

# U.S. ELECTION ASSISTANCE COMMISSION



## *2012 Election Administration & Voting Survey*

### North Carolina

## *Statutory Overview*

In order to better understand state laws governing federal elections, the U.S. Election Assistance Commission, as part of its biennial Election Administration and Voting Survey, is collecting information on state election laws and procedures. These answers will help EAC to better understand the quantitative data relating to the 2012 general election that we are collecting from all U.S. states and territories.

EAC understands that responding to this Statutory Overview may require significant staff time on the part of your office. Please be assured that we have attempted to minimize the burden, and we appreciate your cooperation in this very important project.

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## DIRECTIONS AND EXAMPLE

Please provide your state's legal citation for the responses to these questions (where applicable). Prior to beginning the Statutory Overview, please ensure that "track changes" is turned on; this will provide a record of all changes that are made including insertions, deletions, and formatting changes. To turn on track changes hold down "Control" and "Shift" and "E" at the same time. For additional assistance in working with "track changes" please contact your Technical Assistance point of contact at ICF International.

We have provided you with your answers to the 2010 Statutory Overview. If there has not been a change in your State's laws or legal citation in the response to a question, please mark No Change Since 2010 with an "X" as shown below:

X No Change Since 2010

If the response has changed since 2010, please mark Changed Since 2010 with an "X" and modify the answer as needed using track changes. If you need to replace the entire answer, please delete the 2010 response and record your 2012 response between the red bracketed text lines, as described below.

X Changed Since 2010

Please answer each question to the best of your ability. If terms are ambiguous or not relevant, please explain why. If a question is not applicable to your state, please explain why. If a definition or term lacks statutory reference but is widely understood in practice, please explain. If election procedures vary at the local level within your state, please explain to the best of your ability.

If state laws are currently enjoined or otherwise blocked from enforcement by a state or federal court, or executive decision, please specify.

Please keep your responses between the red, bracketed text lines. This will help us extract your answers into our central database.

### Example:

A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.

- a. Over-vote

[Begin definition (a) below this line.]

*Your answer goes here. You may enter the text directly, or cut and paste from another word processing program.*

*There is no limit to the length of your response.*

[End definition (a) above this line.]

## SECTION A: GENERAL

**A1. How does your state define the following terms related to votes and ballots? Please provide your state's legal citation defining these terms, where applicable.**

**a. Over-vote**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (a) below this line.]

If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, that is an over-vote and the official ballot shall not be counted for that ballot item. See NC General Statute (GS) 163-182.1(a) (4).

[End definition (a) above this line.]

**b. Under-vote**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (b) below this line.]

If an official ballot is marked in a ballot item with less choices than there are offices to be filled or propositions that may prevail, that is an under-vote and the official ballot shall be counted for that ballot item (if possible) and other ballot items on the ballot.

[End definition (b) above this line.]

**c. Blank ballot**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (c) below this line.]

A ballot containing no marks in any voting position target area readable by the ballot scanner, or one that has been marked with an unreadable marker, or one that has been consistently marked so that it is unreadable by the ballot scanner.

[End definition (c) above this line.]

**d. Void/Spoiled ballot**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (d) below this line.]

An improperly or incorrectly voted official ballot of an individual which is returned to the precinct officials prior to the voter casting it, marked as spoiled and the voter being given a replacement ballot to vote. See 8 North Carolina Administrative Code (NCAC) 10B.0104(b) and NC GS 163-166.7(c)(4).

[End definition (d) above this line.]

**e. Provisional/Challenged ballot**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin definition (e) below this line.]

These are two distinct types of ballots in North Carolina.

"Provisional official ballot" means 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. 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. See GS 163-165(6) and GS 163-166.11.

Any registered voter of the precinct may challenge at a polling location the right of any person to vote in such precinct. If the decision of the chief poll judge and judges pursuant to G.S. 163-88 is to sustain the challenge, the challenged voter may request a challenged ballot by submitting an application to the chief judge, such application shall include as part thereof an affidavit that such person possesses all the qualifications for voting and is entitled to vote at the election. The challenged ballot shall be the same type of ballot used for absentee voters, and the chief judge shall write across the top of the ballot "Challenged Ballot #\_\_\_\_," and shall insert the same serial number as entered in the pollbook. These challenged ballots may be reviewed by the county board of elections as to their validity upon certain conditions. See GS 163-88.1.

[End definition (e) above this line.]

**f. Absentee**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin definition (f) below this line.]

An absentee ballot is a ballot issued to a voter qualified to vote in the election at a time other than Election Day. (Article 20 of Chapter 163 of the General Statutes deals with absentee voting.)

[End definition (f) above this line.]

**g. Early voting**

☒ **No Change Since 2010**    ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (g) below this line.]

One-stop absentee voting is what most persons term early voting in North Carolina. It is a procedure by which a voter appears in person at a county elections office or a one-stop voting site and requests, receives, votes, and casts an absentee ballot at the same time, in a matter similar to voting on election day. This procedure is mandated for any election that allows absentee voting. See GS §163-227.2.

[End definition (g) above this line.]

**h. Active Voter**

☒ **No Change Since 2010**    ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (h) below this line.]

A registered voter who has participated in a recent (the last federal election or another election since that federal election) election or otherwise has had recent contact with the county board of elections office.

[End definition (h) above this line.]

**i. Inactive Voter**

☒ **No Change Since 2010**    ☐ **Changed Since 2010**

**2010 Response:**

[Begin definition (i) below this line.]

A registered voter who has not participated in a recent (the last federal election or another election since that federal election) election or otherwise has had contact with the county board of elections office. The inactive voter is subject to possible removal after the next federal election if they do not participate in that election or have contact with the county elections office and fail to respond a subsequent confirmation mailing. NC GS 163-82.14(d) (2).

[End definition (i) above this line.]

j. Other terms (please specify) \_\_\_\_\_

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Identify each TERM and definition separately and begin below this line.]

[End TERM(s) and definition(s) above this line.]

**A2. Please provide the legal citation for any *significant* changes to election laws or procedures that have been enacted or adopted since the previous Federal election. “Significant” does not include routine or technical changes (such as changes to election district boundaries or polling place changes). However, EAC would like to learn about any new identification requirements for voters or registrants; changes in eligibility for voting or registering; adoption of alternative voting methods; and other changes that you believe represent a significant change in the way your state runs its elections.**

       No Change Since 2010        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (A2) below this line.]

**Article 21 of Chapter 163 the NC General Statutes which dealt with UOCAVA voters was repealed and re-codified effective January 1, 2012 as Article 21A by Session Law (SL) 2011-182.** It reflects the Uniform Military and Overseas Voters Act (UMOVA) promulgated by the National Conference of Commissioners On Uniform State Laws in 2010. The Uniform Law Commission states that the purpose of UMOVA is to simplify the process of absentee voting for United States military and overseas civilians by making the process more uniform, convenient, secure and efficient.

A summary of the SL 2011-182 is set out below:

**SUMMARY:**

- Revise deadline for receipt of voter registration and absentee ballot requests to 5:00pm on the day before election. GS 163-258.6(d) and GS 163-258.8.
- Require ballots for 2<sup>nd</sup> primaries which include candidates for federal office be transmitted no later than 45 days before the 2<sup>nd</sup> primary, and ballots for 2<sup>nd</sup> primaries which do not include a candidate for federal office be transmitted, beginning the day after it is established that a 2<sup>nd</sup> primary will occur, within 3 business days electronically, within 15 days by mail, and within 1 day for the election notice for federal write-in absentee ballots. GS 163-258.9.
- Require ballots for municipal elections be transmitted no later than 30 days before the election. GS 163-258.9.
- Clarify that a covered voter must either have their ballot received by a local election official or transmit the ballot by election day. GS 163-258.10.
- Require second primaries which include federal offices on the ballot be conducted ten weeks after the first primary. GS 163-111(e).
- Permit county boards of elections to begin counting ballots received from military and overseas voters as early as 9:00am on election day. GS 163-234(2).
- Expand “covered voter” to include overseas citizens that have never resided in the state, if the state was the last voting residence of that citizen’s parents. GS 163-258.2(1)(e).

[End response to above question (A2) above this line.]

## SECTION B: VOTER REGISTRATION

**B1. Is your state's voter registration database system best described as a bottom-up, a top-down, or a hybrid? (Note: A bottom-up system generally uploads information retained at the local level and compiled at regular intervals to form the statewide voter registration list. A top-down system is hosted on a single, central platform/mainframe and is generally maintained by the state with information supplied by local jurisdictions. A hybrid is some combination of both systems described above.)**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (B1) below this line.]

The VR registration database for North Carolina is called SEIMS. There is one database controlled by the State Board of Elections where the county board of elections entered data directly in real-time. The State Board can also directly enter and modify data into SEIMS. This would appear to be a top down system according to the definition above.

[End response to above question (B1) above this line.]

**If your state uses a bottom-up or hybrid system, how often do local jurisdictions transmit registration information to the state list?**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above clarification question to B1 below this line.]

We have a top down system.

[End response to above clarification question to B1 above this line.]

**B2. Please describe the process used in your state to move voters from the active list to the inactive list, and from the inactive list to the active list. Is a different process used for UOCAVA voters?**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (B2) below this line.]

SEIMS reviews the voting history of voters after each federal election. In that process, voters who did not vote or have contact with the county board of election in the previous federal election are classified as inactive. SEIMS also places inactive voters back into an active status based upon the participation of that voter in a subsequent non-federal elections that



may occur or other contact with the county board of elections. The process is the same for UOCAVA voters. We follow the NVRA procedure as set out both in federal law and in GS 163-82.14. We do not treat UOCAVA voters differently.

[End response to above question (B2) above this line.]

**B3. Please describe your state's process for removing voters from the voter registration rolls (not merely moving them from active to inactive). Please include information regarding notices and confirmations. Are these procedures the same for UOCAVA voters?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B3) below this line.]

North Carolina list maintenance reflects the mandates and guidelines of the NVRA. The procedures are the same for UOCAVA voters. See below:

**§ 163-82.14. List maintenance.**

(a) Uniform Program. – The State Board of Elections shall adopt a uniform program that makes a reasonable effort:

- (1) To remove the names of ineligible voters from the official lists of eligible voters, and
- (2) To update the addresses and other necessary data of persons who remain on the official lists of eligible voters.

That program shall be nondiscriminatory and shall comply with the provisions of the Voting Rights Act of 1965, as amended, and with the provisions of the National Voter Registration Act. The State Board of Elections, in addition to the methods set forth in this section, may use other methods toward the ends set forth in subdivisions (1) and (2) of this subsection, including address-updating services provided by the Postal Service. Each county board of elections shall conduct systematic efforts to remove names from its list of registered voters in accordance with this section and with the program adopted by the State Board. The county boards of elections shall complete their list maintenance mailing program by April 15 of every odd-numbered year, unless the State Board of Elections approves a different date for the county.

(b) Death. – The Department of Health and Human Services shall furnish free of charge to the State Board of Elections every month, in a format prescribed by the State Board of Elections, the names of deceased persons who were residents of the State. The State Board of Elections shall distribute every month to each county board of elections the names on that list of deceased persons who were residents of that county. The Department of Health and Human Services shall base each list upon information supplied by death certifications it received during the preceding month. Upon the receipt of those names, each county board of elections shall remove from its voter registration records any person the list shows to be dead. The county board need not send any notice to the address of the person so removed.

(c) Conviction of a Felony. –

- (1) Report of Conviction Within the State. – The State Board of Elections, on or before the fifteenth day of every month, shall report to the county board of elections of that county the name, county of residence, and residence address if available, of each individual against whom a final judgment of conviction of a felony has been entered in that county in the preceding calendar month.
- (2) Report of Federal Conviction. – The Executive Director of the State Board of Elections, upon receipt of a notice of conviction sent by a United States Attorney pursuant to section 8(g) of the National Voter Registration Act, shall notify the appropriate county boards of elections of the conviction.
- (3) County Board's Duty Upon Receiving Report of Conviction. – When a county board of elections receives a notice pursuant to subdivision (1) or (2) of this subsection relating to a resident of that county and that person is registered to vote in that county, the board shall, after giving 30 days' written notice to the voter at his registration address, and if the voter makes no objection, remove the person's name from its registration records. If the voter notifies the county board of elections of his objection to the removal within 30 days of the notice, the chairman of the board of elections shall enter a challenge under G.S. 163-85(c)(5), and the notice the county board received pursuant to this subsection shall be prima facie evidence for the preliminary hearing that the registrant was convicted of a felony.

(d) Change of Address. – A county board of elections shall conduct a systematic program to remove from its list of registered voters those who have moved out of the county, and to update the registration records of persons who have moved within the county. The county board shall remove a person from its list if the registrant:

- (1) Gives confirmation in writing of a change of address for voting purposes out of the county. "Confirmation in writing" for purposes of this subdivision shall include:
  - a. A report to the county board from the Department of Transportation or from a voter registration agency listed in G.S. 163-82.20 that the voter has reported a change of address for voting purposes outside the county;
  - b. A notice of cancellation received under G.S. 163-82.9; or
  - c. A notice of cancellation received from an election jurisdiction outside the State.
- (2) Fails to respond to a confirmation mailing sent by the county board in accordance with this subdivision and does not vote or appear to vote in an election beginning on the date of the notice and ending on the day after the date of the second general election for the United States House of Representatives that occurs after the date of the notice. A county board sends a confirmation notice in accordance with this subdivision if the notice:
  - a. Is a postage prepaid and preaddressed return card, sent by forwardable mail, on which the registrant may state current address;

- b. Contains or is accompanied by a notice to the effect that if the registrant did not change residence but remained in the county, the registrant should return the card not later than the deadline for registration by mail in G.S. 163-82.6(c)(1); and
- c. Contains or is accompanied by information as to how the registrant may continue to be eligible to vote if the registrant has moved outside the county.

A county board shall send a confirmation mailing in accordance with this subdivision to every registrant after every congressional election if the county board has not confirmed the registrant's address by another means.

- (3) Any registrant who is removed from the list of registered voters pursuant to this subsection shall be reinstated if the voter appears to vote and gives oral or written affirmation that the voter has not moved out of the county but has maintained residence continuously within the county. That person shall be allowed to vote as provided in G.S. 163-82.15(f).

[End response to above question (B3) above this line.]

**B4. Can your state's voter registration database (or equivalent) share information electronically with your state's driver's license agency (for example, to match records or trace changes in address)? Can your voter registration database be similarly linked with databases in any other state or federal agencies? Please describe these links, including any use of database matching to verify voter registration applications.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B4) below this line.]

SEIMS is linked to the NC Department of Motor Vehicle (DMV) database for purposes of matching data in voter registration applications. The DMV database is also connected to the Social Security database, and SEIMS uses that link to match voter registration data if needed. This matching is real-time once the voter registration data is entered into SEIMS. Currently SEIMS does use access to the DMV or SS databases as to making changes to address changes of voters. See GS § 163-82.19 entitled "Voter registration at drivers license offices; coordination on data interface".

[End response to above question (B4) above this line.]

**B5. Please describe how your state uses National Change of Address (NCOA). What has been your state's experience with NCOA?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B5) below this line.]

Effective in late 2009, the N.C. State Board of Elections has directed county boards of elections to utilize NCOA data in regular list maintenance. Because we have just started using it, we are not yet in a position to give an opinion as to our experience with NCOA.

[End response to above question (B5) above this line.]

**B6. Please describe your state's voting eligibility requirements as they relate to individuals with a felony conviction. (For example, are convicted felons allowed to vote while in prison or while on parole or probation? Are voting rights automatically restored or does the individual have to apply for a pardon, certificate of eligibility or other similar certificate? Does an individual whose voting rights have been restored have to produce documentation of his/her status when registering to vote?)**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B6) below this line.]

Active felons lose their citizenship rights and thus the NC Constitution prohibits active felons from voting. GS §163-55 states:

“Except as provided in G.S. 163-59, the following classes of persons shall not be allowed to vote in this State:

- (2) Any person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.”

However, citizenship is AUTOMATICALLY restored to felons who are discharged from their felony sentences. Such restored ex-felons citizens do not have to produce documentation to register to vote. But they have to affirm on the voter registration form, under penalty of perjury, that they have had their citizenship restored. See GS §13-1.

[End response to above question (B6) above this line.]

**B7. Does your state currently use the Internet in any way to facilitate voter registration? If yes, please describe how your state allows voters to use the Internet in the registration process (e.g., entire registration completed online; completed online but then must be printed, signed, and mailed by voter, etc.).**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (B7) below this line.]

North Carolina posts on its website a voter registration form that can be downloaded, completed, signed, and mailed by voter to the proper board of elections office. Voter registration information is also posted on our website.

[End response to above question (B7) above this line.]

## SECTION C: ELECTION ADMINISTRATION

**C1. Please describe how all votes cast at a place other than the voter's precinct of registration are tabulated (for example, please include descriptions of such votes as absentee ballots, mail-in ballots, votes cast at vote centers, provisional ballots, early voting locations, etc.).**

**a. Are the votes counted centrally or at the precincts?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (a) below this line.]

Votes cast at the precinct are counted at the precincts after closing. See 8 NCAC 10B.0105 and NC GS §163-182.2.

[End response to above question (a) above this line.]

**b. If centrally tabulated, are the votes redirected to the appropriate precinct for reporting in the canvass?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (b) below this line.]

N/A

[End response to above question (b) above this line.]

**c. Are the absentee, mail, etc., votes reported separately for each precinct, or are they added to the in-precinct results and reported as just a single number?**

☒ **No Change Since 2010**      ☐ **Changed Since 2010**

**2010 Response:**

[Begin response to above question (c) below this line.]

Total county mail-in and one-stop absentee votes are reported as separate items on election night. Both mail-in and one-stop absentee ballots are centrally tabulated by the county board of elections on election day and are reported after the polls close. However counties are required to later report these absentee votes by the precincts of the voters casting them. See NC GS § 163-132.5G and §163-234.

[End response to above question (c) above this line.]

**d. How are UOCAVA ballots counted and reported?**

       No Change Since 2010                        X   Changed Since 2010

**2010 Response:**

[Begin response to above question (d) below this line.]

Article 21 of Chapter 163 of the NC General Statutes which dealt with UOCAVA voters was repealed and re-codified effective January 1, 2012 as Article 21A. However, such absentee votes are still counted along with the other absentee votes. There is an administrative requirement that county boards of elections keep records as to UOCAVA absentee transactions.

[End response to above question (d) above this line.]

**C2. Does your state require a reason for voting absentee, or does your state allow no-excuse absentee voting? (If a reason is required, please provide the legal citation.)**

  X   No Change Since 2010                             Changed Since 2010

**2010 Response:**

[Begin response to above question (C2) below this line.]

No. We are a no-excuse absentee state. See GS §163-226(a).

[End response to above question (C2) above this line.]

**C3. Does your state provide for in-person early voting? If so, how is early voting defined? When early voting is used, are the ballots counted at the precinct or at a central location? How are these votes reported?**

  X   No Change Since 2010                             Changed Since 2010

**2010 Response:**

[Begin response to above question (C3) below this line.]

In-person early voting is called one-stop absentee voting in North Carolina. It is a form of absentee voting and is set out in NC GS § 163-227.2. While votes are cast at one-stop sites, they are tabulated at the county boards of elections offices on election day. A separate report of the one-stop results is made after the close of the polls and is reported as if a precinct. One-stop voting starts the third Thursday before any election that allows absentee voting and ends the Saturday before the election at 1 pm. Additional locations and extended hours are allowed.

[End response to above question (C3) above this line.]

**C4. Do any jurisdictions in your state use a vote-by-mail system to replace (and not merely supplement) at-the-precinct voting in any elections?**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C4) below this line.]

No

[End response to above question (C4) above this line.]

**C5. Please list each of the situations that require a provisional ballot in your state. Please provide the relevant legal citation for each situation.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C5) below this line.]

There are eight categories of provisional voters:

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”). Allowed by GS §163-166.11.
2. Voters who are registered but do not appear on the precinct records (“unrecorded voters”). Allowed by GS §163-166.11.
3. Voters who were previously removed as part of list maintenance but claim continuous residence and right to vote (“previously removed voters”). Allowed by GS § 163-82.14(d)(3)



4. Voters who may be assigned to the wrong election district in a particular race (“jurisdictional dispute voters”). Allowed by GS §163-166.11.
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”). Allowed by GS §163-166.11.
6. Voters whose party affiliation has been incorrectly assigned in an administrative error (“incorrect party voters”). Allowed by GS §163-166.11.
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”). Allowed by GS § 163-166.01.
8. Voters required to show ID who do not show ID (“ID not provided voters”). Allowed by GS§ 163-166.12(c).

**§ 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 so 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 ballot 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.

[End response to above question (C5) above this line.]

**C6. Does your state count provisional ballots of voters who are registered in different precincts, or are those ballots automatically rejected? Please describe the process used by local election officials in determining whether to count a provisional ballot.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C6) below this line.]

We count the provisional ballots of voters voting in the wrong precinct for those races that they were eligible to vote for in their correct precinct See GS 163-166.11. The voter is researched to see if they are registered. If they are, the ballot will be counted as to those ballot items the voter was eligible to vote for.

[End response to above question (C6) above this line.]

**C7. Please describe your state's laws regarding post-election audits, if any. A post-election audit refers to hand-counting votes on paper records and comparing those counts to the corresponding vote counts originally reported, as a check on the accuracy of election results, and resolving discrepancies using accurate hand counts of the paper records as the benchmark.**

**If your state has post-election auditing, consider including in your response information such as the unit being audited (e.g., precincts, machines); the sampling method (e.g., fixed percentages); whether there is a specific trigger for the audit; the location of the random selection (e.g., state, county); and the races that can be audited.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C7) below this line.]

GS §163-182.2(b)(1a) and §163-182.1 require a sample post –election audit count. They have been conducted since 2006.

The statutes provide for a sample hand-to-eye count of the paper ballots or paper records of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The State Board shall approve in an open meeting the procedure for randomly selecting the sample precincts for each election. The random selection of precincts for any county shall be done publicly after the initial count of election returns for that county is publicly released or 24 hours after the polls close on election day, whichever is earlier. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, full counts of one or more one-stop early voting sites, or a combination. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots or records have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted.

[End response to above question (C7) above this line.]

**C8. Please describe any state requirements for poll worker training.**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (C8) below this line.]

Required training is set out in GS 163-46. In addition we offer on-line poll worker training. GS §163-46 states:

“The chairman of the county board of elections, along with the director of elections, shall conduct an instructional meeting prior to each primary and general election which shall be attended by each chief judge and judge of election.”

As a practical matter, these trainings are also attended by election assistants as well. North Carolina has web based poll worker training available at all times.

[End response to above question (C8) above this line.]

## SECTION D: ELECTION DAY ACTIVITIES

**D1. Please describe your state's process for capturing "over-vote" and "under-vote" counts.**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (D1) below this line.]

We do not capture or report this data. One is free to compare the reported number of voters voting a ballot and compare that number with the total votes voted in a ballot item to obtain a number who did not vote as to that ballot item.

Our voting systems are programmed to initially reject any over-voted ballot item. At that reject point the voter is informed of the consequence of the over-vote voiding their vote as to that ballot item. The voter has the option to have the over-voted ballot spoiled and cast a new ballot or cast the over-voted ballot as is. See 8 NCAC 10B.0104 (b).

[End response to above question (D1) above this line.]

**D2. What identification does your state require from voters in the following situations:**

**a. registering to vote;**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (a) below this line.]

Drivers license number or, if the applicant does not have a drivers license number, the last four digits of the applicant's social security number. See GS §163-82.10. This reflects the HAVA requirements.

[End response to above question (a) above this line.]

**b. casting an in-person ballot;**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (b) below this line.]

None. Voter is required to state their name and address and sign their names. See below.

**§ 163-166.7. Voting procedures.**

(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence address. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting.

However, if the voter's driver license or SS number provided in the voter registration application did not match, they have to bring ID the first time they vote. See below.

**§ 163-166.12. Requirements for certain voters who register by mail.**

(a) Voting in Person. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, shall present to a local election official at a voting place before voting there one of the following:

- (1) 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.

[End response to above question (b) above this line.]

**c. casting a mail-in or absentee vote;**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (c) below this line.]

No ID requirement. Absentee ballot application needs to be signed by the voter in front of witnesses who acknowledge their witness on the absentee application.

However, if the voter's driver license or SS number provided in the voter registration application did not match, they have to provide ID with the absentee ballot the first time they vote. See below.

**§ 163-166.12. Requirements for certain voters who register by mail.**

(b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the mailed-in absentee ballot one of the following:

- (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.

[End response to above question (c) above this line.]

**d. casting a ballot under UOCAVA;**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (d) below this line.]

No ID requirement. Absentee ballot application needs to be signed by the voter in front of witnesses who acknowledge their witness on the absentee application.

[End response to above question (d) above this line.]

**e. any other stage in registration or voting process in which identification is required (please specify).**

  X   No Change Since 2010             Changed Since 2010

**2010 Response:**

[Begin response to above question (e) below this line.]

We follow HAVA...when data provided does not match, then the voter has to show ID the first time they vote. See GS 163-166.12. Voters registering at one-stop absentee (early) voting sites, have to present proof of residence.

[End response to above question (e) above this line.]

**D3. Please describe your state's laws regarding access to the polling place for election observers. Election observers are people allowed inside the polling place who are not poll workers, election officials or voters. If decisions on access to observers are left to local jurisdictions, please explain.**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (D3) below this line.]

In North Carolina, observers are appointed by political parties and may enter the polling area and observe the voting as long as they do not obstruct the voting process. See GS §163-45.

Persons who wish to observe the polling place, not as an appointed observer but in the nature of a “monitor”, must first obtain permission from the county or state elections board. This would be the situation as to a government or an organization representative that desires to observe the inner workings of the polling location. See below.

#### **§ 163-166.3. Limited access to the voting enclosure.**

(a) Persons Who May Enter Voting Enclosure. – During the time allowed for voting in the voting place, only the following persons may enter the voting enclosure:

- (2) An observer appointed pursuant to G.S. 163-45.
- (8) Any other person determined by election officials to have an urgent need to enter the voting enclosure but only to the extent necessary to address that need.

[End response to above question (D3) above this line.]

## SECTION E: OTHER

**E1. Under HAVA, Section 402, states are required to establish and maintain administrative complaint procedures to remedy grievances. Has your state revised its administrative complaint procedures since they were first implemented? If so, how?**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (E1) below this line.]

No we have made no revisions. We have not had an HAVA Administrative Complaint filed in North Carolina. Our state had and has in place a well established election protest mechanism and most complaints are received informally. We promptly respond to these informal complaints and inform the voters of what further formal complaint procedure (including the HAVA Administrative Complaint) is available to them.

[End response to above question (E1) above this line.]

**E2. Please add any additional comments or information about your state's election administration processes that would help to inform the EAC's interpretation of your data.**

  X   No Change Since 2010             Changed Since 2010

### 2010 Response:

[Begin response to above question (E2) below this line.]

n/a

[End response to above question (E2) above this line.]

\* The information collection associated with the Election Administration and Voting Survey is required for the EAC to meet its statutory requirements under the Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301), the National Voter Registration Act (NVRA) (42 U.S.C. 1973gg-1 et seq.), and the Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA) (42 U.S.C. 1973ff-1). Respondent's obligation to reply to this information collection is mandatory as required under NVRA (42 U.S.C. 1973gg-1 et seq.) and UOCAVA (42 U.S.C. 1973ff-1). This part of the information collection is being requested to help the EAC to better understand state laws governing federal elections. Respondents include the fifty states, the District of Columbia, and the U.S. Territories. This information will be made publicly available on the EAC website ([www.eac.gov](http://www.eac.gov)). According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB Control No. 3265-0006 (expires 5/31/2013). The time required to complete this information collection is estimated to average 59 hours per state response. This estimate includes the time for reviewing the instructions, gathering information, and completing the form. Comments regarding this burden estimate should be sent the U.S. Election Assistance Commission – 2012 Election Administration and Voting Survey, 1201 New York Avenue, Suite 300, Washington, DC 20005.