

## Section B

### U.S. ELECTION ASSISTANCE COMMISSION



#### 2008 Election Administration & Voting Survey

## 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 us to better understand the quantitative data relating to the 2008 general election that we are collecting from all U.S. states and territories.

We understand 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).

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 legal standing 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, please specify.

Please put 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

[Begin definition (a) below this line.]

Not defined in NC.

[End definition (a) above this line.]

b. Under-vote

[Begin definition (b) below this line.]

Not defined in NC

[End definition (b) above this line.]

c. Blank ballot

[Begin definition (c) below this line.]

Not defined in NC

[End definition (c) above this line.]

d. Void/Spoiled ballot

[Begin definition (d) below this line.]

Not defined in NC

[End definition (d) above this line.]

e. Provisional/Challenged ballot

[Begin definition (e) below this line.]

GS 163-165 (6) "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. Except for its envelope, a provisional official ballot shall not be marked to make it identifiable to the voter.

[End definition (e) above this line.]

f. Absentee

[Begin definition (f) below this line.]

Not defined in NC. Article 20 of Chapter 163 of the NC General Statutes deals with absentee voting.

[End definition (f) above this line.]

g. Early voting

[Begin definition (g) below this line.]

In NC, this is called One-stop absentee voting. See GS 163.227.2.

[End definition (g) above this line.]

h. Active Voter

[Begin definition (h) below this line.]

Not defined in NC law

[End definition (h) above this line.]

i. Inactive Voter

[Begin definition (i) below this line.]

Not defined in NC law

[End definition (i) above this line.]

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

[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. By “significant,” we do not mean routine or technical changes (such as changes to election district boundaries or polling place changes). However, we 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.

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

Effective in 2007, GS 163-82.6A allows voters to register to vote and vote at the same time at one-stop absentee voting sites (early voting).

[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.)

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

The NC State Board of Elections has a top-down system. We call it SEIMS. It is real time as to data entry from the counties.

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

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

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

N/A

[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?

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

We follow the NVRA procedure as set out both in federal law and in GS 163-82.14. No.

[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?

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

We follow the NVRA procedure as set out both in federal law and in GS 163-82.14. No.

[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 drivers 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.

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

Yes

Yes...we use our DMV data link to have access to the SSA data link

See GS 163-82.19

[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 using NCOA?

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

We do not use NCOA to modify voter registration.

[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?)

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

Once a person is discharged from an active felon sentence, probation, or parole, their citizenship is automatically restored and they can register to vote. Any prior registration would have been removed. See Chapter 13 of the North Carolina General Statutes.

[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.).

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

Form is online, but must be downloaded, filled out, signed, and mailed by voter. We do not have fill-in online forms at this time that can be transmitted by the internet

[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?

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

Election day ballots voted at the precinct are counted at the precinct. Mail-in absentee ballots are counted at the county elections office on election day. Provisional ballots, if approved at counted on canvass day at the county board of elections. One-stop absentee (early voting) ballots are counted at the voting location, but the results are not announced until election day by the county board of elections. See GS 163-182.2., 163-234, 163-166.11, 163-182.5.

[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?

[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?

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

Absentee votes are first reported as separate totals and later those votes are assigned to the precincts vote totals from which the voters came. See GS 163-132.5G.

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

d. How are UOCAVA ballots counted and reported?

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

They are handled by the county board in a matter similar to absentee ballots.

[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.)

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

No excuse is required. See GS 163-126

[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?

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

Yes. We call it One-stop absentee voting. See GS 163-227.2.

See statute.

Counted at the precinct, but not reported until election day.

At the close of polls on election day as one-stop absentee vote totals. Later they are allocated to the precincts of the voters under GS 163-132.5G.

[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?

[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.

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

Any voter not appearing on the official list of eligible voters in a voting place can vote a provisional ballot. See GS 163-166.11.

[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.

[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.

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

Yes we have a sample audit count since 2006. See GS 163-182.1.

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

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

[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.

[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.

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

We do not formerly capture these counts. Our voting systems are geared not to allow over-voted ballots. An informal under-vote number can be determined by subtracting the totals votes for an ballot item from the total number of voters voting.

[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;

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

We follow HAVA, a drivers license, DMV issued ID, or last four digits of the SSA #. See GS 163-82.4.

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

b. casting an in-person ballot;

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

We follow HAVA, if the above data matches, then the voter does not have to present further ID. See GS 163-166.12.

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

c. casting a mail-in or absentee vote;

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

None

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

d. casting a ballot under UOCAVA;

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

None

[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).

[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.

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

Election observers are people allowed inside the polling place they are not considered poll workers or election officials.

Observers are appointed by political parties and are allowed in the polling places. See GS 163-45.

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

## SECTION E: OTHER

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

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

See GS 163-91. We have not revised. We have had no HAVA administrative complaints filed since they went into effect. Such complaints are very limited in scope. General voter and candidates complaints have been and are currently handled by election protests. See GS 163-182.9 as to protests.

[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.

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

[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 3/31/09). 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 – 2008 Election Administration and Voting Survey, 1225 New York Avenue, Suite 1100, Washington, DC 20005.