

**I-866-OUR-VOTE
(1-866-687-8683)****Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

VOTER REGISTRATION FORMS**1) Where can voter registration forms be obtained?**

There are several ways to get a voter registration form. The form can be downloaded from the State Board of Elections website at www.sboe.state.nc.us/content.aspx?id=48.

Application forms also are available at local voter registration offices, most state agency offices, Armed Forces recruitment offices, public libraries, public high schools, and the State Board of Elections office. The following programs and agencies participate in ongoing voter registration for persons receiving benefits from the programs: Work First; Women, Infants and Children (WIC); Food Stamps; Medicaid; Services for the Blind; Mental Health, Developmental Disabilities and Substance Abuse Services; Vocational Rehabilitation; North Carolina Protection and Advocacy Agency; and Employment Security Commission. <http://www.sboe.state.nc.us/content.aspx?id=23>.

The North Carolina Division of Motor Vehicles provides voter registration forms and change-of-address forms to the local driver's license examination facilities for any applicant who wishes to register to vote when applying for the original issuance, renewal, or correction of a driver's license or special identification card.

2) Are there restrictions on registering to vote using a photocopied voter registration form?

Photocopies and facsimiles of the North Carolina Voter Registration Application are accepted, provided that the signature on the application is original. The State Board of Elections is responsible for distributing original voter registration forms to organized voter registration drives.

3) Are there restrictions on the use of the National Voter Registration Form?

The National Voter Registration Form can be used in North Carolina. See www.eac.gov/voter/Register%20to%20Vote. Voter registration drives using the National Voter Registration Form are subject to the same requirements described in **Questions #13-15**. If using the National Voter Registration Form in North Carolina, the political party affiliation field may be left blank and the registrant will be considered "unaffiliated" unless that registrant has previously been registered with a political party.

4) Are there restrictions regarding the use of registration form information?

Yes. The actual registration card will not be open to inspection by the public. The county board of elections may provide selective lists of voters according to attributes such as county of residence, congressional or legislative district, party affiliation, gender, age (but not date of birth), race, date of registration, or any other reasonable category or combination of categories. Also, the State Board of Elections may furnish lists of registered voters to courts for jury selection purposes pursuant to North

Carolina law. Full or partial social security numbers, driver's license numbers and dates of birth generated during the registration process are confidential and not considered public record, and are not accessible by any person making a request for voter registration information. If necessary to keep the address of the registrant confidential for reasons regarding personal safety, the registrant may submit a protective order to the county board of elections and the registrant's address will be withheld from public inspection.

5) Are there restrictions regarding pre-marked information on registration forms?

No. However, the State Board of Election's office advises against applicants using pre-marked registration forms. Any inconsistent or missing information on registration forms, such as an incorrect county, zip code, or telephone number may delay the registration process. See **Question #11**. It is a Class 2 misdemeanor to offer a person a voter registration form that has a party affiliation pre-marked unless the person receiving the form has requested the pre-marking.

COMPLETING VOTER REGISTRATION FORMS

6) How long must you live in a county before you are eligible to register to vote?

A person must have been a resident of the North Carolina county or city in which the person intends to register for a minimum of thirty (30) days prior to a primary or general election.

7) Are there any restrictions on registering to vote using a P.O. Box, college campus, or dorm address?

Registration applications require a residence address and, if different from the residence address, a mailing address. A person may register to vote using the address of the place at which the registrant has fixed habitation and to which, whenever that person is absent, he or she has the intention of returning. P.O. Boxes may not be used as the residence address, but may be used as the mailing address. North Carolina Voter Registration Application, Sections 3 and 4. Residence requires both domicile and a place of abode. Some relevant factors used to determine residence may include employment; residence of parents, spouse and children; sites of personal and real property owned; and motor vehicle and other personal property registration. In the event that a person's residence is not a traditional residence associated with real property, then the location of the usual sleeping area for that person shall be considered the residence of that person.

8) If I enter or leave the state because of work or school, can I register to vote?

Anyone can register to vote in North Carolina if they can establish legal residency. A person may register to vote using the address of the place at which the registrant has fixed habitation and to which, whenever that person is absent, he or she has the intention of returning. Use of a college address is permissible provided that the student intends to make his or her home in the community where the student is physically present for the purpose of attending school while the student is attending school and has no intent to return to his or her former home after graduation. The student does not have to intend to stay in the college community after graduation. However, if the voter is claimed as a dependent on his or her parents' income tax return, the parents' address is probably the voter's legal residence. See **Question #7**.

9) Are there any identification requirements to register to vote?

Identification is not required of voters not registering in person to vote in North Carolina but, under federal law, first-time voters who have not provided identification at registration are required to do so at the polling place (see **Question #10**). The North Carolina Voter Registration Application requires the applicant's North Carolina driver's license number, North Carolina identification card number or the last four digits of his or her social security number.

10) Are there any identification requirements in order to vote?

There are no identification requirements to vote in North Carolina for voters who registered in person. If the voter cannot provide either a driver's license or a social security number, the State Board of Elections will assign a unique voter identification number.

However, voters who registered to vote by mail, or through a voter registration drive, on or after January 1, 2003, and who have not previously voted in an election that includes a ballot item for federal office are required to present: (i) a current and valid photo identification; or (ii) a current utility bill, bank statement, government check, paycheck or other document that shows the name and address of the voter (unless the voter provided copies of identification documents with mail-in registration forms). If the voter does not present one of these forms of identification at the polling place, that person can vote by casting a provisional ballot. A provisional ballot is a paper ballot counted the day after the election once the local electoral board has verified that the person was qualified to vote in that precinct.

Voters who seek to register in person and vote at a one-stop voting site must fill out the appropriate application form including attestations of eligibility requirements and must submit a North Carolina driver's license, photo identification from a government agency, or any of the documents listed in the above paragraph. One stop voting is a process whereby registered voters may vote early, or non-registered individuals may both register and vote (see **Question #17**).

11) What are the rules regarding missing or illegible information on registration forms?

The registration application form requests the applicant to provide the following information: name; date of birth; residence address; county of residence; date of application; gender; race; ethnicity; political party affiliation, if any; telephone number; driver's license number, identification card number or last four digits of the registrant's social security number; and a signed statement that each eligibility requirement (e.g. non-felon status or full rights of citizenship restored) is fulfilled. No application is invalid for failure to include race, ethnicity, gender or telephone number. If the registrant does not complete the application for registration and the registrant has provided appropriate contact information (e.g. telephone number), the county board will contact the registrant and allow him or her to correct the information by 5:00 p.m. on the day before the county canvass. If the registrant does not complete the information within that time, the voter shall be allowed to vote using a provisional ballot and the registrant will have until 5:00 p.m. the day before the county canvass to complete the information and have all eligible portions of that ballot counted in the election.

12) Can a person whose name has changed since registering vote on Election Day?

Yes. Prior to an election day, a person already registered to vote under a name that has been legally changed since originally registering may have the name changed in the registration book by notifying the county board of elections in the county where he or she is registered. The notice may be made in a written statement containing the registrant's current address, new and old names and the registrant's signature, or by filling out a new voter registration application form signed by the registrant. The county board of elections will provide notice of the name change to the registrant's residence address by nonforwardable mail.

On the date of the election, the registered voter may inform a chief judge (who is serving at the polling place) of the name change or report the name change to the county board along with an application for an absentee ballot.

REGISTERING OTHERS TO VOTE

13) What are the laws regarding third-party registration?

Third parties who agree to submit the form must either mail completed registration applications or hand deliver them to the appropriate county board of elections no later than 25 days before the election.

Failure to submit the application carries liability of a Class 2 misdemeanor. It is also a Class 2 misdemeanor to sell a completed form or condition its delivery on payment, to change information on a completed registration form, to coerce a party affiliation mark, or to offer a form with a non-requested pre-marked party affiliation.

14) Are there any laws regarding submission of voter registration forms by individuals receiving compensation?

Yes. It is a Class 2 misdemeanor to sell a completed form or condition its delivery upon payment.

15) Is training required for voter registration drives?

No, but registration drive workers should read the Information section of the voter registration application before beginning the drive.

There is also a specific registration form used during drives so that North Carolina can track how voters register and submit this data under the reporting requirements of the National Voter Registration Act.

To request the appropriate registration forms, use the request form available at

www.sboe.state.nc.us/getdocument.aspx?ID=239.

For additional guidelines regarding registration drives, contact the appropriate county board of elections.

16) Are volunteers or staff of voter registration drives required to be county or state residents?

No.

REGISTRATION DEADLINES

17) What is the deadline to register to vote?

For the 2008 General Election, the deadline is October 10, 2008.

All registration applications must be submitted or postmarked no later than the 25th day before the date of the first election in which the individual intends to vote. Applications that are mailed but are not postmarked or where the postmark is illegible shall be deemed to be timely received if they arrive 20 days before the election.

North Carolina also has in-person registration and one-stop voting. One-stop voting is a process whereby registered voters may vote early, or non-registered individuals may both register and vote. The one-stop voting period begins on the third Thursday before an election and ends the Saturday prior to the election. For the 2008 General Election, the one-stop voting period is October 16 to November 1, 2008. To use this process, a new registrant must (1) go to a one-stop voting site in his or her county of residence during the one-stop voting period, (2) fill out a voter registration application, and (3) provide proof of residency by showing the elections official an appropriate form of identification with the citizen's current name and current address. The new registrant may vote only at a one-stop voting site in the county of registration during one-stop voting period and not on Election Day. Registered voters may also update their address and change vital information in an existing registration record at the one-stop voting site, but they are not allowed to change their party affiliation during the one-stop voting period that precedes a partisan primary. North Carolina voters are able to vote by one-stop at

all county board of elections offices during regular office hours. Some county boards of elections offer additional one-stop sites within the county.

For more information, visit www.sboe.state.nc.us/content.aspx?ID=32 or contact the appropriate county board of elections.

18) Must organizations or individuals engaged in voter registration drives submit their forms within a certain period of time?

No. A third party accepting a registration application must simply submit the application to the registration authority within the normal deadline.

19) Is Election Day registration allowed?

Generally, no. Individuals who register to vote on Election Day will not be permitted to vote in that election unless that individual has become qualified to register to vote between the 25th day before an election and election day. Such an individual may apply to register on Election Day by submitting an application form to a member of the county board of elections, the director of elections, or the chief judge or a judge of the precinct in which the individual is eligible to vote and must present identification documents. Individuals who "become qualified to register and vote" during a time period include those who during that time period are naturalized as citizens of the United States or who are restored to citizenship after a conviction of a felony, but do not include individuals who reach the age of 18 during that time period, if they were eligible to register while 17 years old during an earlier period.

For the registration deadline, see **Question #17**.

20) Does state election law allow for early or absentee voting?

Yes. North Carolina has two methods by which registered voters may vote other than appearing in person and casting a ballot on the day of the election.

Early voting, or one-stop voting, may be used by registered voters; those who are not yet registered may also register and vote during one-stop voting (see **Question #17**).

For absentee voting, any registered North Carolina voter can request an absentee ballot from his or her county board of elections prior to the last Tuesday before the election. For the 2008 General Election, the last date to request an absentee ballot is October 28, 2008. The county boards of elections will not mail or issue applications or ballots to the voter earlier than 50 days before the election; a voter may, however, request an application more than 50 days before the election. A handwritten request from the voter (or voter's spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild) should include the voter's (1) name; (2) residence address; (3) mailing address (if different from residence address); (4) date of birth; and (5) signature (or the requesting relative's signature with the relationship to the voter indicated and the address of the requesting relative). If the voter is qualified, an application and ballots will be mailed to the voter after receipt of the written request. The voted ballot must be received in the county board of elections office by 5:00 p.m. on the day before the election in order to be counted.

Absent armed services personnel may request an absentee ballot using the Federal Postcard Application, available at the Federal Voting Assistance website (www.fvap.gov) or from the voting assistance officer at the military installation. Armed services absentee ballots may also be obtained by writing to the appropriate county board of elections and providing: (i) a request for absentee ballots to be voted in a specified statewide primary or general election; (ii) a statement of his political party affiliation if he or she seeks to vote by absentee ballot in a primary election; (iii) a statement of his membership in the armed forces of the United States; (iv) a statement of the precinct in which he or she is registered to vote, or, if the applicant is not registered, a statement of his or her address before entering military or

other qualifying service and the period of time he or she resided at that address; and (vi) a statement of the address to which the absentee ballots should be mailed. All requests should be mailed, faxed, or emailed to the appropriate county board of elections. The deadline for requesting such an absentee ballot is the day prior to Election Day.

If a voter expects to be unable go to the voting place to vote in person on election day because of that voter's sickness or other physical disability, that voter or that voter's near relative or verifiable legal guardian may make a written request in person for absentee ballots to the board of elections of the county in which the voter is registered after 5:00 p.m. on the Tuesday before the election but not later than 5:00 p.m. on the day before the election.

VOTER REGISTRATION LEGISLATION

21) Is there any pending legislation that affects voter registration? If so, where is it in the legislative process?

No.

22) What applicable statutes are possibly affected?

None.

23) Are there any helpful elections official contacts?

For more information, contact the North Carolina State Board of Elections at:

PO Box 27255

Raleigh, NC 27611-7255

NC State Board of Elections contact information is available at: www.sboe.state.nc.us/content.aspx?id=9

Contact information for the County Boards of Elections is available at:

www.sboe.state.nc.us/content.aspx?id=13

24) What web resources are available?

The North Carolina State Board of Elections has a website dedicated to providing information on the voter registration process: www.sboe.state.nc.us. This site includes resources such as frequently asked questions, registration forms, absentee ballots, and special provisions for military officers.

The National Campaign for Fair Elections is another resource:

www.nationalcampaignforfairelections.com/pages/north_carolina.