed.
3. The voter registration/update form is signed by voter and still attached to the envelope. If it has become separated, securely reattach it, along with any other documentation the precinct official may have collected from the voter.
4. If a primary election, indicate on the envelope the party requested.
5. Check to see that the Provisional Poll book Number is on envelope.
6. Be sure the envelope is signed by the voter and the precinct official.

7) Place the Provisional Ballot Items in the Secure Container

Under no circumstances shall precinct officials open the sealed Provisional Ballot Envelope. The precinct officials place all the provisional ballot items in the secure container provided by the county board and leave them there. Keep them separate and apart from all other ballots. (See Part H, Special Circumstance One, on p. 2-22 of these Provisional Voting Administrative Procedures for special handling of the provisional ballot items of extended hours voters.)

8) Seal and Transport the Provisional Ballot Container

On election night when the polls are closed, the precinct official(s) must take the following steps:

1. Reconcile the number of Provisional Ballot Envelopes
   - Count the number of sealed, unused and spoiled provisional ballots and envelopes.
   - Make sure the number of sealed envelopes equals the number of entries on the Provisional Poll book.
   - Include the number of sealed provisional envelopes on the ballot reconciliation form.
2. Place all the Provisional Ballot Envelopes (and any attached documents) in a container and seal it. If the envelopes are already in a container, seal the container.
3. Have the chief judge, both judges and the precinct official in charge of provisional voting sign the seal or other documentation.
4. Have the chief judge, both judges and the precinct official in charge of provisional voting sign the Provisional Poll book.
5. Transport the provisional voting materials according to the regular “chain of custody” form that includes the signatures and times in which all ballots and materials are in the custody of each official.

6. Make sure the provisional ballot materials are verified and signed for by a board of elections representative upon delivery to board office.

Precinct officials must be available for canvass and any election protests.

**Part F: Obligations of the Provisional Voter**

The individual who is offered the opportunity to vote a provisional ballot has four (4) obligations:

1) **Be Cooperative**

The provisional voter is to be civil and to cooperate with elections officials. A sufficiently disruptive voter will be asked to leave and may be subject to arrest.

2) **Complete the Provisional Voting Process**

Complete the Provisional Ballot Envelope with all required information.

3) **Seal the Ballot in the Provisional Ballot Envelope**

Mark the ballot and seal it inside the Provisional Ballot Envelope. Return the Provisional Envelope containing the ballot to the designated precinct official. It will not be opened until the voter’s eligibility is determined by the county board of elections.

4) **Retain the Provisional Voter Instruction Sheet**

The provisional voter may follow the directions on the Provisional Voter Instructions Sheet to find out whether their provisional ballot was counted and, if not, the reason it was not. The instructions will tell the voter that the information will be available one day after the board certifies the results of the election.

The information will be available on the State Board of Elections website or by toll free telephone call to a special number at the State Board. The voter will be required to provide his name and PIN number to receive the information by web or by telephone. The information can also be obtained in person at the offices of the county or State Boards of Elections.
Part G: Obligations of the County Board of Elections after Election Day

Once the polls close, the county board of elections begins the process of securing the provisional ballots and determining which ones are to be counted and in which contests.

1) Safeguard Provisional Ballots

The first responsibility of the county board is to follow its own instructions for receiving and securing Provisional Ballot Envelopes on Election Night.

2) Enter the Information in SEIMS

To make it possible for voters to learn whether their provisional ballot was counted, provisional ballot determinations must be entered into the Provisional Ballot module of SEIMS. The ideal time to enter this data is as the determination is made.

3) Determine the Eligibility of Each Provisional Voter

The county board has the responsibility with respect to each provisional voter to make an individual determination of that voter’s eligibility to vote in the election, applying the following principles:

a. Only registered voters of the county are eligible.

b. If a voter is registered in the county but for any reason did not appear on the records at the precinct in which the voter has resided for more than 30 days and at which the voter cast the ballot, the voter is an eligible voter and their ballot should be counted.

c. If a voter is a registered voter of the county but for any reason cast a provisional ballot at a precinct other than the precinct for which their residence would qualify them to vote, the voter is an eligible voter in those contests in which they would have been eligible to vote had they in fact voted at their resident precinct.

d. If a voter is a registered voter of the county and is merely updating information through the provisional process, but failed to check either the citizenship box or the age box on the envelope, then their ballot should be counted for those contests in which they were eligible to vote.

e. If it cannot be determined from an audit of voter records that the voter was in fact a registered voter, they are considered to be ineligible.

f. Determination is based solely on documentation provided to the county board of elections.

g. All material questions as to eligibility must be resolved by the county board of elections.

For unrecorded voters, at a minimum check:

- Incomplete () queue in SEIMS
- File of registrations received after the voter registration deadline
- Declinations from state agencies
- DMV files using form provided by the State Board of Elections
For unreported move voters, at a minimum check:
  • That the voter did not vote at the old precinct or by absentee

For previously removed voters, at a minimum check:
  • Cancellations from state agencies
  • Incomplete (I) queue in SEIMS
  • Possible previous names

For jurisdictional dispute voters, at a minimum check:
  • That the voter did not vote at another precinct
  • That the person is properly registered

For ID required voters who vote mail-in absentee ballot:
  • Check all of the above and note that appropriate ID must be provided before canvass.
  • The voter must submit with the mailed-in absentee ballot one of the following:
    • NC Drivers License
    • Valid Photo ID
    • Bank Statement
    • Utility Bill
    • Government Check
    • Other Government Document
    • Paycheck

4) Delegate Functions

The board may delegate to the director and staff (in accordance with the board's own procedures) responsibility for making determinations regarding voter eligibility. If the board makes this delegation, it must instruct the director and employees to reserve for determination by the board itself all cases in which any material question as to eligibility exists.

5) If Necessary, Correct the "Category" and "Disposition" on the Provisional Ballot Envelope in the Part Designated for Official Use

Once the determination as to eligibility has been made, that determination must be marked on the Provisional Ballot Envelope and the category for the provisional vote must be noted. The provisional voter himself will already have chosen a category. If that entry must be corrected, make the correction in the gray area reserved for office use.
6) Segregate the Ineligible Provisional Ballot Envelopes

For provisional voters who are found to be ineligible, leave the Provisional Ballot Envelopes sealed. **Do not open them.**

Store all the sealed Provisional Ballot Envelopes of all ineligible voters together in a secure place. Once the board acts on all provisional voters, remove the voter update form from the envelope for processing in SEIMS.

7) Open the Eligible Provisional Ballot Envelopes

For provisional voters who are found to be eligible, follow this procedure:

1. Unseal the Provisional Ballot Envelopes
2. Remove the ballots; immediately check to ensure that the ballot contains the precinct or VTD number.
3. If this is a primary election check to ensure that the ballot is for the party marked on the envelope and on the voter's registration record.
4. Store all the Provisional Ballot Envelopes of all eligible voters together in a secure place.
5. Prepare the ballots for counting.

8) Count the Ballots

After all provisional ballot applications have been considered; count the ballots of the eligible provisional voters, applying these instructions:

a. Count only the contests in which the provisional voter was eligible to vote.
b. Add the total provisional votes to the abstract below the total absentee votes and precinct transfer votes (in election night reporting).
c. Do not add provisional votes to the individual precinct totals.
d. Secure the ballots and store according to local procedures.

9) Preserve the Records

Retain the Provisional Ballot Envelopes and all materials attached to the envelopes for the same period of time that other elections materials are retained for that election. Remove the voter registration/update form from the envelopes for scanning into SEIMS Provisional Voting. Secure the ballots.
Part H: Special Circumstances

1) Segregate Ballots of Extended Hours Voters

The polls close at 7:30 p.m. Voters in line at that time may vote, even if they in fact cast their vote after 7:30 p.m. But voters who arrive after 7:30 p.m. are too late and are not allowed to vote.

Occasionally, however, a court or the State Board may order that one or more polls be kept open after 7:30 p.m. In that case, all voters arriving after 7:30 p.m. will be permitted to vote, but they must vote only by provisional ballot. If it is later lawfully determined that the extended hours were proper, the provisional votes will be counted.

All provisional voting documents of extended hours voters must be kept separate from documents of other provisional voters.

At the precinct, precinct officials must:

a. Maintain a separate section of the Provisional Poll book for recording extended hours voter information.

b. Enter extended hours voter information in the separate section of the Provisional Poll book.

c. Be certain that the returned Provisional Ballot Envelopes for extended hours provisional voters accurately indicate that extended hours voting is the reason that the voter voted a provisional ballot. Once the precinct official is certain that the Provisional Ballot Envelope is properly marked in this way, the envelope may be deposited in the secure container with the other Provisional Ballot Envelopes.

At the county board office after the election, county board officials must:

a. Identify all Provisional Ballot Envelopes marked for extended hours voting and keep them separate.

b. Open the Provisional Ballot Envelopes and count the ballots only if the order allowing extended voting remains valid at the time of canvass.

2) Provisional Voters in Second Primary

If a voter voted by provisional ballot in the first primary and was determined to be an eligible voter, then that voter is eligible to vote in the second primary in all contests for which they were found to be eligible in the first primary.

The county board of elections must prepare lists of eligible voters by precinct and provide each precinct with its list. If the voter appears at the precinct in the second primary and the voter's name is not on the voter registration list but is on that precinct's list of eligible provisional voters, their name is to be added to the voter registration list and they are allowed to vote a regular (not a provisional) ballot.
3) ID-Required Voter Voting by Absentee

As noted above on page 28, a small minority of voters are required to show ID. They are certain voters who registered by mail and have not previously voted. It can happen that such an ID required voter may vote by mail-in absentee ballot and fail to provide the required ID. In that case, the mailed-in absentee ballot becomes a provisional ballot. The following steps must be taken:

a. Record the voter’s information in the Provisional Poll book.
b. Complete a Provisional Ballot Envelope using the information provided on the absentee ballot materials
c. Attach PIN labels to the Provisional Poll book, the Provisional Ballot Envelope and a Provisional Voter Instructions Sheet.
d. Place the absentee envelope containing the absentee ballot in the Provisional Ballot Envelope and seal it.
e. Store the Provisional Ballot Envelope in the appropriate secure provisional ballot storage container.
f. Mail the Provisional Voter Instructions Sheet to the voter.
§ 163-166.11. Provisional voting requirements

If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163.82.1 and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official ballot as follows:

1. An election official at the voting place shall notify the individual that the individual may cast a provisional official ballot in that election.

2. The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before an election official at the voting place, stating that the individual is a registered voter in the jurisdiction as provided in G.S. 163.82.1 in which the individual seeks to vote and is eligible to vote in that election.

   (2a) A voter who has moved within the county more than 30 days before Election Day but has not reported the move to the board of elections shall not be required on that account to vote a provisional ballot at the one-stop site, as long as the one-stop site has available all the information necessary to determine whether a voter is registered to vote in the county and which ballot the voter is eligible to vote based on the voter's proper residence address. The voter with that kind of unreported move shall be allowed to vote the same kind of absentee ballot as other one-stop voters as provided in G.S. 163-227.2(e2).

3. At the time the individual casts the provisional official ballot, the election officials shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain 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 State Board of Elections or the county board of elections shall establish a system for informing a provisional voter. It shall make the system available to every provisional voter without charge and it shall build into it reasonable procedures to protect the security, confidentiality and integrity of the voter's personal information and vote.

4. The cast provisional official ballots and the written affirmation shall be secured by election officials at the voting place according to guidelines and procedures adopted by the State Board of Elections. At the close of the polls, election officials shall transmit the provisional official ballots cast at that voting place to the county board of elections for prompt verification according to guidelines and procedures adopted by the State Board of Elections.

5. The county board of elections shall count the individual's provisional official ballot for all ballot items on which it determines that the individual was eligible under State or federal law to vote. (2003-226, s.15; amended by S.L. 2005-02, s.4, effective March 2,2005; S.L. 2005-428, s. 6(b) added subsection (2a), effective September 22, 2005)
Appendix B
Sec 8(e) of NVRA 42 USC 1973gg-6e

(e) Procedure for Voting Following Failure to Return Card

(1) A registrant who has moved from an address in the area covered by a polling place to an address
in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to
the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the
registrant of the change of address before an election official at that polling place.

(2) (A) A registrant who has moved from an address in the area covered by one polling place to an
address in an area covered by a second polling place within the same registrar's jurisdiction and the
same congressional district and who has failed to notify the registrar of the change of address prior to
the date of an election, at the option of the registrant:

(i) shall be permitted to correct the voting records and vote at the registrant's former polling
place, upon oral or written affirmation by the registrant of the new address before an election official
at that polling place; or

(ii) (i) shall be permitted to correct the voting records and vote at a central location within the
same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained,
upon written affirmation by the registrant of the new address on a standard form provided by the
registrar at the central location; or

(II) Shall be permitted to correct the voting records for purposes of voting in future elections at
the appropriate polling place for the current address and, if permitted by State law, shall be permitted
to vote in the present election, upon confirmation by the registrant of the new address by such means
as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by
the registrant of the new address at a polling place described in subparagraph (A)(II) or (A)(II)(II),
voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area
covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before
an election official at that polling place that the registrant continues to reside at the address previously
made known to the registrar, be permitted to vote at that polling place.
Appendix C

Title 42 Chapter 146 Subchapter III Part A §15482.

Provisional voting and voting information requirements

(a) Provisional voting requirements
If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

1. An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

2. The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is:
   (A) A registered voter in the jurisdiction in which the individual desires to vote; and
   (B) Eligible to vote in that election.

3. An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

4. If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote, the individual’s provisional ballot shall be counted as a vote in that election in accordance with State law.

5. (A) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under subparagraph (B) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

   (B) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

States described in section 1973gg-2 (b) of this title may meet the requirements of this subsection using voter registration procedures established under applicable State law. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (5)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.
(b) Voting information requirements
   (1) Public posting on Election Day
       The appropriate State or local election official shall cause voting information to be publicly
       posted at each polling place on the day of each election for Federal office.
   (2) Voting information defined in this section, the term "voting information" means:
       (A) A sample version of the ballot that will be used for that election.
       (B) Information regarding the date of the election and the hours during
           which polling places will be open.
       (C) Instructions on how to vote, including how to cast a vote and how to
           cast a provisional ballot.
       (D) Instructions for mail-in registrants and first-time voters under section
           15483 (b) of this title.
       (E) General information on voting rights under applicable Federal and
           State laws, including information on the right of an individual to cast a
           provisional ballot and instructions on how to contact the appropriate
           officials if these rights are alleged to have been violated; and
       (F) General information on Federal and State laws regarding
           prohibitions on acts of fraud and misrepresentation.

(c) Voters who vote after the polls close
   Any individual who votes in an election for Federal office as a result of a Federal or State court
   order or any other order extending the time established for closing the polls by a State law in
   effect 10 days before the date of that election may only vote in that election by casting a
   provisional ballot under subsection (a) of this section. Any such ballot cast under the
   preceding sentence shall be separated and held apart from other provisional ballots cast by
   those not affected by the order.

(d) Effective date for provisional voting and voting information
   Each State and jurisdiction shall be required to comply with the requirements of this section on
Procedures for Counting Partial Ballots  
(By Order of the State Board)

G.S. 163-166.11. Provisional voting requirements

If an individual seeking to vote claims to be a registered voter in a jurisdiction as provided in G.S. 163-82.1 and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official ballot as follows:

(5) The county board of elections shall count the individual's provisional official ballot for all ballot items on which it determines that the individual was eligible under State or Federal law to vote.
(2003-226, s. 15; 2005-2, s. 4; 2005-428, s. 6(b).)

8 NCAC 8B.0105

(e) Provisional official ballots shall be counted by the county board of elections before the canvass. If the county board finds that an individual voting a provisional official ballot is not eligible to vote in one or more ballot items on the official ballot, the board shall not count the official ballot in those ballot items, but shall count the official ballot in any ballot items for which the individual is eligible to vote.

Procedures for counting a provisional ballot cast by a voter in which the voter is only eligible to vote for some offices, but not the entire ballot: county board of elections shall segregate all provisional ballots that must be partially counted. Begin a manual "hand-to-eye" count, mark the appropriate tally sheet, total results and include in the abstract.
Provisional Voter Instructions  
(How to Check the Status of Your Provisional Vote)

Your provisional ballot application will be thoroughly researched to determine if you are eligible to vote in this county. Once the County Board of Elections meets formally, a determination will be made if your provisional can be approved. If the County Board of Elections determines that you are an eligible voter in the county, your ballot will be counted for all contests in which you are eligible to vote. By law, individuals who vote a provisional ballot have the right to learn if their ballot was counted. If it was not counted, the County Board of Elections will tell you the reason why it was not counted.

You may check the status of your provisional application and ballot no earlier than ten (10) days after election day using one of the following methods:

| CALL          | 1-866-522-4723  
<table>
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<th>(During normal business hours)</th>
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| ONLINE        | www.ncabe.gov    
|               | Select "Check Your Provisional Vote" |
| MOBILE        | www.ncsbe.gov    
|               | Select "Voter Lookup" |
| EMAIL         | ncvrs@sboe.state.nc.us  
|               | Enter text below in the email subject line: pv, county, last name, first name, PIN  
|               | (do not use spaces - case sensitive)  
|               | Ex.: pv, alamone, doe, john, 0321212 |
| TEXT          | pv, county, last name, first name, PIN  
|               | (do not use spaces)  
|               | to: 919-413-5633  
|               | Ex.: pv, alamone, doe, john, 0321212 |

You will be asked for the following:
- Your Full Name
- Your Date of Birth
- Your Personal Identification Number (PIN)

[Place Label Here]

Protect your PIN!
Your PIN is the key to your provisional information. If you lose your PIN, you must visit the County Board of Elections in person to determine if your ballot was counted.

If you are voting provisionally because you did not show required identification at the Registration Table, your ballot cannot be counted until the County Board of Elections receives acceptable proof of identification, such as:
- Copy of current and valid photo identification, or
- Copy of current utility bill, bank statement, government check, paycheck, hunting/fishing license, vehicle registration, or other government document that shows your name and address.

You may mail, fax or hand deliver your proof of identification to the [County Name] County Board of Elections office. It must be received no later than 5:00 p.m. on the day before the county canvass.
Instrucciones para el Votante Provisional
(Cómo Comprobar el Estado de su Voto Provisional)

Su solicitud de boleta electoral provisional será investigada a fondo para determinar si usted reúne los requisitos necesarios para votar en este condado. Una vez que la Junta Electoral del Condado se reúna formalmente, se determinará si su boleta provisional puede ser aprobada. Si la Junta Electoral del Condado determina que usted es un votante apto en el condado, su voto será contado para todos los concursos en los que usted puede votar. Por ley, las personas que emiten un voto provisional tienen derecho a saber si su voto fue contado. Si este no fue contado, la Junta Electoral del Condado le dirá la razón por la que no fue contado.

Usted puede comprobar el estado de su solicitud de boleta electoral provisional a partir de (10) días después de las elecciones por cualquier de los siguientes métodos:

<table>
<thead>
<tr>
<th>Método</th>
<th>Información necesaria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Por Teléfono 1-866-522-4722</td>
<td>(Durante horas de oficina normales)</td>
</tr>
<tr>
<td>Por Internet <a href="http://www.ncsbe.gov">www.ncsbe.gov</a></td>
<td>Seleccione &quot;Check your Provisional Vote&quot;</td>
</tr>
<tr>
<td>Por Celular/Móvil <a href="http://www.ncsbe.gov">www.ncsbe.gov</a></td>
<td>Seleccione &quot;Voter Lookup&quot;</td>
</tr>
<tr>
<td>Por Correo Electrónico</td>
<td><a href="mailto:ncsbe@ncs.state.nc.us">ncsbe@ncs.state.nc.us</a>&lt;br&gt; coloque el texto que aparece abajo en la línea de asunto:&lt;br&gt; pv, condado, apellido, primer nombre, PIN&lt;br&gt; (no utilice espacios, sensibles a las mayúsculas y minúsculas) &lt;br&gt; Por ej: pv,alamance,doe,john,0321212</td>
</tr>
<tr>
<td>Por Mensajes de Texto</td>
<td>pv,condado,apellido,primer nombre, PIN&lt;br&gt; (no utilice espacios)&lt;br&gt; alt 919-413-5633&lt;br&gt; Por ej: pv,alamance,doe,john,0321212</td>
</tr>
</tbody>
</table>

Se le pedirá lo siguiente:
- Su nombre completo
- Su fecha de nacimiento (MM/DD/AAAA)
- Su Número de Identificación Personal (PIN)

💭 Su Número de Identificación Personal (PIN) 💭

Si usted votó provisionalmente porque no presentó la identificación requerida en la mesa de inscripción, su boleta no puede ser contada hasta que la Junta Electoral del Condado no reciba pruebas de identificación aceptables como los siguientes:

- Copia de una identificación con foto reciente y válida, o
- Copia de un recibo de servicio público como luz o agua, estado de cuenta bancaria, cheque de pago salarial, licencia de caza o pesca, registro de vehículo, o otro tipo de documento gubernamental que muestre e indique su nombre y dirección.

Usted puede enviar la prueba de identificación por correo, vía fax o llevarla personalmente a las oficinas de la Junta Electoral del Condado (County Name). Esta debe ser recibida antes de las 5:00 p.m. en el día que se solicitan los votos del condado.
Have the voter complete a Provisional Ballot Envelope and Registration Update form. (You can complete the form for them and have them sign it.) The precinct official will determine the correct category on the provisional envelope.

Record the voter's name and address in the Provisional Poll Book. In a primary, you will need to record the correct ballot style. Attach label #1 on the Provisional Poll Book.

Record the Provisional Poll Book number on the Provisional Ballot Envelope in the top left corner. Example: 01-

Record the Precinct Name in the top right corner. Attach label #2 on the Provisional Ballot Envelope.

Attach label #3 to the Provisional Voter's Call In Sheet. Issue the ballot and Provisional Ballot Envelope to the voter. Instruct them to:

a) Mark the ballot
b) Fold & place the ballot in the envelope and seal it
c) Return it to the Precinct Official.
Provisional Voting Reasons:

<table>
<thead>
<tr>
<th></th>
<th>Provisional Voting Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unreported Moves and Incorrect Precinct</td>
</tr>
<tr>
<td>2</td>
<td>No Record Provisional Voters</td>
</tr>
<tr>
<td>3</td>
<td>Previously Removed Voters</td>
</tr>
<tr>
<td>4</td>
<td>Jurisdictional Dispute Voters</td>
</tr>
<tr>
<td>5</td>
<td>Special Provisional Voters (Voters who appear after 7:30 p.m.) and voters who must show ID but do not have it with them.</td>
</tr>
</tbody>
</table>
Provisional Partial Count Ballot Audit

Sample County  Election: 11/03/2009
Staff initials: ______

Complete this form and attach to each Provisional Ballot that cannot be fully counted due to:
Voted in Precinct/VTD __________ Should have voted in Precinct/VTD __________
Ballot Style voted ______ Should have voted Ballot Style ______

Mark through all contests below that should NOT be counted:

MAYOR OF FAIRMONT
COUNCIL MEMBER OF FAIRMONT
MAYOR OF LUMBER BRIDGE
COUNCIL MEMBER OF LUMBER BRIDGE
LUMBERTON COUNCIL MEMBER DISTRICT 2
LUMBERTON COUNCIL MEMBER DISTRICT 3
LUMBERTON COUNCIL MEMBER DISTRICT 5
LUMBERTON COUNCIL MEMBER DISTRICT 8
MAYOR OF MARIETTA
COUNCIL MEMBER OF MARIETTA
MAYOR OF MCDONALD
COUNCIL MEMBER OF MCDONALD
COUNCIL MEMBER OF MAXTON
MAYOR OF ORRUM
COUNCIL MEMBER OF ORRUM
MAYOR OF PARKTON
COUNCIL MEMBER OF PARKTON
COUNCIL MEMBER OF PEMBROKE
MAYOR OF PROCTORVILLE
COUNCIL MEMBER OF PROCTORVILLE
MAYOR OF RAYNHAM

Last revised 3/2011  2-29

SBE00025890
### Provisional Poll Book (example)

**BUNCOMBE COUNTY PROVISIONAL POLL BOOK**

**ELECTION: 11/02/2011-3/30/2011 SPECIAL**

<table>
<thead>
<tr>
<th>POLLING NO.</th>
<th>VOTER NAME/ADDRESS</th>
<th>BALLOT STYLE</th>
<th>PIN NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>BCTC-1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BCTC-2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BCTC-3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BCTC-4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BCTC-5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Provisional Labels (example)

1. POLL BOOK  
   County: BUNCOMBE  
   1144966  
   01148965

2. ENVELOPE  
   Count: BUNCOMBE  
   1144965  
   01148965

3. INSTRUCTION SHEET  
   County: BUNCOMBE  
   1144966  
   01148966

1. POLL BOOK  
   County: BUNCOMBE  
   1144967  
   01148967

2. ENVELOPE  
   Count: BUNCOMBE  
   1144965  
   01148967

3. INSTRUCTION SHEET  
   County: BUNCOMBE  
   1144966  
   01148966

Last revised: 3/2011

SBE00025891
## Provisional DMV Research Form (example)

### DMV Provisional Ballot Research Request Form

**COUNTY: BUNCOMBE**

<table>
<thead>
<tr>
<th>REQUESTOR</th>
<th>DMV REPRESENTATIVE</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Test Case</th>
<th>Date</th>
<th>DOB</th>
<th>DL</th>
<th>No DMV/VR Rec.</th>
<th>Last Rec. of DMV VR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Test Case</td>
<td>01/01/2001</td>
<td>0122354</td>
<td></td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>Out of County</td>
<td>01/02/1977</td>
<td></td>
<td></td>
<td>NO</td>
<td></td>
</tr>
<tr>
<td>DMV Research</td>
<td>01/01/1977</td>
<td></td>
<td></td>
<td>NO</td>
<td></td>
</tr>
</tbody>
</table>

Last revised 9/2011
ALAMANCE COUNTY
PROVISONAL BALLOT ENVELOPE

THE VOTER MUST COMPLETE THIS FORM AND THE ATTACHED REGISTRATION UPDATE FORM PRIOR TO VOTING. ALL PROVISONAL BALLOT ENVELOPES MUST BE SEQUENTIALLY NUMBERED.

I, (please print your full name),
do hereby affirm that:

☐ 1. I am a citizen of the United States of America, and I have not voted in this election.

☐ 2. I am a registered voter in Alamance County, and I am not currently registered and thereby entitled to vote in this election.

☐ 3. I am a registered voter in Alamance County, and I have not voted in this election.

☐ 4. I have been registered to vote in Alamance County, and I have not voted in this election. 

☐ 5. I have previously registered to vote in the county or city of my residence, and I have not voted in this election.

☐ 6. I have previously registered to vote in any other county or city, and I have not voted in this election.

Signature of Voter

VOTER SEALS BALLOT IN ENVELOPE
DO NOT PLACE BALLOTS IN TRIMMER

Last revised 2/2011

2-22

SBE00025893
From: Johnnie McLean
Sent: Friday, February 11, 2005 4:04 PM
To: tonyaw@ncleg.net
Cc: Susan Nichols; Don Wright; Gary Bartlett; norman@ncleg.net
Subject: Provisional Ballot Time Line

Attached is the subject document.

Johnnie F. McLean
Deputy Director
(919) 715-1790
OUT OF PRECINCT PROVISIONAL TIMELINE

Don Wright
General Counsel, State Board of Elections
February 9, 2005

[Provisional ballots in the very earliest form were used in the 1992 General Election for those voters claiming to have registered to vote at the Drivers License section of the DMV.]

1993 Under Section 8 of the National Voter Registration Act of 1993 (hereinafter referred to as the NVRA), 42 USC § 1973gg-6(e), provisional voting in Federal Elections was first mandated effective January 1, 1995.

(e) Procedure for voting following failure to return card

   (1) A registrant who has moved from an address in the area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

   (2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant--

      (i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

      (ii) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

     (ii) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

   (B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

     (3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the
registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

**October 14, 1997**  “Fall Safe Voting” contained as Chapter VII of the “Administration of Voter Registration Manual” is precleared by the USDOJ.

**1996-2000**  Gradually, from 1995 until 2000 the concept of provisional voting was expanded by administrative action in rules and procedures of the State Board of Elections.

**March 1, 2000**  Election Law Revision Commission, authorized by S.L. 1999-395, met and appointed a subcommittee headed by attorney Michael Crowell to recodify the election laws, which resulted in a proposed rewrite of Articles 13, 14, 15, and 16 into new articles 14A and 15A. Included in the rewrite was GS 163-165(6) which defined “provisional official ballot” and GS 163-182.2 (4) as to counting provisional ballots.

**January, 2001**  Election Law Revision Commission makes its final report to the General Assembly and includes as legislative proposal V a rewrite of Chapters 13 and 14 and as legislative proposal VI a rewrite of Chapters 15 and 16. These rewrites were a work product of the subcommittee headed by Attorney Michael Crowell.

**Early in 2001 Legislative Session**  Sen. Wilb Gulley introduced SB14 which contained the rewrite of Articles 15 and 15 into new Article 15A. Sen. Gulley also introduced SB 17 that contained the rewrite of Articles 13 and 14 into new Article 14A. SB14 contains GS 163-182.2 and SB17 contains GS 163-165(6).

**August 30, 2001**  SB 14 becomes law as S.L. 2001-398 on a vote of 110-3 in the House and a vote of 46-2 in the Senate and was the source of the definition of provisional vote in GS 163-165 (6). It was precleared by USDOJ on November 2, 2001.

**November 14, 2001**  SB 17 becomes law as S.L. 2001-460 on a conference committee rewrite that passes the House 62-54 and Senate 29-14 and is the source of current GS 163-182.2. S.L. 2001-460 is precleared by USDOJ on January 14, 2002.
April 15, 2002 Temporary rules 08 NCAC 10B.0101 and 08 NCAC 10B.0103 are adopted by the State Board. 08 NCAC 10B.0101(g)(10) states:

(g) General duties of all Precinct Officials - All precinct officials, in accordance with election statutes, with the rules of the State Board of Elections and under the supervision of the county board of elections, shall perform all of the following:

(10) Ensure that voters not clearly eligible to vote in the precinct but who seek to vote there are given proper assistance in voting a provisional official ballot or guidance to another voting place where they are eligible to vote;

08 NCAC 10B.0103 stated at that time:

(e) If the person is found to not be registered to vote in the precinct and the responsible judge of election learns from the person that the person resides in a different precinct, the responsible judge shall provide the person with adequate information in order to direct the person to the proper voting place. If for any reason, the person refuses to go to the proper precinct to vote, the person shall be permitted to vote a challenged ballot and follow challenge procedures as set out in GS 163, Article 8.

July 17, 2002 Temporary rules contained in 08 NCAC 10B were precleared by USDOJ.

October 2002 Help America Vote Act of 2002 (HAVA) passes and includes Section 302 that mandates several provisions as to provisional voting:

SEC. 302. <NOTE: 42 USC 15482.>> PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.

(a) Provisional Voting Requirements.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual or the voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election
official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to
whom the ballot or voter information is transmitted under
paragraph (3) determines that the individual is eligible under
State law to vote, the individual’s provisional ballot shall be
counted as a vote in that election in accordance with State law.

(5)(A) At the time that an individual casts a provisional
ballot, the appropriate State or local election official shall
give the individual written information that states that any
individual who casts a provisional ballot will be able to
ascertain under the system established under subparagraph (B)
whether the vote was counted, and, if the vote was not counted,
the reason that the vote was not counted.

(B) The appropriate State or local election official shall
establish a free access system (such as a toll-free telephone
number or an Internet website) that any individual who casts a
provisional ballot may access to discover whether the vote of
that individual was counted, and, if the vote was not counted,
the reason that the vote was not counted.

States described in section 4(b) of the National Voter Registration Act
of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this
subsection using voter registration procedures established under
applicable State law. The appropriate State or local official shall
establish and maintain reasonable procedures necessary to protect the
security, confidentiality, and integrity of personal information
collected, stored, or otherwise used by the free access system
established under paragraph (5)(B). Access to information about an
individual provisional ballot shall be restricted to the individual who
cast the ballot.

.......... (c) Voters Who Vote After the Polls Close.—Any individual who votes
in an election for Federal office as a result of a Federal or State
court order or any other order extending the time established for
closing the polls by a State law in effect 10 days before the date of
that election may only vote in that election by casting a provisional
ballot under subsection (a). Any such ballot cast under the preceding
sentence shall be separated and held apart from other provisional
ballots cast by those not affected by the order.

The term "jurisdiction" as used in Section 302 is not defined in HAVA. The USDJ
has taken the position that Congress left it up to the states to decide if they
would count provisional ballots cast at incorrect precincts. This is supported
by the fact that Congressional conferees clarified this concept by adding language to
Section 302(a)(4) stating that a voter’s eligibility to vote is determined by state
law (See 148 Cong. Rec. Record at S10510).

December 2002 until February 2004. Proposed permanent rule
incorporating most of the temporary rules effective April 15, 2002 are filed,
reviewed, amended at the suggestion of the Rules Review Commission several
times until final permanent version of rules that were filed as temporary were approved by the RRC. The permanent version of 08 NCAC 10B.0103 is amended to strike the reference to a challenged ballot in view of the passage of S.L. 2003-226 which contained the provisional ballot statute G.S. 163-165.11. The concept of always informing the voter he is in the wrong precinct and offering directions to the proper precinct is left in. No objection of ambiguity is made by the RRC as to 08 NCAC 10B.0101(g)(10) which offers an option to the wrong precinct voter and the new version of 08 NCAC 10B.0103(f). The new rule is as follows:

(5) If the person is found to not be registered to vote in the precinct and the responsible judge of election learns from the person that the person resides in a different precinct the responsible judge shall provide the person with adequate information in order to direct the person to the proper voting place.

April 1, 2003  H842, know as the HAVA Compliance Bill, is introduced by Co-chairs of the House Election Law Committee, Rep. Paul Stam (Rep.) and Rep. Mickey Michaux (Dem.). It contains a provision in Section 15 described in the first draft summary, authored by Legislative Counsel Bill Gilkeson, as “If a voter shows up and says I’m entitled to vote in this precinct, precinct officials shall inform voter of what precinct he/she is registered in. If a voter insists on voting here, gets a provisional ballot.”

April 22, 2003  H 842 is passed by the House 109-1, and sent to the Senate.

June 3, 2003  H842 is passed by the Senate 46-0 and sent to the House for concurrence, with the concurrence passing the House, June 10, 2003, on a 113-0 vote.

June 19, 2003  H842 becomes law as S.L. 2003-226 and Section 15 of that bill becomes GS 163-165.11 entitled “Provisional Voting Requirements”.

October 6, 2003  S.L. 2003-226 is precleared October 6, 2003 by USDOJ.

April 19, 2004  “HAVA Policies and Procedures” of State Election Information Management System (SEIMS) is produced that deals with provisional voting on pages 7-10, and clearly describes out of precinct provisional voting.

June 24, 2004  SEIMS “HAVA Policies and Procedures” is precleared by USDOJ.

July 2004 First Primary  Conducted using out of precinct provisional ballots without objections from parties or candidates.
**August 1, 2004**  Effective date of Permanent Rules that include references to provisionals. Delay is due to the requirement of North Carolina law that rules are open during the next term of the General Assembly to allow action or objection by any member against one or more of the rules.

**August 2004 Second Primary.** Conducted using out of precinct provisional ballots without objections from parties or candidates.

**November 2004 General Election**  Objection to out of precinct made shortly before election by a citizen, and after the election by a defeated candidate.
B E F O R E  T H E  G E N E R A L  A S S E M B L Y  O F  N O R T H  C A R O L I N A
S E S S I O N  2 0 0 5

C O N T E N T E D  E L E C T I O N S

I N  T H E  M A T T E R  O F  T H E  E L E C T I O N  C O N T E S T :
F O R  T H E  O F F I C E  O F  S U P E R I N T E N D E N T  O F
P U B L I C  I N S T R U C T I O N ,  J u n e  S .  A t k i n s o n ,  C o n t e s t a n t
a n d  W i l l i a m  " B i l l "  F l e t c h e r ,  C o n t e s t e e

A F F I D A V I T  O F
G A R Y  O .  B A R T L E T T

N O W  C O M E S  G a r y  O .  B a r t l e t t ,  a f t e r  f i r s t  b e i n g  d u l y  s w o r n ,  a n d  d e p o s e s  a n d  s a y s :

1.   I  a m  t h e  E x e c u t i v e  D i r e c t o r  o f  t h e  N o r t h  C a r o l i n a  S t a t e  B o a r d  o f  E l e c t i o n s  ( " S t a t e
B o a r d " ) .  I  w a s  a p p o i n t e d  o n  A u g u s t  3 , 1 9 9 3 ,  a n d  m o s t  r e c e n t l y  r e a p p o i n t e d  o n  J u n e  2 6 ,
2 0 0 1 ,  t o  s e r v e  a s  E x e c u t i v e  D i r e c t o r  o f  t h e  S t a t e  B o a r d .  I  a m  a l s o  t h e  C h i e f  E l e c t i o n s
O f f i c e r  f o r  t h e  S t a t e  o f  N o r t h  C a r o l i n a  u n d e r  t h e  N a t i o n a l  V o t e r  R e g i s t r a t i o n  A c t  ( P u b l i c
L a w  1 0 3 - 3 1 ) .  P r o f e s s i o n a l l y ,  I  a m  c u r r e n t l y  a  m e m b e r  a n d  h a v e  s e r v e d  a s  a  b o a r d
m e m b e r  o f  t h e  E l e c t i o n s  C e n t e r ,  a  n o n p r o f i t  n a t i o n a l  o r g a n i z a t i o n  p r o m o t i n g  t h e
e d u c a t i o n  o f  e l e c t i o n s  o f f i c i a l s ,  f r o m  1 9 9 8  u n t i l  l a s t  m o n t h .  I  h a v e  s e r v e d  o n  t h e  N a t i o n a l
T a s k  F o r c e  o n  E l e c t i o n  R e f o r m  c r e a t e d  b y  t h e  E l e c t i o n s  C e n t e r  a n d  a s  C o - C h a i r  o f  i t s
N a t i o n a l  T a s k  F o r c e  o n  E l e c t i o n s  A c c e s s i b i l i t y .  I  a m  a  n a c t i v e  m e m b e r  o f  t h e  N a t i o n a l
A s s o c i a t i o n  o f  S t a t e  E l e c t i o n s  D i r e c t o r s .  I  w a s  a p p o i n t e d  i n  2 0 0 2  t o  a  t w o - y e a r  t e r m  o n
t h e  F e d e r a l  E l e c t i o n s  C o m m i s s i o n  A d v i s o r y  P a n e l ,  a  b o d y  o f  2 0  m e m b e r s  w i t h
e x p e r i e n c e  i n  e l e c t i o n s  f r o m  a r o u n d  t h e  c o u n t r y .

2.   T h e  S t a t e  B o a r d  w a s  c r e a t e d  b y  t h e  G e n e r a l  A s s e m b l y  t o  b e  a n  " i n d e p e n d e n t
r e g u l a t o r y  a n d  q u a s i - j u d i c i a l  a g e n c y , "  G . S .  § 1 6 3 - 2 8 ,  w i t h  " g e n e r a l  s u p e r v i s i o n  o v e r  t h e
p r i m a r i e s  a n d  e l e c t i o n s  i n  t h e  S t a t e . "  G . S .  § 1 6 3 - 2 2 .  A m o n g  t h e  d u t i e s  o f  t h e  S t a t e  B o a r d
i s  t h e  d u r y  t o  d e c i d e  e l e c t i o n  p r o t e s t s  a n d  " t o  a s s u r e  t h a t  a n  e l e c t i o n  i s  d e t e r m i n e d
w i t h o u t  t a i n t  o f  f r a u d  o r  c o r r u p t i o n . "  G . S .  § 1 6 3 - 1 8 2 .  1 2 .  I n  s u p e r v i s i n g  e l e c t i o n s  t h e

State Board is bound by the statutes adopted by the General Assembly and relevant federal laws.

3. My responsibilities as Executive Director of the State Board are set specifically by statute or are delegated to me by the State Board. They generally include election and campaign reporting administration for the State of North Carolina.

Legislation Governing 2004 Primaries and Elections

4. The National Voter Registration Act (NVRA) was adopted in 1993 and placed the duty on "Federal, State, and local governments to promote the exercise of [the fundamental right to vote in elections for Federal offices]." 42 U.S.C.S. § 1973gg (a) (2). The North Carolina General Assembly adopted implementing legislation in Chapter 762 of the 1993 Session Laws which, among other things, assigned to the Executive Director the responsibility for coordination of the State's responsibilities under the NVRA, generally rewrote the Article of the General Statutes establishing the principles of voter registration, and conformed State voter registration principles to those for federal elections under the NVRA.

5. Among the principles of voter registration required under Article 7A of Chapter 163 is that no person will lose their registration by moving either within or between precincts within a county, and the failure to report the move will not preclude a person from voting. Rather, a person will be allowed to vote upon their "written affirmation of the new address" at their new precinct. G.S. § 163-82.15 (d) & (e). In order to assure compliance with the NVRA principle that once registered a voter should remain on the list of voters so long as the individual remains eligible to vote in that jurisdiction, North Carolina greatly expanded the use of provisional ballots as an administrative "fail-safe"
voting procedure. See March 27, 2001, Memorandum on Fail-Safe Voting, Ex. 1, Attached.

6. Under the NVRA, the term “registrar’s jurisdiction” means “if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government.” 42 U.S.C.S. § 1973gg-6 (j). In North Carolina, the county board of elections is the jurisdiction charged with maintaining voter registration. G.S. § 163-82.1.

7. The term “provisional official ballot” was codified in North Carolina effective January 1, 2002, to mean “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.” G.S. § 163-165(6). Also effective for 2002, the General Assembly adopted G.S. §§ 163-165.7(c)(6) (“Voters not clearly eligible to vote in the precinct but who seek to vote there are given proper assistance in voting a provisional official ballot or guidance to another voting place where they are eligible to vote.”) and -182.2 (a) (4) (“Provisional official ballots shall be counted by the county board of elections before the canvass. If the county board finds that an individual voting a provisional official ballot is not eligible to vote in one or more ballot items on the official ballot, the board shall not count the official ballot in those ballot items, but shall count the official ballot in any ballot items for which the individual is eligible to vote.”). My understanding of the legislative intent in enacting the above statutes was to insure that voters who were registered voters in the county and cast provisional ballots on election day had their votes counted for the ballot items for which they were eligible to vote. It is my understanding that the impetus for the latter statute arose in the 2000 elections. The Mecklenburg County Board of Elections used a polling
place for that election as a one-stop absentee voting site and as a polling place on election day. Voters appeared at the polling place on election day who were not residents of the precinct, and upon objection, the Mecklenburg County Board of Elections declined to count any part of the provisional ballots for those voters even if they were eligible voters in the county.

8. In 2002, Congress adopted the Help America Vote Act of 2002 ("HAVA") which codified the use of provisional ballots in federal elections beginning on January 1, 2004. (Many states, including North Carolina, had previously used provisional voting as a "fail-safe" procedure under the NVRA.) Among the requirements of HAVA was the requirement that if an individual appears at a polling place and is not on the official list of eligible voters for the polling place, the individual is to be informed that he or she may cast a provisional ballot upon providing written affirmation stating that the individual is "a registered voter in the jurisdiction in which the individual desires to vote" and eligible to vote in that election. Then, if the "appropriate State or local elections official... determines that the individual is eligible under State law to vote, the individual's provisional ballot shall be counted as a vote in that election in accordance with State law." 42 U.S.C.S. § 15482 (a)(4). The General Assembly codified similar language in G.S. § 163-166.11 and specifically provided that "[t]he county board of elections shall count the individual's provisional official ballot for all ballot items on which it determines that the individual was eligible under State or federal law to vote." G.S. § 163-166.11(f).

9. The statutes cited above, the State Elections Information Management System ("SEIMS") HAVA Policies and Procedures, and Session Law 2005-2 reconfirming these
statutes and policies have all received preclearance in a timely fashion from the United States Department of Justice.

Administration of Provisional Ballots in 2004

10. The State Board instructed the county boards of elections that the critical inquiry in determining an individual’s eligibility to vote is whether there is documentation to show that the individual is a registered voter in the county. This instruction was based on the understanding that (1) HAVA left the question of a voter’s eligibility to State law for both federal and State offices, (2) G.S. 163-82.1 provides that the jurisdiction in North Carolina in which a voter is registered is the county, and (3) the use of the word “jurisdiction” in G.S. 163-166.11, when read in the context of the NVRA and G.S. 163-82.1, meant the “county.” In addition, I personally attended meetings at the General Assembly where the meaning of the term “jurisdiction” as used in HAVA and in North Carolina’s statutes implementing the federal legislation was discussed and it was affirmed by proponents of the legislation that in North Carolina the term meant “county.”

11. County elections officials were instructed through statewide training sessions (conducted on May 5-6, 2003, December 1, 2003, March 25-26, 2004, May 11, 2004, May 26, 2004, and September 2, 2004), memoranda and directives from me and others on the State Board staff under my supervision, and the SEIMS HAVA Policies and Procedures on the proper use of provisional ballots in the 2004 elections. (Exhibits 1 & 3 to the McLean Affidavit which is part of the administrative record in the Fletcher/Wade election protests; additional examples of training programs and memoranda are attached to the McLean Affidavit.) No assertions were made in any instructions or training sessions to county board of elections’ members and staff that duly registered voters
would not be deemed eligible if they cast a ballot outside of their resident precinct. From the affidavits provided by Mr. Fletcher in his election protest and in this contest, my review of the 2004 elections data, the evidence developed in the Guilford County hearing on the Wade/Parks contested seat for county commissioner, and my discussions with elections officials, I am satisfied that county elections officials understood that the first inquiry with respect to every provisional voter was whether there was documentation available to the county board of elections that showed the individual was properly registered in the county. It was only after the first determination of eligibility was made that the elections officials were to determine, based on the residence of the voter, whether the voter was eligible to vote for some or all of the ballot items on the provisional ballot. The affidavits and data show that many provisional voters were determined by county boards of elections to be ineligible and their votes were not counted at all. Others were found to be eligible and were fully counted and still others were found to be eligible for some but not all ballot items and their ballots were only partially counted. (Partially counted ballots occur where the voter voted a ballot for which they were eligible to vote some but not all ballot items. The office of Superintendent of Public Instruction is a statewide office so every eligible voter was eligible to vote for that race and it appeared on all ballots.) I know of no county that counted provisional ballots only for federal races and not State races; Counting only federal races would be a violation of G.S. § 163-166.11(3). It is my understanding that the General Assembly has consistently sought to maintain the same principles for State elections as govern federal elections and this is one of the reasons why our statutes were amended after the adoption of the NVRA and HAVA.
12. In the 2003 municipal elections, the number of out-of-precinct provisional ballots was not tracked by our office. However, we know that the Guilford County Board of Elections counted six out-of-precinct provisional ballots in the October 2003 primary and three out-of-precinct provisional ballots in the November election. In 2004, provisional ballots were used during the primary, the second primary, and the general election.

Ninety-six counties categorized 837 ballots in the SEIMS system as having been cast in the incorrect precinct for the 2004 primary. This includes 428 ballots cast in the Democratic primary and 395 ballots cast in the Republican primary. The remaining out-of-precinct ballots were by unaffiliated voters. The drop-off rate for the out-of-precinct ballots from the office receiving the highest number of votes to the office of Superintendent of Public Instruction was 13% in the Democratic Primary and 19% in the Republican Primary. (Forsyth, Guilford, Mecklenburg and Wake Counties were not fully integrated into SEIMS for the 2004 elections.) In some counties, particularly Wake County, provisional ballots were used during the one-stop absentee voting period for unreported moves and other voters. Most counties, however, did not use provisional ballots for "unreported move" voters during the one-stop period because they were able to double-check the voter's registration records and update their address while they were at the one-stop absentee polling place, thus allowing the voter to vote a regular ballot.

Mr. Fletcher, who was opposed in the Republican primary for the office of Superintendent of Public Instruction, made no complaint about the use of provisional ballots by voters outside their precinct of residence in the primary which determined he was the party nominee. Rather, his first complaint about provisional voting was made after the general election.
13. During the one-stop absentee voting period, any registered voter in a county could vote at any one-stop site irrespective of their resident precinct. In the one-stop absentee voting period for the July 20, 2004, primary, 33,609 one-stop absentee ballots were counted in the Democratic primary and 24,350 one-stop absentee ballots were counted in the Republican primary. The drop-off rate from the office receiving the highest number of votes to the office of Superintendent of Public Instruction was 16%. In the one-stop absentee voting period for the November 2, 2004 general election, 928,193 one-stop absentee ballots were counted. The drop-off rate from the office receiving the highest number of votes to the office of Superintendent of Public Instruction was 5.7%. Mr. Fletcher voted during the one-stop absentee period before the 2004 general election in downtown Raleigh at the Wake County Board of Elections although he is a resident of Cary. As indicated above, provisional ballots were used during the one-stop absentee voting period with some counties having significantly more provisional ballots cast than others.

14. In preparation for the 2004 elections, elections officials were trained to offer provisional ballots to any voter who insisted they were eligible to vote in the election but who did not appear on the voter roll for the polling place. The primary goal was to assure that individuals who had registered to vote and were eligible were not disqualified because of administrative error. Counties were also encouraged to use provisional ballots for unreported move voters in their new precincts on election day because it provided additional protection against the possibility of double voting.
15. All eligible, registered voters in a county were eligible to vote for the Office of Superintendent of Public Instruction irrespective of their precinct in the county since it is a statewide office.

16. No evidence has been reported to this agency that provisional voters chose to vote outside their resident precinct because of any fraudulent or illegal purpose. Hotlines were maintained on election day by the United States Department of Justice and Election Protection North Carolina, an advocacy group in Chapel Hill. I received no reports from either of complaints that provisional balloting was being abused by voters. Rather, this agency has received anecdotal reports that many voters voted outside their precinct of residence because of confusion about their proper polling place, long lines, for convenience or because they arrived at the incorrect polling place too late in the day to go to the correct polling place before the polls closed. The situation of one provisional voter in Guilford County illustrates the point that persons who voted outside their precinct did not do so for a fraudulent or illegal purpose. Ms. Norton was registered to vote in Guilford County precinct H04, but the precinct boundaries were redrawn by the Guilford County Board of Elections. She was assigned to a new precinct H05 although she had not changed her residence. A notice was mailed to her but was returned “undeliverable” because her street was renamed by the City of High Point; the mailing sent to East Green Drive was not delivered to Roberts Court. She appeared at her old precinct on election day and voted a provisional ballot. She was the victim of precisely the administrative circumstances that HAVA and North Carolina’s provisional balloting statutes were intended to protect. Although her vote was initially counted in the Wade/Parks race, it was subtracted as an out-of-precinct vote in the recount on remand even though it was an

17. The main purpose of both the NVRA and HAVA, and the statutes of the North Carolina General Assembly, is to enhance and to protect voter participation in a way that ensures all eligible, registered voters are allowed the opportunity to vote in all elections for which they are eligible to vote. I believe county elections officials in North Carolina understood these goals of the federal and State laws and used the provisional ballot in 2004 as a fail-safe tool for achieving these goals.

Session Law 2005-2 Consistent With Administration of Provisional Ballots in 2004 Primaries and Elections

18. I have studied Session Law 2005-2, which confirms my understanding of the General Assembly’s intent for the 2004 primaries and general election that out-of-precinct provisional ballots were to be counted for those ballot items for which the voter was eligible to vote if there was documentation to support the voter’s affirmation that they were registered and therefore eligible to vote in the county. It is my belief that the counties followed the instructions supplied by the State Board staff and administered provisional ballots in 2004 as contemplated by the General Assembly in its earlier statutes described above and in Session Law 2005-2.

19. Mr. Fletcher points to differences in the ways in which counties categorized provisional voters for reporting purposes and inconsistencies in whether provisional ballots may be retrievable by county boards of elections. These complaints arise from administrative processing of the ballot, but do not determine the resolution of the critical questions of whether the voter was eligible to vote in the county and, if so, whether the voter was eligible to vote in all the ballot items in which he or she cast a vote. The
categorization of provisional ballots under the SEIMS HAVA Policies and Procedures did not answer these critical questions. Rather, it was an administrative tool intended to provide data on voter trends and information that might be helpful to improve future administration of elections. For example, we learned that it may be possible to reduce the number of "unreported move" voters using provisional ballots on election day by providing laptop computers at each polling place as was done in Guilford County. This allowed precinct officials to determine on the spot in many instances whether the voter was registered in the county and whether they were at their correct new precinct. We could see the reduction by comparing data from Guilford County with that from other counties. The retrievability of election day provisional ballots is not pertinent to the outcome of the Fletcher/Atkinson election unless the General Assembly reverses course and declares it did not intend for out-of-precinct ballots to be counted in whole or in part. The ability to retrieve provisional ballots is irrelevant if they were properly counted in the canvass of the election. Additionally, if a voter was eligible to vote by the unreported move procedure in their new precinct or at a central location, but voted a provisional ballot and no challenge or election protest was made to that voter, their ballot should count without being subject to review.

20. Much has been made of the categorization of provisional voters for the SEIMS system according to one of eight categories: "unreported move", "no record of registration", "previously removed", "jurisdictional dispute", "incorrect precinct", "special" (voted during extended hours), "incorrect party", and "id not provided" (voters that did not produce required identification.) These categories were not developed to be used in recounts to exclude out-of-precinct voters; indeed, as to out-of-precinct
provisional voters elections officials did not believe before the James v. Bartlett decision that a provisional ballot of an eligible voter cast in 2004 on election day in the wrong precinct should not be counted. Rather, the categories were developed by the State Board staff under my supervision as tools to help determine reasons that voters receive a provisional ballot and to gather data that may be useful in identifying ways to improve the administration of provisional ballots. It was intended to gather big-picture information, and not to use in deciding whether an individual provisional voter was an eligible voter. The data was either supplied by the voter or the precinct worker and may have been of some use in ascertaining whether there were records on file with the county board of elections to support the voter’s claim of eligibility. But it was in no way determinative of the eligibility of the provisional voter.

21. The State Board does not conduct unnecessary counts or recounts of ballots and there is no need to recount yet again the Fletcher-Atkinson race unless the General Assembly reverses its earlier direction that out-of-precinct provisional votes should be counted in the 2004 election to the extent the voter was an eligible voter. As the Wade-Parks recount in Guilford County demonstrates, any such recount of provisional ballots in the Fletcher-Atkinson race to exclude out-of-precinct provisional voters would be time-consuming, contentious and expensive. To illustrate, upon remand to the Guilford County Board of Elections, a recount was undertaken beginning on April 12, 2005 at an approximate cost of $38,000, which includes staff time and hearing transcript costs. Public hearings with the three-member board, counsel, and staff were conducted on April 12, 15, 19, 20, 25, and 26. As of this date, this protest remains unresolved even though in
Guilford County all ballots were retrievable. Arguments about unreported move voters were intermingled with the quest to determine out-of-precinct voters.

A statewide recount at this point will come just as county boards of elections are preparing to administer municipal elections throughout the State – filing is now ongoing for municipal offices. Unless and until the ballot boxes are opened in every county, it cannot be known with certainty how many of the counted provisional ballots are retrievable or how many provisional votes in the Fletcher-Atkinson race were cast by out-of-precinct voters on election day. We know that some provisional ballots will not be retrievable, but the precise number cannot be calculated unless all 100 counties are directed to make that determination in public meetings. Although the actual cost, issues in a given county and retrievability of ballots may vary from county to county, the Guilford County experience is an indication of how laborious the process could be.

This concludes my affidavit, this the ___ day of July, 2005.

Gary O. Bartlett, Executive Director
State Board of Elections

Subscribed and sworn to before me
this the _____ day of ____________________, ______.

Notary Public

My commission expires: __________
From: Sistach, Kim
Sent: Tuesday, November 26, 2013 12:06 PM
To: Burris, Marc
Subject: data request
Attachments: Copy of 201211_GEN_PROV.xlsx

Need provisional voters that voted out of precinct broken down by race. I have a spreadsheet with the provisional data and I have filtered for out of precinct and for race but not sure of my results [what the race designations mean] so I would love to get your analysis. I have attached the spreadsheet.

Thanks!
Setup in a table and can be easily sliced and diced by race and provisional vote reason.

What time were they showing up? I'll be back here after lunch at 12:12:30
2013 Elections Directors Conference
VIVA UPDATE

VIVA Implementation Overview

**Phase One: 2013**
- Elimination of Pre-registration
- MAT Rulemaking
- Class I Felony Declaration
- New Voter Cards
- Notice of Deceased Voter
- Enhancement list maintance opportunities

**Phase Two: 2014**
- Voter Outreach
- DMV - Free ID
- Register of Deeds/NC Vital Records - Free Birth Certificates
- Polling Place Activities
- Candidate Hires & Election Setup Changes
- Absentee Changes
Voting Changes in 2014

**Absentee One-stop**
- No same day registration, but name and address changes are allowed
- Early voting period shortened by 1 week
  - General (10/23/2014 – 11/1/2014)
- Consistent one-stop hours

Voting Changes in 2014

**Voter Registration**
- To request an absentee ballot, all voters must use the State form
- The form may be posted on websites and may be distributed to anyone
- Requestor must provide voter's ID information
- Absentee application – requires 2 witness signatures OR a notary/witness
- Absentee application – new space for a person assisting the voter.
Voting Changes in 2014

Provisional Voting
- Voters must vote in their correct precinct in order for ballot to be counted.
- Ballots can be marked provisional

Voting Changes in 2014

Polling Place Activities
- Voters must be educated about photo ID requirements that will begin in 2016.
- Changes to number of observers
- Voter Challenges
- Extension of polling place hours
Voting Changes in 2014

- Candidates may only withdraw up to 3 business days prior to end of filing period (February 25, 2014).
- Reduced signatures for petition in lieu of filing.
- Party nominees may withdraw only prior to date when military-overseas ballots are due.
- Ballot order changes
- No straight party ticket voting

Voting Changes in 2016

- Photo ID when voting in person
- Photo ID or HAVA ID if voting by absentee
- HAVA ID if voter is a Religious Objection
- No Photo ID required if a Natural Disaster is declared
- At least 2 "judges" needed during early voting for photo ID challenges
Voting Changes in 2018

Voting equipment changes – paper ballots only.

DREs must be replaced with equipment that uses paper ballots.

Preregistration Update

Beginning January 2014, only customers who are at least 18 will be offered voter registration services at the DMV.

17 ¼ year-olds who may be eligible to register to vote, beginning on February 10, 2014, will need to complete a voter registration application by some other source.
Voter Outreach

Next year, all voters must be educated about photo voter ID requirements when voting in person.

Voters must be shown the list of acceptable photo ID.

Voters who say that they do not have one of the forms of acceptable ID will be asked to sign an Acknowledgement of No Photo ID.
Photo ID at NC DMV

New DMV voter registration form

Photo ID at NC DMV

DMV voter registration transactions will be one of the following:

- Voter registration activity only
- Voter registration activity and No-fee ID card
- No-fee ID card only
Proof of Age and Identity

- Must be an existing registered voter
- Must sign a declaration attesting to having no other form of a photo ID
- Date of issue and expiration of voter registration card
- Government issued photo ID
- State Driver's License

WORKING TOGETHER:
SBOE AND NC DMV

- Developed new procedures to determine if a customer is entitled to a no-cost DMV ID.
- Developed new DMV voter registration form to capture customers' intent.
- Added SSN-4 to the DMV voter registration form.
- Weekly DMV customer updates provided to SBOE.
WORKING TOGETHER:
SBOE, REGISTER OF DEEDS
& VITAL RECORDS

Development of method to determine if a customer is entitled to a no-cost birth certificate or marriage license.

Developed a form that allows a person to request a no-cost birth certificate or marriage license.

Determining Who May Not Have ID

- Should be used when a voter or someone calling on behalf of a voter says that the voter does not have proper ID.

- All voters will be asked whether they have acceptable photo ID beginning next year.
Interstate Crosscheck

- North Carolina, along with 28 other states, will participate in the Interstate Crosscheck Program in 2014.
### Upcoming Dates

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 13, 2014</td>
<td>TEGAS Releases</td>
</tr>
<tr>
<td>January 13, 2014</td>
<td>ROOCA</td>
</tr>
<tr>
<td>January 24, 2014</td>
<td>Late LOCA / A Election Notice</td>
</tr>
<tr>
<td>February 10, 2014</td>
<td>Pre-Registrations Can Be Processed</td>
</tr>
<tr>
<td>February 19, 2014</td>
<td>Candidate Filing Begins (Sec. 325C(b))</td>
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<tr>
<td>February 28, 2014</td>
<td>Candidate Filing Ends</td>
</tr>
<tr>
<td>March 17, 2014</td>
<td>Primary Absentee Ballots Available</td>
</tr>
<tr>
<td>April 11, 2014</td>
<td>Voter Registration Deadline</td>
</tr>
</tbody>
</table>
Provisional Voting Fact 1

If an individual seeking to vote claims to be a registered voter in a county and though eligible to vote in the election does not appear on the official list of eligible registered voters in the voting place, that individual may cast a provisional official ballot.
Provisional Voting Fact 2

An election official at the voting place shall notify the individual that the individual may cast a provisional official ballot in that election.

Provisional Voting Fact 3

The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before the election official at the voting place, stating that the individual is a registered voter in the county and is eligible to vote in the election.
Provisional Voting Fact 4

The county board of elections shall count the individual’s provisional official ballot for all ballot items on which it determines that the individual was eligible under State or federal law to vote, except that the ballot shall not be counted if the voter did not vote in the proper precinct under G.S. 163-55, including a central location as provided by that section.
Is Out-of-Precinct Voting Prohibited?

This image is a poll's place holder. Enter slide show mode (F5) to view your live poll.

You can resize this image to realize where your poll will load in slide show mode.

Make sure you've installed the Politluv-Premier app (polluv.com/app) and are connected to the internet!

If you need to duplicate this poll, make sure to copy/paste the entire slide (not just the place holder image).
No Voting Out of Precinct?

GS § 163-55
• Proper precinct based on residential address as of 30 days prior to the date of the election.

GS § 163-57
• Various residency law governs proper precinct.

North Carolina State Board of Elections

No Voting Out of Precinct Explained

20 GS § 163-166.11(e) does prohibit a county board of elections from counting a provisional ballot when a voter does not vote in his or her proper precinct based on their residential address as of 30 days prior to the date of an election.

North Carolina State Board of Elections
No Voting Out of Precinct Explained

§ 163-166.11(e) does not prohibit voters being given a provisional ballot if a voter does not present to his or her proper precinct.

No Voting Out of Precinct Explained

§ 163-166.11(e) does not prohibit a county board of elections from counting a provisional ballot when the provisional voting reason is for an Unreported Move?
What Does the Law Say?

§ 163-55. Qualifications to vote; exclusion from electoral franchise.

a) Residence Period for State Elections. - Every person born in the United States, and every person who has been naturalized, and who shall have resided in the State of North Carolina and in the precinct in which the person offers to vote for 30 days next preceding an election, shall, if otherwise qualified as prescribed in this Chapter, be qualified to vote in the precinct in which the person resides. Removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which the person has removed until 30 days after the person's removal.

....

(b) Precincts. - For purposes of qualification to vote in an election, a person's residence in a precinct shall be determined in accordance with G.S. 163-57 ....

What Does the Law Say?

§ 163-57. Residence defined for registration and voting.

RESIDENCE =

- Person's habitation is FIXED
- Whenever person is absent, person has the INTENT TO RETURN
What Does the Law Say?

§ 163-82.15. Change of address within the county

(e) Unreported Move to Another Precinct Within the County. - If a regentant has moved from an address in one precinct to an address in another precinct within the same county more than 30 days before an election and has failed to notify the county board of the change of address before the close of registration for that election, the county board shall permit that person to vote in that election. The county board shall permit the registrant described in this subsection to vote at the registrant's new precinct, upon the registrant's written affirmation of the new address, or, if the registrant prefers, at a central location in the county to be chosen by the county board. If the registrant appears at the old precinct, the precinct officials there shall send the registrant to the new precinct or, if the registrant prefers, to the central location, according to rules which shall be prescribed by the State Board of Elections. At the new precinct, the registrant shall be processed by a precinct transfer assistant, according to rules which shall be prescribed by the State Board of Elections. Any voter subject to this subsection may instead vote a provisional ballot according to the provisions of G.S. 163-166.11.

HANDLING UNREPORTED MOVES

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<thead>
<tr>
<th>Voter Present To:</th>
<th>Precinct Action:</th>
<th>Voting Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>OLD</td>
<td>Transfer to NEW</td>
<td>VOTING EQUIPMENT</td>
</tr>
<tr>
<td></td>
<td>Transfer to CENTRAL</td>
<td>VOTING EQUIPMENT</td>
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<tr>
<td></td>
<td>Offer Provisional</td>
<td>PROVISIONAL</td>
</tr>
<tr>
<td>NEW</td>
<td>Transfer into NEW</td>
<td>VOTING EQUIPMENT</td>
</tr>
<tr>
<td></td>
<td>Offer Provisional</td>
<td>PROVISIONAL</td>
</tr>
</tbody>
</table>

NORTH CAROLINA
State Board of Elections
Other Provisional Voting Reasons

- ID Not Provided
- Incorrect Party
- Previously Removed
- Jurisdictional Dispute
- Extended Hours Voting

Marking a Provisional Ballot

§ 163-166.11A. Notation on provisional ballot.

Whenever a voter is permitted to vote a provisional ballot, the election official issuing the ballot shall annotate in writing or other means on the ballot that it is a provisional ballot.
Annotating a Provisional Ballot

- Write or Mark "Provisional"
- Write or Mark "P"
- Use a Stamp
- Use a Marker

Allowed

- Write Poll Book No.
- Write PIN Number
- Write Voter's Name

Not Allowed

Handling Provisionals Placed in Tabulator

- Precinct makes notation on:
  - Provisional Poll Book
  - Ballot Reconciliation Form
  - Incident Report
  - After closing polls, retrieve ballot
  - Place ballot in voter's provisional envelope (with notation that ballot was retrieved from voting equipment)
  - Place ballot in blank provisional envelope (with notation that ballot was retrieved from voting equipment)
Handling Provisionals Placed in Tabulator

County Board on Election Night
- Retrieve ballot (if not handled by precinct officials)
- If voter can be determined, seal ballot into voter's provisional envelope (with notation that ballot was retrieved from voting equipment)
- If voter cannot be determined, seal ballot into a blank provisional envelope (with notation that ballot was retrieved from voting equipment)

Handling Provisionals Placed in Tabulator

County Board on Elections – Canvassing Period
- Perform provisional research
- Vote Tabulation Worksheet (subtract votes cast on voting equipment)
- Provisional disposition
  - Count
  - Partially Count
  - Do Not Count
(4) The cast provisional official ballot and the written affirmation shall be secured by election officials at the voting place. At the close of the polls, election officials shall transmit the provisional official ballots cast at that voting place to the county board of elections for prompt verification.

---

Provisional Research

- Provisional data entry.
- Attempt to link provisional voter to a voter in the voter registration database.
- If no record of registration, look for valid registration attempts (VoterScan, DMV, other NVRA agency)
- If previously removed, confirm that voter did not subsequently register and vote elsewhere in North Carolina or another state.
- If previously removed due to a felony conviction, the provisional voter must have registered anew prior to the voter registration deadline.
### Primary Canvassing Period

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### Possible Provisional Dispositions

- **Registered**
  - Eligible
- **Registered**
  - Eligible ballot items
- **Not Registered**
  - Not Eligible

[Logo: NORTH CAROLINA State Board of Elections]
NUMBERED MEMO 2014-05

TO: County Boards of Elections
FROM: Kim Strach, Executive Director
RE: Handling Unreported Moves and Out of Precinct Voters
DATE: April 3, 2014

This memorandum serves to provide clarification on the proper procedures for handling voters with unreported moves on Election Day. On Election Day, voters with unreported moves shall be permitted to vote at their new precinct, old precinct, or a central location, in accordance with state and federal law. Notwithstanding GS § 163-166.11(b), which does not apply to voters with an unreported move, if a voter has moved from an address in one precinct to an address in another precinct within the same county more than 30 days before an election but failed to notify the county board of the change of address before the voter registration deadline:

[7]he county board shall permit that person to vote in that election. The county board shall permit the registrant... to vote at the registrant's new precinct, upon the registrant's written affirmation of the new address, or, if the registrant prefers, at a central location in the county to be chosen by the county board. If the registrant appears at the old precinct, the precinct officials there shall send the registrant to the new precinct or, if the registrant prefers, to the central location, according to rules which shall be prescribed by the State Board of Elections. At the new precinct, the registrant shall be processed by a precinct transfer assistant, according to rules which shall be prescribed by the State Board of Elections. Any voter subject to this subsection may instead vote a provisional ballot according to the provisions of G.S. 163-166.11.

GS § 163-82.15(e) (Emphasis added). Further, the National Voter Registration Act of 1993 (NVRA) at 42 U.S.C. 1973gg-6(e) states:

A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrar—


Page 1 of 2

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or (ii) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

Emphasis added.

To comply with these laws, county boards of elections are instructed to establish a central location that can be used as a transfer precinct for voters who moved from an address in one precinct to an address in a second precinct and did not notify the board of elections of the change in address. The central location must have access to the list of registered voters in the county. At the central location, voters must be permitted to change their address with the board of elections and then be allowed to vote their proper ballot on the voting equipment. For counties that have not established a central location as of the date of this memorandum, the county may issue the voter their proper ballot as an official provisional ballot. Thereafter, by the next election involving a contest for federal office, county boards of elections must establish a central location to handle these precinct transfers. The location of a central precinct is at the discretion of the county board of elections and may be the county board office.

If a voter with an unreported move presents to his or her former precinct and chooses not to be transferred to his or her proper precinct or a central location, and the voter is instead issued an official provisional ballot, the ballot may only be counted for those contests for which the voter is eligible to vote.

These provisions also apply to voters who were previously removed due to list maintenance (failure to respond to a confirmation mailing and were made inactive and then remained inactive for two federal election periods.) As long as the previously removed voter gives oral or written affirmation that he or she has not moved out of the county, but has maintained continuous residence within the county, the voter may be permitted to vote a provisional ballot at his or her old precinct, new precinct or a central location established by the county board of elections. See G.S. § 163-82.15 (f) and 42 U.S.C. 1973gg-6(e).

Any instruction previously given to county boards of elections by staff of the State Board of Elections on this matter that is contrary to this memorandum are now void.
MEMORANDUM 2012-20

TO: Directors

FROM: Gary O. Bartlett, Executive Director

DATE: August 28, 2012

RE: Proof of Residency for Same Day Registrants

Proof of Residence General Guidelines

As we approach the beginning of the one-stop absentee voting period for the 2012 General Election (October 18 – November 3, 2012), we would like to remind you about the requirements for persons who want to register and vote on the same day. G.S. § 163-82.6A, requires same day registrants to:

Provide *proof of residence* by presenting any of the following valid documents that show the person’s current name and current residence address: a North Carolina driver's license, a photo identification from a government agency, or any of the documents listed in G.S. 163-166.12(a)(2). The State Board of Elections may designate additional documents or methods that suffice and shall prescribe procedures for establishing proof of residence.

The list of acceptable documents in G.S. § 163-166.12(a)(2) include:

1. A copy of a current and valid photo identification.

2. A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

In compliance with these statutes, the list of documents that this office has designated as acceptable for “proof of residence” for same day registrants is attached to this memorandum. In addition, under the administrative authority given to us in G.S. § 163-82.6A, we define a “current” document to mean that
the document is the most recent version of the document or it is at least dated within six (6) months of the date of its presentation to a one-stop worker or county board staff for purposes of showing proof of residence. Copies of acceptable documents are permissible. The original is not required. It is also permissible for a voter to present an electronic or online version of a document, as long as the document is obtained from the original source (e.g., e-Bills from utility companies, electronic bank statements, electronic earnings statement from employer, etc.) and shows his or her current name and address.

College/University Students

North Carolina law allows college students to register to vote and vote using their college or university address. See G.S. § 163-57(11). College students who live in dormitories or other campus residences may have difficulty producing a document that lists their campus address. It is acceptable for these individuals to show their college or university photo ID along with an official document from their college/university with their campus address. For this purpose, county boards are encouraged to work with the colleges and universities in your county to establish guidelines as to what documents would be acceptable. It is permissible for county boards to use an official electronic registry or data file from the institution that shows its current students and their campus address.
**VOTER REGISTRATION ID REQUIREMENTS**

**FIRST-TIME VOTERS**

Individuals who have registered to vote and have not previously voted in an election, and have not previously provided evidence of voter registration, must show one of the following types of ID to an election official the first time they present to vote:

- Current and valid photo ID
  - NC driver license or identification card
  - U.S. Military ID
  - U.S. Passport
  - Other government-issued photo ID
  - Student photo ID
  - Certified Naturalization Document

- Current document showing name and address of the voter
  - Utility bill: telephone; mobile phone; electric or gas; cable television; water or sewage
  - Bank statement or bank-issued credit card statement
  - Government paycheck, invoice, letter, or any other document from a local, state, or U.S. government agency
  - Property tax bill
  - License to hunt, fish, own a gun, etc.
  - Automotive registration
  - Public housing or Social Service Agency document
  - Paycheck or paycheck stub from an employer or a W-2 statement
  - Birth certificate

**SAME DAY REGISTRATION**

Individuals who are not registered to vote in a county may register and vote at a one-stop site in their county, unless showing proof of residence. The registrant would need to present one of these documents that lists his or her current name and address in the county:

- Current and valid photo ID
  - NC driver license or identification card
  - Other government-issued photo ID

- Documents showing name and current address of the applicant:
  - Utility bill: telephone; mobile phone; electric or gas; cable television; water or sewage
  - Bank statement or bank-issued credit card statement
  - Government paycheck: invoice; letter, or any other document from a local, state, or U.S. government agency
  - Property tax bill
  - License to hunt, fish, own a gun, etc.
  - Automotive registration
  - Public housing or Social Service Agency document
  - Paycheck or paycheck stub from an employer or a W-2 statement
  - Birth certificate
  - Student photo ID along with a document from the school showing the student's name and current address

To be current, the document must be the most recent version or at least dated within six (6) months of the date it is presented to an election official. Copies of acceptable documents are permissible. The original is not required. It is also permissible for a voter to present an electronic or online version of a document, as long as the document is obtained from the original source (e.g., e-Bills from utility companies, electronic bank statements, electronic earnings statement from employer, etc.) and shows his or her current name and address.

NC State Board of Elections | www.NCSBE.gov | 1-866-522-4723

SBE-P-00075171

Case 1:13-cv-00861-TDS-JEP Document 161-7 Filed 07/11/14 Page 111 of 162
Here is some material to start with.
ADMINISTRATION OF
VOTER REGISTRATION

Policies and Procedures for the Implementation of the

National Voter Registration Act of 1993

and

Article 7A, Chapter 163 of the North Carolina General Statutes

Prepared and Distributed by:
The North Carolina State Board of Elections
506 North Harrington Street
Raleigh, NC 27603
919-733-7173
Administration of Voter Registration:

Policies and Procedures
for the Implementation of the National Voter Registration Act of 1993
and
Article 7A, Chapter 163 of the North Carolina General Statutes

The National Voter Registration Act of 1993 (NVRA) is federal legislation which made
dramatic changes to states' voter registration procedures effective January 1, 1995.
North Carolina met the deadline and implemented all aspects of the Act. The NVRA
has often been called the "motor voter" bill because it requires drivers license offices to
take applications for voter registration. Yet it also includes other agencies and a mail
registration program, and it affects the entire process of registration and voter file
maintenance, not just the initial application. Contrary to some early reports, the act
does not create a national voter registration system, automatically registering everyone
who has a drivers license, or change the authority of county boards of elections to
determine voter eligibility. It does create new opportunities for citizens to apply for
voter registration, change the rules in North Carolina regarding the removal of names
from the voter rolls, and extend responsibility for the most fundamental process of
democracy to many agency employees, who have no prior experience in election and
registration administration.

Effective implementation requires informed choices. Some of these choices are
embodied in Article 7A, Chapter 163 of the North Carolina General Statutes. Article 7A
(House Bill 1776), which modifies and amends the State's voter registration laws to
comply with the NVRA. House Bill 1776 was passed and ratified during the 1994 Short
Session of the North Carolina General Assembly. Other choices are evident in the
administrative policies and procedures detailed in this manual. The State Board of
Elections' staff has worked together with county board officials to draft a
comprehensive set of policies and procedures to guide county implementation of the
new Federal and State laws. Still other choices will necessarily be made at the county
level and will evolve in the practices of county boards of elections offices.

Please study this manual carefully and refer to it often. Additions and clarifications will
be made to the manual as laws change and as new procedures are developed. As
always, the State Board staff is available to answer any questions county boards may
have. Questions or suggestions regarding the policies and procedures detailed in this
manual should be directed to Sharon Everett at 919-715-1830.
Who are to be the electors of the... representatives?
Not the rich, more than the poor;
not the learned, more than the ignorant;
not the haughty heirs of distinguished names, more than the humble sons of obscure
and unpropitious fortune.
The electors are to be the great body of the people of the United States.

James Madison, Number LVII, The Federalist Papers

The people reign in the American political world as the Deity does in the universe.
They are the cause and the aim of all things; everything comes from them, and
everything is absorbed in them.

Alexis De Tocqueville, Democracy in America, Part I, Chapter 3
Administration of Voter Registration:

Policies and Procedures for the implementation of the
National Voter Registration Act of 1993

and

Article 7A, Chapter 163 of the North Carolina General Statutes

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Terms Used in the Administration of Voter Registration

This list of definitions is meant to provide an easy reference tool for daily use. You may wish to keep these pages handy, along with flow charts contained in Appendix A. Each of the terms defined below is contained in the manual and explained in more detail.

**Notices**

Denial notice — notice sent when county board has made a tentative determination, based upon information contained on the application/update form, that the applicant is not eligible to register to vote in the county; notice must be sent by certified mail, must contain the date on which the application was denied, and must be mailed within two (2) business days from the date of denial; notice must inform the applicant of the availability of an appeals process.

Verification notice — notice sent to an applicant to acknowledge receipt of the application/update form and to verify the information contained on the form; must be sent by non-forwardable, first-class mail.

Confirmation notice — notice sent in response to an undeliverable mailing or knowledge that a voter may have moved out of the county; must be sent by forwardable, first-class mail; must include a postage prepaid return card.

Address correction notice — notice sent in response to an undeliverable mailing, returned by the Postal Service with a forwarding address indicated; notice sent to the forwarding address indicated by the Postal Service; must be sent by forwardable, first-class mail; must include a postage prepaid return card for the voter to respond; may be the same notice as used for the confirmation notice.

No-contact notice — notice sent to voters who have no official contact with the board of elections in a two year period covering two federal general elections; sent during odd-numbered years; must be sent by non-forwardable, first-class mail; may be the same notice as used for the verification notice.

**Status Names**

Active — active status indicates that a voter record is current; all mailings have been received at the address indicated in the voter record.

Active pending — active pending status indicates that an applicant for original registration has been mailed a first verification notice; ten (10) days after the notice is sent, the applicant is considered an active voter (unless the notice is returned undeliverable by the Postal Service).
Unverified new – unverified new status indicates that an applicant for original registration has been mailed a second verification notice; ten (10) days after the notice is sent, the applicant is considered an active voter (unless the notice is returned undeliverable by the Postal Service).

Denied – denied status indicates that an application for original registration is not approved by the county board, or is not verified by the required mailings; the county board determines that the applicant is not qualified to register to vote in the county; two verification notices have been returned by the Postal Service with no forwarding address information.

Unverified change – unverified change status indicates that an applicant attempting to change information has been sent a second verification notice; ten (10) days after the notice is sent, the applicant is considered an active voter (unless the notice is returned undeliverable by the Postal Service).

Confirmation pending – confirmation pending status indicates that a voter has been sent a confirmation notice in response to undeliverable mailings or knowledge that the voter may have moved out of the county.

Inactive – inactive status indicates that a confirmation notice mailed to a voter has been either returned undeliverable by the Postal Service or has not been returned at all; inactive status cannot be applied within ninety (90) days prior to an election.

Active pending incomplete – active pending incomplete status indicates that an applicant for original registration failed to complete all items on the application/update form; all essential elements are complete and applicant is tentatively determined to be qualified to register to vote in the county; first verification notice has been sent.

Unverified incomplete – unverified incomplete status indicates that a first verification notice sent to an active pending incomplete has been returned undeliverable by the Postal Service; second verification notice has been sent.

Active incomplete – active incomplete status indicates that an incomplete application has been verified, verification notices have been received.

Not registered incomplete – not registered incomplete status indicates that an applicant for original registration failed to complete one or more essential elements on the application/update form.

Verification hold – verification hold status indicates that an application/update transaction is being held in suspense until the proper time for processing; used for 17-year-old applicants.

Removed – removed status indicates that an active or inactive voter has been removed from the registration rolls; reasons for removal include death, felony conviction, move out of the county, signed cancellation statement by voter, and failure to respond to list maintenance mailings; removed is different than denied because a denied voter has never been properly registered.
Miscellaneous

Tentative determination of qualifications -- procedure when a county board office receives a complete application for original registration; based upon statutory and Constitutional qualification to register to vote; age, residence, citizenship, felony conviction.

Application/Registration date -- the application/registration date is the date the application/update was completed (DMV and agency forms), the date the application was received (in-person and hand-delivered forms), or the date of the postmark (mail-in); determines eligibility to vote in a primary or election; deadline is 25 days prior to the day of a primary or election.

Active date -- the active date is the date the application information has been verified; verification procedures assume ten (10) days from the date a verification notice is mailed, unless the notice is returned undeliverable.

Essential elements -- essential elements on an application/update form are name, residence address, date of birth and signature; elements necessary to process an application/update transaction.

Nonessential elements -- nonessential elements on an application/update form are all but name, residence, date of birth and signature; if missing, county board should attempt to complete; not necessary to process application/update transaction.

List maintenance -- list maintenance procedures replace the old "purge" procedures used to remove voters from the registration rolls; requires no-contact notices and confirmation notices during odd-numbered years.

Fail-safe voting -- fail-safe voting procedures allow removed voters, and voters who have moved within the county, to vote in an election; requires completion of proper affirmation forms and voting a provisional ballot.
The laws governing eligibility requirements for registering and voting in North Carolina have not changed. The qualifications of voters in this State are set out in §163-54 through §163-59.

The laws governing the process by which a person registers to vote or updates his/her voter record, and the procedures used by elections officials conducting voter registration programs, have changed. The new laws are contained in Article 7A, Chapter 163 of the North Carolina General Statutes (§163-82.1 through §163-82.25). On the following pages, the policies and procedures to be used in administering the new voter registration laws are outlined. The policies and procedures provide a guideline that addresses how we should do business under the new voter registration laws that became effective January 1, 1996.
Section 1. Voter Registration Forms

In North Carolina, we now have five different registration/update forms:
1. the DMV form,
2. the agency form,
3. the regular (mail-in, in-person, library and high school) form,
4. the military forms, and
5. the federal booklet.

Each of these forms should be accepted as an application for a new registration or a change of information. We will no longer be producing the old yellow registration cards. If you have a supply of these cards on hand, they may be discarded.

The State Board of Elections will be providing each of the different forms (except the DMV and military forms) and orders should be mailed or faxed to this office (a new order form is included in Appendix D). The agency offices have also been provided order forms and have been instructed to order registration forms directly from this office. We will then ship the supply directly to the agency location.

Distributing the Voter Registration Forms

It is expected that all boards of elections offices, including the State Board office, will receive many requests for the voter registration forms coded 07 from individuals, businesses, and organizations wanting to conduct voter registration drives. Because the law specifically says that mail-in registration forms may be distributed by any person, and singles out persons conducting registration drives, we should all make an effort to meet that demand. While we do not want to place any conditions upon the distribution of the forms, we must consider the cost of handing out thousands of forms which are never returned. To prevent wasting the forms, boards of elections offices should structure the distribution program in the following manner:

| Individuals |

Orders from individuals for quantities of 100 or less should be automatically filled. Individuals ordering quantities of 100-500 should complete a request form, which would include a statement explaining the plan for usage of the forms. For instance, counties may wish to know how many sites the individual will be visiting or covering. Individuals ordering quantities of over 500 should be provided an initial supply of
500 forms upon completion of the request form, and of course, should be provided additional forms as needed.

**Groups**

Orders from groups for quantities of 500 or less should be automatically filled. Groups ordering quantities of 500-1,000 should complete a request form, which would include a statement explaining the plan for usage of the forms. Counties may wish to know how many sites the groups will cover and/or how the drive will be staffed. The request form should include a place for a contact name and phone number for that group. Groups ordering quantities of over 1,000 should be provided an initial supply of 1,000 forms upon completion of the request form, and of course, should be provided additional forms as needed.

**Businesses**

Orders from businesses for quantities of 100 or less should be automatically filled. Businesses ordering quantities of 100-500 should complete a request form, which would include a statement explaining the plan for usage of the forms. Counties may wish to know how many office locations the business will include and which department or division will coordinate the activities. The request form should include a place for a contact name and phone number for the business. Businesses ordering quantities of over 500 should be provided an initial supply of 500 forms upon completion of the request form, and of course, should be provided additional forms as needed.

A structured order program of this sort will serve two purposes. First, it will assist us in ensuring equity among groups. Second, by talking with individuals and groups about their plans, county boards may be able to provide useful information to the drive coordinators, who may or may not have any previous registration experience.

Remember that large orders may be filled from the State Board office. If a county board office receives an order for over 1,000 forms, the office may consider forwarding that order directly to the State Board office. The State Board office would then have the printer ship the forms directly to the requesting person, business or organization.
Accepting Applications for Voter Registration Transactions

NCGS §163-22.6
NVRA Section 8(a)

The deadline to register to vote or change voter registration information is twenty-five (25) days before an election. Transactions received by that date are valid applications for the upcoming election. The table below addresses the specific nature of "received" as it applies to the different ways a person can register or complete a change transaction.

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<tr>
<th>Code</th>
<th>Designation</th>
<th>Valid If</th>
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<tbody>
<tr>
<td>01</td>
<td>Public Assistance</td>
<td>Received in the agency office by the registration deadline—check the date on the application (AFDC, WIC, Food Stamp, Medicaid)</td>
</tr>
<tr>
<td>02</td>
<td>Disability (Mental Health, Blind)</td>
<td>Received in the agency office by the registration deadline—check the date on the application</td>
</tr>
<tr>
<td>03</td>
<td>Other (ESC)</td>
<td>Received in the agency office by the registration deadline—check the date on the application</td>
</tr>
<tr>
<td>04</td>
<td>Recruitment Offices</td>
<td>Received in the agency office by the registration deadline—check the date on the application</td>
</tr>
<tr>
<td>05</td>
<td>DMV</td>
<td>Received in the agency office by the registration deadline—check the date on the application</td>
</tr>
<tr>
<td>06</td>
<td>Mail-In</td>
<td>Postmarked by the registration deadline, or if postmark is unclear, if received in the CBOE office not later than twenty (20) days before the election</td>
</tr>
<tr>
<td>07</td>
<td>In Person, Registration Drive deadline</td>
<td>Received in the CBOE office by the registration deadline</td>
</tr>
<tr>
<td>08</td>
<td>Public Libraries, High Schools</td>
<td>Postmarked or received in the CBOE office by the registration deadline</td>
</tr>
</tbody>
</table>

*Remember, any of the forms may be mailed back to the CBOE office, and while recorded with their proper code, should be accepted according to the mail-in guidelines.

Because the DMV and the agency registration locations have five (5) days to transmit applications received in their offices, county board staff should always check the date on the application. Agency or DMV applications received in the county board office after the registration deadline, but showing a date prior to the registration deadline, should be accepted by the county board office as valid for the upcoming election. Verification procedures, as outlined in the following pages, should be followed.
Verification Procedures for Original Registrations

Tentative Determination Of Qualifications

NCGS §163-82.7(a)

Before verification procedures are necessary, the county board of elections must tentatively determine that an applicant is qualified to vote in that jurisdiction. This determination should be made within thirty (30) days of receipt of the application. A tentative determination should cover issues such as age, citizenship, and county of residence. If it is determined, based upon information as presented in the application, that the applicant is not qualified to vote in the county, the county board of elections may deny the application to register. (If the voter has indicated a residence address in another county, the board of elections receiving the application should send the application to the proper county board office, and may inform the voter of the action taken. If the voter is not 18, but will be qualified by age by the date of the next general election, the county board of elections receiving the application should process the application at the proper time—procedures outlined in NCGS §163-59 and Section VI of these instructions.)

Should the county board of elections make a tentative determination that the applicant is not qualified to vote in the county, the county board shall send a denial notice to the applicant. The denial notice must be sent by certified mail, must contain the date on which the application was denied, and must be mailed within two (2) business days from the date of denial. The notice must inform the applicant of the availability of an appeals process. (A sample denial notice is included in Appendix B. A county may use this sample or a unique notice. If a county decides to use its own form, that form must be submitted to the State Board office for approval.)

If the county board of elections makes a tentative determination, based upon the information presented on the application, that the applicant is qualified to vote in that jurisdiction, the county board of elections must proceed with the verification procedures outlined below.

Verification Of Applications For Original Registration

(See Flow Chart included in Appendix A)  

NCGS §163-82.7  
NVRA Section 8(a)(2)

Upon receipt of a complete application for original registration, the county board of elections must mail a non-forwardable, first-class verification notice to the address indicated on the application. The notice should be sent to the mailing address if different from the residence address. (A sample verification notice is included in Appendix B. A county may use this sample or a unique notice. If a county decides to use its own form, that form must be submitted to the State Board office for approval.) The applicant will be considered active pending until the address is verified. The county board of elections may assume that the notice has been received, and the address has been verified, ten (10) days after the notice is sent, unless the notice is returned by the Postal Service as undeliverable. An applicant is an active registered voter ten (10) days from the date the verification notice is sent unless the Postal Service returns the notice as undeliverable. If after ten (10) days the address is...
assumed verified and the applicant is made an active voter, but a notice is returned undeliverable, the county board of elections should make the necessary updates to the voter record. The procedures for a second verification notice would be followed.

If the Postal Service returns the verification notice as undeliverable, the county board of elections must send a second non-forwardable, first class verification notice to the address indicated on the application. The second notice must be sent to the same address as the first. Applicants requiring a second verification notice are considered unverified new until the address is verified or the second notice is returned as undeliverable. The county board of elections may assume that the notice has been received, and the address has been verified, ten (10) days after the second notice is sent, unless the notice is returned by the Postal Service as undeliverable. An applicant is an active registered voter ten (10) days from the date the second (2nd) verification notice is sent unless the Postal Service returns the second notice as undeliverable. If after ten (10) days the address is assumed verified and the applicant is made an active voter, but a notice is returned undeliverable, the county board of elections should make the necessary updates to the voter record.

If the Postal Service returns the second verification notice as undeliverable, the county board of elections shall deny the application to register. Applications for original registration that are denied due to undeliverable mailings do not require a denial notice or a vote by the county board. At this point the applicant is considered denied.

| The Postal Service Returns The Verification Notice With A Forwarding Address |

If the Postal Service returns the first verification notice as undeliverable, but provides a forwarding address for the applicant, the county board of elections should mail a forwardable, first class address correction notice to the forwarding address. The notice should include a postage prepaid return card so the applicant can respond. The address correction notice should clearly state that the county board of elections, in attempting to verify information on the application to register, has determined that the applicant may have moved. The notice should request the applicant to complete the address correction notice and return to the county board of elections (the format for the address correction notice can be the same as the confirmation notice—a sample confirmation notice is included in Appendix B. A county may use this sample or a unique notice. If a county decides to use its own form, that form must be submitted to the State Board office for approval.). Once an address correction notice has been sent, the applicant is considered unverified new.

If the address correction notice is returned confirming the forwarding address, the county board of elections should make the correction on the applicant's record, and send a verification notice to the forwarding application address. If the address correction notice is returned indicating a new address, the county board of elections should make the correction on the applicant's record, and send a verification notice. The applicant is considered active pending until the address is verified. The county board of elections may assume that the notice has been received, and the address has been verified, ten (10) days after the notice is sent, unless the notice is returned by the Postal Service as undeliverable. An applicant is an active registered voter ten (10) days from the date the verification notice is sent unless the Postal Service returns the notice as undeliverable. If after ten (10) days the address is
assumed verified and the applicant is made an active voter, but a notice is returned undeliverable, the county board of elections should make the necessary updates to the voter record. The procedures for a second verification notice (as set out above) would be followed.

If the address correction notice is either returned undeliverable by the Postal Service, or is not returned at all, the application for original registration would be denied. The applicant is considered denied and no further attempts to contact the applicant are necessary.

**Application/Registration Date Versus Active Date**

**NCGS §163-82.6, 82.15, 82.20**

**NVRA Section 8(a)**

We are all accustomed to using a registration date in our voter records. In the past, most counties have assigned that date as the date the application was taken (DMV and special registration commissioners), or the date it was received or postmarked (mail-in).

Under the new voter registration laws, the *application/registration date* will be the date the application was completed (DMV and agency forms), the date the application was received (in-person and hand-delivered forms), or the date of the postmark (mail-in). It will be necessary for the county board staff to examine the DMV and agency applications to determine the *application/registration date*.

The *active date* of an applicant's voter record is the date the applicant's address has been verified (see verification procedures above); but the *application/registration date* determines eligibility to vote. If *application/registration date* is 25 days prior to the date of an upcoming election, the voter, if qualified, is eligible to vote in that election.
III. Verification Procedures for Changes of Information

<table>
<thead>
<tr>
<th>Verification Of Application For Change Of Address</th>
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<tbody>
<tr>
<td>(See Flow Chart included in Appendix A)</td>
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<tr>
<td>NCGS §163-82.15</td>
</tr>
<tr>
<td>NVRA Section 8(a)(2)</td>
</tr>
</tbody>
</table>

Upon receipt of an application from an active voter for a change of address, the new information should be recorded in the voter record. The county board of elections must then send a non-forwardable, first class verification notice to the address indicated on the application. The notice should be sent to the mailing address if different from the residence address. The county board of elections may assume that the notice has been received, and the new address has been verified, ten (10) days after the notice is sent, unless the notice is returned by the Postal Service as undeliverable. The voter remains active during the verification procedure and no further action is required unless the notice is returned as undeliverable by the Postal Service.

If the first notice is returned as undeliverable by the Postal Service, the county board of elections has two options (county board offices should choose one of the following two options as their standard second step):

1. The county board of elections may send a second nonforwardable, first class verification notice to the address indicated on the application. This notice must be sent to the same address as the first notice. At this point, the voter would no longer be active, but would be considered unverified change. If the notice is not returned within ten (10) days from the date the notice was mailed, the county board of elections may assume that the notice has been received and the new address has been verified. Upon verification, the voter would once again be an active voter. If the second notice is returned as undeliverable by the Postal Service, the county board of elections should send a forwardable, first class confirmation notice to the voter's old address. Once a confirmation notice is sent, the voter is considered confirmation pending. The confirmation notice includes a postage prepaid return card and requires a response from the voter (a sample confirmation notice is included in Appendix B. A county may use this sample or a unique notice. If a county decides to use its own form, that form must be submitted to the State Board office for approval.). If the confirmation notice is returned by the Postal Service as undeliverable, or is not returned at all, within thirty (30) days of the date the notice was sent, the county board of elections would consider the voter inactive. To make a voter inactive for a primary or general election, the confirmation process must be completed at least ninety (90) days prior to the date of the election. If county board offices wish to move voters to the inactive list, we suggest that those confirmation notices be sent at least 120 days prior to the date of an upcoming primary or election. Voters who are entered into the confirmation process less than ninety (90) days before a primary or general election, cannot be considered inactive for that primary or general election.
2. The county board of elections may send a forwardable, first class confirmation notice to the voter's old address. Once a confirmation notice is sent, the voter is considered confirmation pending. The confirmation notice includes a postage prepaid return card and requires a response from the voter. If the confirmation notice is returned by the Postal Service as undeliverable, or is not returned at all, within thirty (30) days of the date the notice was sent, the county board of elections would consider the voter inactive. To make a voter inactive for a primary or general election, the confirmation process must be completed at least ninety (90) days prior to the date of the election. If county board offices wish to move voters to the inactive list, we suggest that those confirmation notices be sent at least 120 days prior to the date of an upcoming primary or election. Voters who are entered into the confirmation process less than ninety (90) days before a primary or general election, cannot be considered inactive for that primary or general election.

<table>
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<tr>
<th>Verification Of Application For Change Of Name</th>
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<tr>
<td>(See Flow Chart included in Appendix A)</td>
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<tr>
<td>NVRA Section 8(a)(2)</td>
</tr>
</tbody>
</table>

Upon receipt of an application from an active voter for a change of name, the new information should be recorded in the voter record. The county board of elections must then send a non-forwardable, first class verification notice to the address indicated on the application. The notice should be sent to the mailing address if different from the residence address. The county board of elections may assume that the notice has been received, and the change has been verified, ten (10) days after the notice is sent, unless the notice is returned by the Postal Service as undeliverable. The voter remains active during the verification procedure and no further action is required unless the notice is returned as undeliverable by the Postal Service.

If the first notice is returned undeliverable by the Postal Service, the county board of elections should send a forwardable, first class confirmation notice to the address appearing on the voter's current record (should be same address since there is no application for change of address). Once a confirmation notice is sent, the voter is considered confirmation pending. The confirmation notice includes a postage prepaid return card and requires a response from the voter. If the confirmation notice is returned by the Postal Service as undeliverable, or is not returned at all, within thirty (30) days of the date the notice was sent, the county board of elections would consider the voter inactive. To be effective for a primary or general election, the inactive status must be assigned at least ninety (90) days prior to the date of the election. Voters who are entered into the confirmation process less than ninety (90) days before a primary or general election cannot be considered inactive for that primary or general election.
Verification Of Application For Change Of Party Affiliation

(See Flow Chart included in Appendix A)

NCGS §163-82.17
NVRA Section 3(a)(2)

Upon receipt of an application from an active voter for a change of party affiliation, the new information should be recorded in the voter record. The county board of elections must then send a non-forwardable, first class verification notice to the address indicated on the application. The notice should be sent to the mailing address if different from the residence address. The county board of elections may assume that the notice has been received, and the change has been verified, ten (10) days after the notice is sent, unless the notice is returned by the Postal Service as undeliverable. The voter remains active during the verification procedure and no further action is required unless the notice is returned as undeliverable by the Postal Service.

If the first notice is returned undeliverable by the Postal Service, the county board of elections should send a forwardable, first class confirmation notice to the address appearing on the voter's current record (should be same address since there is no application for change of address). Once a confirmation notice is sent, the voter is considered confirmation pending. The confirmation notice includes a postage prepaid return card and requires a response from the voter. If the confirmation notice is returned by the Postal Service as undeliverable, or is not returned at all, within thirty (30) days of the date the notice was sent, the county board of elections would consider the voter inactive. To be effective for a primary or general election, the inactive status must be assigned at least ninety (90) days prior to the date of the election. Voters who are entered into the confirmation process less than ninety (90) days before a primary or general election cannot be considered inactive for that primary or general election.

The Postal Service Returns The Verification Notice With A Forwarding Address

(applies to all changes of information)

If the Postal Service returns the first verification notice as undeliverable, but provides a forwarding address for the applicant, the county board of elections should mail a forwardable, first class address correction notice to the forwarding address. The notice should include a postage prepaid return card so the applicant can respond. The address correction notice should clearly state that the county board of elections, in attempting to verify information on the application/update form, has determined that the applicant may have moved. The notice should request the applicant to complete the address correction notice and return to the county board of elections (the format for the address correction notice can be the same as the confirmation notice). Once an address correction notice has been sent, the applicant is considered unverified change.

If the address correction notice is returned confirming the forwarding address, the county board of elections should make the correction on the applicant's voter record, and send a verification notice to the forwarding application address. If the address correction notice is returned indicating a new address, the county board of elections should make the change on the applicant's voter record, and send a verification notice. Because the transaction has now become a change of address as well as a change of any other information, the applicant is returned to active status during the verification process. The county board of elections may
assume that the verification notice has been received, and the address has been verified, ten (10) days after the notice is sent, unless the notice is returned by the Postal Service as undeliverable. The change of information is effective ten (10) days from the date the verification notice is sent unless the Postal Service returns the notice as undeliverable.

If after ten (10) days the change is assumed verified and the change is made effective, but a notice is returned undeliverable, the county board of elections should make the necessary updates to the voter record. The procedures for a confirmation notice (as set out above) would be followed.

If the address correction notice is either returned undeliverable by the Postal Service, or is not returned at all, the application for the change of information would be denied and a confirmation notice should be sent to the voter's previous address as shown in the voter record. Follow the confirmation procedures outlined above.
IV.  **How To Process Incomplete Applications**

To process an application to register or an application to change information, the application must have the following items completed: name, residence address within county, date of birth and signature. These are the essential elements of the application form.

<table>
<thead>
<tr>
<th>Incomplete Applications For Original Applications</th>
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<tr>
<td>NCGS §163-82.7</td>
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A.  **If essential elements are complete**

If the four essential elements of the application form are complete, but other non-essential information is missing, the county board of elections should proceed with a tentative determination of qualifications. If the county board tentatively determines that the applicant is qualified to vote in that jurisdiction, the county board would consider the applicant active pending incomplete, and attempt to obtain the missing information. This may be done by phone or written contact. The county board of elections should proceed with the verification procedures as outlined in Section II. If a second verification notice is needed, the applicant would be considered unverified incomplete, as opposed to unverified new. If the applicant’s address has been verified, but the missing information has not been obtained, the applicant is considered active incomplete, and is eligible and qualified to vote in the proper precinct. Election day voter registration printouts should be printed to flag incomplete records. Should the voter appear on election day, this designation will remind precinct officials that some information is needed. (If the party affiliation is missing, the voter should be registered as unaffiliated. If the race and/or sex is missing, the voter should not be registered as other, but as unknown).

B.  **If essential elements are incomplete**

If any one of the four essential elements is incomplete, the applicant is considered not registered incomplete. County boards are instructed to make a “diligent effort” to complete the missing information. This may be accomplished by contacting the applicant or checking other county records (tax files). Another option is photocopying the application to mail to the applicant with a request that the missing information be completed so that the application can be processed (if the missing item is the applicant’s signature, the photocopied form, if returned with a signature, should be attached to the original for the permanent file). If the attempt to complete the information is successful, the applicant becomes active pending and the verification procedures outlined in Section II should be followed. If attempts to complete the information are unsuccessful, the application may be denied. County boards of elections should allow at least thirty (30) days for the applicant to respond to requests for further information.
A. If essential elements are complete
If the four essential elements of the application form are complete, but other non-essential
information is missing, the county board of elections should attempt to obtain the missing
information, either by phone or mail. The county board of elections should proceed with the
verification procedures as outlined in Section II. As with verification of complete applications
for change of information, the voter remains active during the verification procedure. If the
applicant's new information has been verified, but the missing information has not been
obtained, the applicant is considered active incomplete, and is eligible and qualified to vote in
the proper precinct. Election day voter registration printouts should be printed to flag
incomplete records. Should the voter appear on election day, this designation will remind
precinct officials that some information is needed. (If the party affiliation is missing, the voter
should be registered as unaffiliated. If the race and/or sex is missing, the voter should not be
registered as other, but as unknown).

B. If essential elements are incomplete
If an active voter is applying for a change of information, the current record should contain all
of the essential information. Verification procedures for changes of information, as set out in
Section III, should be followed to verify the new information. The voter remains active during
the verification procedures. If the application for a change of information is missing the
signature, the original may be photocopied, the copy sent to the applicant with a request that it
be signed and returned to the county board office. The signed copy should be attached to the
original for the permanent record.
V. **Duplicate Registrations**

With the inclusion of agencies into our voter registration family, we are witnessing an increase in the number of duplicate voter registration transactions being sent to the county board offices. Because the new law requires that a notice of disposition be sent to every person completing the application form, a notice of some sort must be sent to even those persons completing duplicate forms. The notice of disposition in most counties will be the verification notice/voter card. In response to duplicate applications, county board offices may send a new verification notice/voter card, or an alternative notice approved by the State Board office. A notice must include the voter's precinct and polling place.

Applications providing any new information should not be considered duplicates. For instance, if the application is checked new registration, but the person is already registered, county board staff should determine if any new or previously missing information can be gained from the application form. If not, the application is a duplicate and proper notice should be sent. If new information is supplied, the application should be handled appropriately according to rules in the above sections.
### 17-Year Olds

**NCGS §163-59**

The law regarding the registration of 17-year-old persons has not changed; however, county board offices will likely be receiving many more of these applications throughout the year, due to the inclusion of agency registration locations. Applications for persons that are 17 years old at the time the application is received by the county board office, but who will be 18 by the time of next general election, should be accepted at the county board office at the time they are received, but placed into a verification hold file until the time specified in §163-59. Applicants in the verification hold file should be placed into the verification process according to the time specified in §163-59 (sixty (60) days prior to the date of the primary, or any time following the primary, provided the applicant will be qualified by age by the date of the next general election). The applicant would then be considered *active pending* and the procedures outlined in # II should be followed.

Applications for persons that are not qualified by age to register in North Carolina, and who will not be qualified by age by the date of the next general election, can either be denied due to ineligibility, or placed into the verification hold file. County boards should determine what policy will best serve their offices. If the applications in this category will be denied based upon ineligibility by age, a denial notice should be sent to the applicant.

### Students

**NCGS §163-55, 57**

Under North Carolina voter registration laws, students attending North Carolina colleges and universities, may register and vote in the county where the school is located, if they supply information stating their residence to be in that jurisdiction. In many cases, students complete North Carolina registration forms indicating their residence address as another county or state, but their mailing address to be in the county where the school is located. If boards of elections receive such forms, please forward the in-state applications to the appropriate county, and inform the applicant of the action taken. If boards of elections receive such forms, indicating an out-state address as a residence address, the application should be denied. The county board office should inform the applicant of the reason for denial, providing information so that the applicant may register with the appropriate jurisdiction.
For applicants submitting applications for original registration, there is the possibility of being caught in the verification process when election day arrives. If the voter's record reflects a status of unverified (the first verification notice has been returned undeliverable by the Postal Service and a second verification notice has been mailed), the person must vote in person. An unverified voter may not vote an absentee ballot by mail unless the reason for requesting the absentee ballot is a disability or illness, which would prevent the voter from going in person to the board of elections office for one-stop, or a polling site on election day. All other absentee requests from unverified voters shall be denied by the county board of elections, and the voter instructed that in order to vote, he/she must either vote in person one-stop absentee at the county board office, or go to the polling site on election day. Those unverified voters who indicate disability or illness, and are approved for an absentee ballot, should also be sent a voter registration application/update form so that a corrected address can be provided back to the board of elections.

In the case that a first verification notice is returned as undeliverable after the voter has already executed an absentee ballot by mail, the county board of elections may file a challenge against that ballot. If a second verification notice is returned undeliverable after the voter has already executed an absentee ballot by mail, but before the absentee application has been approved, the county board of elections shall deny the application to register and the application for the absentee ballots. If a second verification notice is returned undeliverable after the absentee application has been approved by the county board of elections, the application to register shall be denied and the absentee ballot challenged.

If a second verification notice is returned undeliverable after a voter has cast a ballot in person on election day, the vote shall be counted. Because the voter has cast a ballot, he should be treated as an active voter. The county board of elections should promptly send a confirmation notice to the voter’s address as it appears on the record, and the voter would be considered confirmation pending. If the confirmation notice is returned by the Postal Service as undeliverable, or is not returned at all, within thirty (30) days of the date the notice was sent, the county board of elections would consider the voter inactive.
VIII. Fail-Safe Voting

Under the NVRA, we must follow the general principle that "once registered, a voter should remain on the list of voters so long as the individual remains eligible to vote in that jurisdiction." The procedures that comply with that rule are referred to as fail-safe voting procedures, and they include four special classes of voters:

A. Unreported moves voters (who have moved more than 30 days before the election but failed to report the change of address),
B. Provisional voters (who claim to have registered but for whom you have no record),
C. Previously removed voters (who were removed for whatever reason but claim continuous residence and the right to vote), and
D. Jurisdictional dispute voters (who are registered but whose assignment to a voting district is questioned--either by the voter or the registration record).

Each of the fail-safe voting categories is explained in detail on the following pages. Turn to Appendix C for samples of the Affirmation language for each. Also in Appendix C is a copy of a sample Provisional Affirmation envelope, that could be used for all four types of fail-safe voters.
Under our new precinct transfer laws, a registrant who has moved more than 30 days before the election, but failed to report this change of address to the board of elections, can no longer be required to appear at his old precinct to obtain a precinct transfer. If he does appear at the old precinct first, the precinct officials should have him complete a Precinct Transfer Form, and give him the option of going to his new precinct or to a central location to vote. Once he appears at the new precinct or central location, and presents the Precinct Transfer Form, the precinct officials should complete the administrative procedures established by the county board and allow the registrant to vote.

If, however, the registrant first appears at his new precinct (or the central location), he cannot be required to return to the old precinct for a transfer form. The precinct officials at the new precinct obviously determine from the printout that he is not currently registered at the new address, call the county board office, and receive instructions to allow the person to vote if:

1. He completes a Precinct Transfer Form, which also serves as his official change of address application.
2. He completes an Unreported Moves Affirmation Form (see Appendix C), which states that he has moved his residence more than 30 days before the election and has not voted in the old precinct in that election.

The registrants' name should be added to the pollbook*, indicating that he has cast a ballot. The name should also be added to the printout, indicating the addition as a precinct transfer. Other procedures may be necessary, as determined by the county board.

Counties have the option of requiring these unreported moves registrants to vote provisional ballots. The reason that we recommend the use of provisional ballots in the instance where the registrant has first appeared at the new precinct, is to protect the elections process from the possibility that these voters could vote twice. There will be some instances in which the precinct officials at the new precinct will be unable to verify with the old precinct that the registrant has in fact not already cast a ballot there. It is for this reason that counties may wish to consider using provisional ballots for the unreported moves voters.

If provisional ballots are used for the unreported moves voters, the procedures for provisional ballots should be followed. A provisional ballot would be numbered and coded for the precinct, and once voted, sealed in a similarly marked envelope. The voter's name should be added to the printout as a transfer voter, and written into the pollbook* in the section designated for provisional ballots. The Precinct Transfer and Unreported Moves Affirmation Form should be attached to the envelope. These ballots and accompanying documents should be taken to the board of elections for processing and counting.
Provisional Voters

A provisional voter is one whom appears at a polling place on election day, claims to have registered to vote, but does not appear on the printout or the county board records. For example, an individual claims to have previously registered while completing an application for Food Stamps or other public assistance program (the individual need not claim an attempt through an agency or DMV; the claim can assert an attempt to register in any way, including mail-in). The precinct officials, noting that the individual’s record does not appear in the printout, contact the board office. The county board office does not have a voter registration transaction for that individual in the computer or hard copy files. The precinct officials would be instructed to allow the person to vote if:

1. He completes a new registration application (07 form).
2. He completes a Provisional Affirmation Form (see Appendix C), which includes information regarding the date and place that the registration took place.
3. He votes a provisional ballot.

The provisional ballot would be numbered and coded for the precinct, and then sealed in a similarly marked envelope. The individual’s name should be added to the pollbook, separately from the regular voters, indicating the provisional ballot status. The individual’s name should not be added to the printout, because this person is not necessarily registered. The registration application and the Provisional Affirmation Form would be attached to the enveloped, and at the end of the day, taken to the board of elections office, where a determination would be made regarding whether to count the ballot.
Previously Removed Voters

Previously removed voters are a special category of registrants who have had their registration cancelled for whatever reason. This includes cancellation due to death, felony conviction, or previous purge. If a registrant appears at a polling place on election day, but his name is not on the printout, and the county board records indicate he was previously removed, the registrant may still vote in that election if:

1. He completes a new registration application (07 form).
2. He completes a Previously Removed Affirmation Form (see Appendix C), which states that he has been a continuous resident of the county since the date of original registration.
3. He votes a provisional ballot.

Again, this category includes individuals that were previously purged for non-voting under our old statutes.

The voter would vote a provisional ballot, numbered and coded for the precinct, and seal it in a similarly numbered envelope. The voter's name would be written in the pollbook in the section designated for provisional ballots. The ballot, application and affirmation would be taken to the county board office for handling.
Jurisdictional Disputes

A jurisdictional dispute occurs where a polling place on election day and appears on the registration list, but for whatever reason his or her voting district(s) are disputed. For the purposes of this section, 'voting district' may refer to any congressional, senate, representative, county commissioner, city governing board, fire district, school board, soil and water conservation, judicial and any other district to which a voter may be assigned. This type of dispute may occur in the following circumstances:

A) The voter believes he or she resides within the voting district(s), although records indicate that the residence address of the voter is not within the district or municipal lines. The voter does not dispute the residence address on record, just the district(s) to which the voter is assigned.

B) The residence address of the voter is questionable (i.e., registered voter who votes regularly but registered many years ago under a rural route address and the voter or Emergency - 911 services has failed to update the address). The voter maintains he or she resides within a particular district but the records available to precinct officials are not sufficient to confirm that the residence address is within the voting district(s).

If the voting district assignment of the voter cannot be determined by the precinct officials, the precinct officials would be instructed to allow the person to vote if:

1. The voter completes a Provisional Affirmation Form (See Appendix C), which affirms residency at the registration address and affirms the voter's belief that his or her residency is within a particular municipal or special district(s).
2. The voter casts the provisional ballot.

The voter should vote a provisional ballot, numbered and coded for the precinct, and seal it in a similarly numbered envelope. The voter's name should be written in the pollbook in the section designated for provisional ballots. The voter's record should also be marked on the precinct roster/printout as having voted a JP, Jurisdictional Dispute Provisional. The provisional affirmation and the sealed ballot envelope containing the ballots must be taken to the county board office for handling.
X. List Maintenance Procedures

NCGS § 163-82.14

42 USCS § 1973gg-6(b)

(NVRA Section 8(a)(3) and (4), 8(b), 8(c) and 8(d))

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<tr>
<th>Removing Active Voters</th>
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</table>

In only two instances may a county board of elections office remove a voter from the voter registration rolls:

a) When information is received indicating that the voter is no longer qualified (see G.S. 163-82.1)
b) When the voter maintains inactive status through two federal general elections

The following require immediate removal of a voter’s name from the list of registered voters:

a) A death notice from vital statistics or a signed statement by a near relative of the deceased voter
b) A felony conviction notice from a state or federal court, or information showing a felony conviction provided by the Department of Correction
c) A cancellation notice forwarded by another county, state, or US territory
d) A cancellation made as a result of information provided on the NC Statewide Duplicate Report proving that a voter has registered in another county and has had contact with that county more recently than your county
e) A signed statement by the voter requesting cancellation of the registration
f) A formal challenge to a voter’s registration sustained by a county Board of Elections
Inactive Voters

The term "inactive voter" describes an administrative status. An inactive voter remains on the voter registration rolls and is counted as a registered voter. An inactive voter is one whose address is not verifiable through the standard NVRA address verification process using the U.S. Postal Service.

There is Only One Way a Voter May Be Made Inactive:

A forwardable address confirmation mailing is sent to an active voter as a result of:

- The normal verification process
- An Administrative Mailing
- List Maintenance that is conducted following each federal general election

And the forwardable address confirmation is either:

- Returned undeliverable, or
- No response is received within 30 days

The county board staff will use information obtained from the U.S. Postal Service to place registrants on inactive status, which may lead to removal as a result of performing List Maintenance after a period spanning two federal general elections.

If a notice sent by the board of elections to a registrant is returned undeliverable by the U.S. Postal Service, the board of elections should mail a forwardable address confirmation notice to the registrant. If the forwardable address confirmation notice is returned undeliverable by the U.S. Postal Service, or no response is received within thirty days, the registrant will be considered inactive.

An inactive voter will be immediately placed back on the active list when:

- A correctly completed application to change voter information is received by the county board of elections
- A voter has had election activity by voting in-person, absentee, as a transfer, or with a provisional ballot
- A voter becomes a Poll Worker for the county board of elections

Inactive voters will remain on the list of registered voters for a period spanning two federal general elections. If there is no contact from the inactive registrant during the inactive period through two federal general elections, the registrant is removed from the list of registered voters as a result of performing List Maintenance.

If any of the following contact occurs with an inactive voter within the period spanning two federal general elections, the voter shall remain inactive and not be removed from...
the list of registered voters. In this situation, the contact shall be noted on the inactive voter's record and a voter registration application form mailed to the voter at the address given by the voter:

a) Voter tracked on phone logs*
b) Voter has signed a petition*
c) Voter has filed a notice of candidacy*
d) Voter has requested voter registration supplies*
e) Voter has declined to register to vote or update voter registration records at an agency*

* For SEIMS counties, these types of contact are maintained in VoterView on the Contact tab on the Voter Information window for each voter.
Two Federal General Elections List Maintenance Program

42 USCS § 1973gg-6(b) (Section 8(b) of the NVRA) states that

Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll...shall not result in the removal of the name of any person from the official list of voters...by reason of the person's failure to vote.

States may not use non-voting as the sole reason to remove voters from the list. The systematic program to remove voters who no longer reside in the county requires county boards to examine records from the voter registration file, the DMV transaction and declination lists, and agency declinations on file to identify those registrants with whom no voter registration contact has been made. No-contact notices and address confirmation notices mailed to such registrants will identify those persons who have moved outside the county, and who may no longer be eligible to vote using their existing voter registration record.

North Carolina's removal program will be conducted every other year, immediately following each federal general election. County boards of elections should follow the steps outlined next to conduct a systematic program for removal of voters who no longer reside in the county.

IMPORTANT!—Only "active" voters may be placed on the no-contact list.

List Maintenance should be conducted each year following a federal general election. A no-contact list should include the active registered voters who have had no contact with the county board office since the registration cut-off of the federal general election prior to the last federal general election.

Who has had "contact"?

* Any voter from whom an application to register to vote or to change voter information was received

* Any voter who was contacted during a previous List Maintenance within the period comprising the last two federal general elections. For example, if a voter was contacted during List Maintenance in 2001, that voter will not be contacted again in 2003

* Any voter who was sent an Administrative Mailing

* Any voter who voted by voting in-person, absentee, as a transfer, or with a provisional ballot. Note: even if a provisional or absentee ballot is not counted, then the voter should be assigned a contact

* Active Poll Workers

* Any voter tracked on phone logs*
* Any voter who has signed a petition
* Any voter who has filed a notice of candidacy
* Any voter who has requested voter registration supplies
* Any voter who has declined to register to vote or update voter registration records at an agency

What is a no-contact notice? A no-contact notice is a voter card. It is non-forwardable. Remember:

1) If the no-contact notice is not returned at all, the voter's record remains "active."
2) If the no-contact notice is returned undeliverable, a forwardable address confirmation mailing is sent
3) If the forwardable address confirmation mailing is returned undeliverable or not returned at all, the registrant is "inactive."
4) If the forwardable address confirmation mailing is returned with new information FROM THE VOTER, the voter information is updated and the voter is considered "active."

SEIMS counties will run the List Maintenance Administrative Tasks outlined in the SEIMS User guide.

Non-SEIMS counties will mark off all of the active voters that you have had some contact with during the time period comprising the last two federal general elections. That will provide you with a no-contact list! Mail a no-contact notice to each of those on the no-contact list. Detailed instructions follow the Q&A Section.

* For SEIMS counties, these types of contact are maintained in VoterView on the Contact tab on the Voter Information window for each voter.
Removing Inactive Voters

Voters classified as inactive for failure to respond to a forwardable address confirmation notice must be carried as inactive on the voter registration list through two federal general elections.

Inactive voters must be allowed to vote in their proper precinct. Therefore, inactive voters must appear on the election day voter registration precinct lists. County boards may determine whether to print inactives on the same list as actives, or on a separate list.

Should an inactive voter cast a ballot on election day, or have any contact on election day, the election officials or office staff should ask the voter to complete a registration/update form. The inactive voter should then be returned to active status upon successful completion and submission of a registration/update form. If the inactive voter does not actually cast a ballot, this contact should be recorded, which will prevent the inactive voter from being removed from the list of registered voters during the current List Maintenance period.

Inactive voters should be removed if all three of the following conditions are met:

a) They were made inactive at least 90 days before the federal general election prior to the last federal general election

b) They have remained inactive through two federal general elections

c) They have not had any official contact with the county board office through two federal general elections

Administrative Mailings

County boards of elections may find that activities occurring in the county may necessitate a large-scale mailing of new verification notices/voter cards. For instance, E911 updates, splitting precincts, redistricting, annexations, etc. may require the county board office to contact the registered voters affected by the activity.

Notices sent to registered voters as a result of these activities can lead to a confirmation mailing. If a county board office receives an undeliverable from the U. S. Postal Service a notice sent to a voter as a result of this activity, the county board office must send to that voter a forwardable address confirmation notice as outlined in the List Maintenance steps. The confirmation procedures as detailed in the List Maintenance steps should be carefully followed.
List Maintenance Schedule Through 2013

List Maintenance should be conducted each year following a federal general election.

A) A no-contact list should include the active registered voters who have had no contact with the county board office since the registration cut-off of the federal general election prior to the last federal general election:

<table>
<thead>
<tr>
<th>1. List Maintenance Conducted</th>
<th>2. If No Contact Since</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>October 13, 2000</td>
</tr>
<tr>
<td>2005</td>
<td>October 10, 2002</td>
</tr>
<tr>
<td>2007</td>
<td>October 7, 2004</td>
</tr>
<tr>
<td>2009</td>
<td>October 12, 2006</td>
</tr>
<tr>
<td>2011</td>
<td>October 9, 2008</td>
</tr>
<tr>
<td>2013</td>
<td>October 7, 2010</td>
</tr>
<tr>
<td>Etc...</td>
<td>Etc...</td>
</tr>
</tbody>
</table>

B) Remove Inactive Voter Schedule

<table>
<thead>
<tr>
<th>3. List Maintenance Conducted</th>
<th>4. Remove If Inactive With No Contact Since 30 Days Before The Federal General Election Prior to the Last Federal General Election</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003</td>
<td>August 9, 2000 (And all Voters who were Converted to SEIMS with Inactive Status)</td>
</tr>
<tr>
<td>2005</td>
<td>August 7, 2002</td>
</tr>
<tr>
<td>2007</td>
<td>August 4, 2004</td>
</tr>
<tr>
<td>2009</td>
<td>August 9, 2006</td>
</tr>
<tr>
<td>2011</td>
<td>August 6, 2008</td>
</tr>
<tr>
<td>2013</td>
<td>August 4, 2010</td>
</tr>
<tr>
<td>Etc...</td>
<td>Etc...</td>
</tr>
</tbody>
</table>
Q & A- List Maintenance Style

Find answers to some of the most commonly asked questions regarding list maintenance.

Q: Due to E-911 address changes, my county sent out several verification mailings to registered voters in the county. Many of these mailings came back undeliverable with the post office indicating a new address within the county. These voters were mailed a forwardable address confirmation notice. Many of the confirmation notices were not returned by the voter, although they were also not returned undeliverable. I feel like these voters still live in the county based on information from the post office and therefore should not be deemed inactive, as the Policies and Procedures manual states. Isn’t there something in the NVRA that says you can’t make someone inactive who has moved within the county?

A: G.S. 163-82.15(b) states that if a confirmation mailing is sent either by forwardable mail to the old address, or by non-forwardable mail to the new address and the voter does not respond, “In either case, . . . the county board shall proceed with the removal of the registrant from the list of voters in accordance with G.S. 163-82.14(d).” Voters who do not respond to a forwardable address confirmation mailing should be made inactive.

The section of the NVRA that may have been confusing in this case states that a voter cannot be removed as a result of moving solely within the same jurisdiction (county). In this case, the voters who fail to respond to the forwardable address confirmation mailings are not being made inactive because of their alleged relocation within the county, but because the county board office has no verifiable knowledge of the voter’s residence. Additionally, the North Carolina General Statutes allow any voter who has been purged or removed, but who has maintained continuous residence in the county, the opportunity to vote a provisional ballot on election day and have his/her registration reactivated.

It may also be important to note that while elections offices depend a great deal on the U.S. Postal Service to provide voters’ addresses, the postal service is not infallible. If county board staff feel strongly that many voters may be qualified who have not responded to the forwardable address confirmation notice, then it seems to be entirely permissible for staff to send an additional mailing stating that the voter’s registration is in danger of eventually being removed from the list of active voters if the voter fails to contact the county board office with their current information.

Q: Why can’t we accept information from the U.S. Postal Service as prima facie evidence that the voter has moved? It would make sense that if the post office says the voter has moved outside of the county then we can just remove them.

A: For a couple of reasons. One, the voter may physically be in a new location, but may have intent to return to his/her old address. Therefore, the voter’s registration should remain in the old jurisdiction. Whether for purposes of going to school, work, or caring for an out-of-county family member, one cannot assume because someone is receiving mail at a different location at a specific point in time that he/she has officially established residency elsewhere.
The second reason is because information provided from the U. S. Postal Service is third-party information. In order to remove a voter from the list who has moved, it is necessary to have a signed statement from the voter.
Non-SEIMS counties follow these steps to administer the two federal general elections List Maintenance program:

1. Identify

County boards of elections staff should begin with the assumption that a no-contact notice will be mailed to every registered voter currently on the active list. The following procedures should be used to determine the registrants who have in some way verified their voter registration record during the period spanning the last two federal general elections. These registrants should then be removed from the no-contact list. The no-contact list should include all active registered voters except:

a) Registrants who, during the period spanning the last two federal general elections were contacted by mail, including those who received:
   i) A mailed verification notice or new voter card
   ii) Any board of elections administrative mailings
   iii) Any board of elections List Maintenance mailings

b) Registrants who, during the period spanning the last two federal general elections, conducted a business transaction at a DMV office, but declined a voter registration transaction during that visit, indicating that the voter information is up to date. Use the DMV voter registration declination lists retained in the board of elections office to perform this step.

c) Registrants who, during the period spanning the last two federal general elections, conducted a business transaction at a voter registration agency, but declined a voter registration transaction during that visit, indicating that the voter information is up to date. Use the agency voter registration declination lists retained in the board of elections office to perform this step.

d) Registrants who, during the period spanning the last two federal general elections, verified the existing voter registration record by any other acceptable method. “Acceptable method” shall include:
   i) Election activity: absentee voting, in-person voting, precinct transfer information, provisional affirmation, etc.
   ii) A correctly completed application to register to vote or to change voter information received by the county board of elections
   iii) Notice of candidacy
   iv) Request for voter registration supplies
   v) Any voter tracked on phone logs
   vi) Active Poll Workers
   vii) Any voter who has signed a petition

2. Mail

a) Mail to the no-contact list a non-forwardable no-contact notice. This notice should be sent to the address appearing on the current voter record. The verification notices and voter cards approved by the State Board office and used by the counties serve the purpose of a no-contact mailing.
b) If a no-contact notice is not returned to the board of elections office, further action is not taken on that voter record—the registrant is retained on the list of active registered voters.

c) If a no-contact notice is returned as undeliverable by the U. S. Postal Service, the county board of elections should mail to the voter a forwardable address confirmation notice. The address confirmation notice should be sent to the address on the current voter record.

d) Once the address confirmation notice is mailed, the registrant is considered confirmation pending. The forwardable address confirmation notice includes a postage prepaid return card, and requires a response from the voter.

3. Action

a) If the forwardable address confirmation notice is returned by the U. S. Postal Service as undeliverable, or the return card is not returned at all within thirty (30) days of the date the notice was sent, the registrant is inactive.

b) If a forwardable address confirmation notice is returned by the voter verifying the address or providing a new address within the county, the county board of elections should update the voter's registration information and mail a verification notice to the address indicated on the returned notice.

c) If a forwardable address confirmation notice is returned by the voter indicating a new address outside the county and signed by the registrant, the county board of elections should remove the registrant from the list. The forwardable address confirmation notice gives the registrant information regarding how to register to vote in his/her new county.

d) To be effective for a primary or general election, the inactive status must be assigned at least ninety (90) days prior to the date of the election. Voters who are entered into the confirmation process less than ninety (90) days before a primary or general election cannot be considered inactive for that primary or general election.
XI. Agency Registration: Procedures Used in Agency Registration Locations

NCGS §163-82.20
NVRA Section 7

Agency registration applications should be processed by the county board offices in accordance with the policies and procedures outlined in the previous sections of this document. Inquiries to the agency registration officials should be kept to a minimum; however, if calls and letters to the applicant fail to produce necessary information, inquiries to the agency may be necessary.

When entering agency voter registration information into the computer, remember that the code number as it relates to an individual voter is confidential information. If the code number is entered into a database for purposes of statistical reporting, this number must be in a hidden or protected field. When filing the agency application forms, county board staff must first remove the code number from the form. Agency forms are not to be filed with the code number attached or indicated on the form in any manner.

For more detailed information regarding the agency registration procedures, refer to Agency Voter Registration: A Reference Guide, which was previously distributed to all participating agencies and county board offices.
XII. Agency Declinations

During our policy development sessions with the agency coordinators, we agreed to limit the amount of paper handling for the local agency personnel by including the declination on the voter registration application/update form. Because many of the agencies are transmitting quite a number of declinations, we are confronted with the question of whether the bottom portion of the application form can be recycled. The answer is yes. We suggest that county board offices detach the completed declination for filing, but save the remaining portion of the form. With a pen, mark out the code number (01, 02, 03, 04) and write the code number 07. These "recycled" forms can be used in the county board office for in-person registrations, thus reducing the amount of wasted forms and reducing the number of 07 forms we have to print. These forms should not be used for supplying registration drives. The "recycled" forms may also be used as 08 mail-in forms in emergency situations (if the county board office is out of 06 forms and the State Board supply is not sufficient to resstock).

Please note that a declination is not a cancellation. Should you receive a declination from a person shown as an active voter in the county board records, do not cancel the registration.

All declinations must be maintained in the county board offices for at least two (2) years. County board offices may wish to maintain the declination file for a longer period of time, if the county board staff intends to use the declination file as a source of verifying documentation for provisional ballots. Filing procedures are to be determined locally; however, we suggest the county board develop declination filing procedures that will provide quick and easy access to those records on election day.
XIII. County Record Keeping and Reporting Requirements

NVRA Section 9
Because the NVRA and the FEC require that states report their registration numbers broken down by the various categories, we have developed the quarterly reporting schedule and the reporting form to be used by the county boards of elections (a copy of the reporting form is included in Appendix D). There are ten items on the reporting form. Those ten items are defined as:

1. The total number of registered voters, both active and inactive, appearing on the official registration lists for the county on the date the quarter ends.

2. The total number of inactive registered voters appearing on the official registration lists for the county on the date the quarter ends. Inactive voters are only those who have been sent a confirmation mailing (the forwardable, postage prepaid, return receipt) and from whom no response is received within thirty (30) days, or to whom the notice was undeliverable by the Postal Service.

3. The total number of new voters added to the official county registration lists during the reporting period. This item does not include duplicate registrations, denied applications, or changes of information.

4. The total number of registered voters who have been removed from the official county registration lists during the reporting period. This includes cancellations due to death and felony conviction, cancellations due to move out of the county, cancellations requested by the voter, removals resulting from the list maintenance process, etc. Denied applications are not to be counted as "removed".

5. The total number of applications for new registrations received from or generated by the categories 01-08 during the reporting period. This item does not include duplicate applications, denied applications, or changes of information. "Generated by" means if an 01 form is received through the mail or by hand delivery, it should be counted as an 01. Always go with the code number—that's why the codes are there—to make your life a bit easier.

6. The total number of duplicate applications received from or generated by the categories 01-08 during the reporting period. Please include the total number of duplicates you receive, whether for new registration or change of information. "Generated by" means if an 01 form is received through the mail or by hand delivery, that is counted as an 01.

7. The total number of changes of information received from or generated by the categories 01-08 during the reporting period. This item does not include duplicate applications or denied applications. "Generated by" if an 01 form is received through the mail or by hand delivery, that is counted as an 01.

8. The total number of verification notices mailed during the reporting period. A verification notice is the nonforwardable notice used to validate the information provided on an application form. The verification notice may be combined with a voter registration card.
   (a) The total number of verification notices that were returned undeliverable, by the Postal Service, during the reporting period.
   (b) The total number of verification notices that were returned by the voter, with corrections, during the reporting period.
9. The total number of confirmation notices mailed during the reporting period. A confirmation notice is the forwardable, postage prepaid, return notice, sent in response to an undeliverable mailing or knowledge that the voter has moved out of the county.
   (a) The total number of confirmation notices that were returned undeliverable, by the Postal Service, during the reporting period.
   (b) The total number of confirmation notices that were returned by the voter, confirming or updating information, during the reporting period.

10. The total number of declinations received during the reporting period.

The county board offices should use the reporting form provided by the State Board office, unless a computer printout substantially resembles the State form. If the county has the information computerized, but the printout is in a different format than that of the State form, please complete the State form and attach the computer printout.

Quarterly reports are due in the State Board office by the 15th day of the month following the close of the quarter (April, July, October, and January).
XIV. Approval of Forms and Notices

To comply with the provisions of the NVRA, Article 7A and this manual, counties must use various forms and notices. The appendices to this document provide samples of each notice and each form. Counties should feel free to use these samples, customized with specific county information. Counties may also develop their own unique forms and notices; however, anything other than State samples must be approved by this office before use. Please submit all forms and notices to Stacy Hahn Flannery for approval. If a county chooses to use the State samples, a short memorandum indicating this decision would assist in completion of State Board files.
XV. Rulemaking Authority

NCGS §163-82.26

The State Board of Elections is granted the authority to make all rules necessary for the implementation of voter registration in the State. Sections of this manual that have no statutory citation fall under this authority. The State Board office will continue to issue policies and procedures as necessary to ensure full compliance with Federal and State laws and regulations concerning the administration of voter registration.