U.S. ELECTION ASSISTANCE COMMISSION

2016 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 EAC to better understand the quantitative data relating to the 2016 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.

Information Supplied By	
Name	Veronica Degraffenreid
Title	Elections Preparation & Support Manager
Office/Agency Name	NC State Board of Elections
Address 1	P.O. Box 27255
Address 2	
City	Raleigh
State	North Carolina
Zip Code	27611-7255
E-mail Address	Veronica.Degraffenreid@ncsbe.gov
Telephone (area Code and number)	919 733-7173
Fax Number (area code and number)	919 715-0135

DIRECTIONS AND EXAMPLE

As appropriate, please provide your state's legal citation for the responses to the questions beginning on the following page.

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

The Statutory Overview data collection document has two columns below each question.

- On the left, we have provided you with the answer your state provided for the 2014 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 the box labeled **No Change since 2014** at the top of the left column.

- If the response has changed since 2014 – or your state has not answered this question previously for some reason— please mark the box labeled **Changed since 2014** at the top of the right column and then provide the new answer in the text box provided. If your response is too long to fit in the box, please make a note in the text box and place your response in the "Notes" page at the end of the document. Additionally, if a law was repealed in full, please answer "repealed in full" in the box.

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

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

☒ **No Change since 2014** ☐ **Changed since 2014**

State code 1.11 - An attempt to vote for a larger number of candidates than is allowed.

b) Under-vote

☐ **No Change since 2014** ☒ **Changed since 2014**

This term has no legal definition.

State code 1.12 - An attempt to vote for a smaller number of candidates than is allowed.

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 2014** ☐ **Changed since 2014**

2014 Response:

The term "over-vote" describes a circumstance in which an official ballot is marked to reflect more selections than there are contests, a vote is not counted for that ballot item. See NC General Statute (G.S.) 163-182.1(a)(4).

2016 Response:

b) Under-vote

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The term "under-vote" describes a circumstance in which the voter fails to make all selections for contests in which which they are eligible. The ballot is counted for all items in which the voter's intent may be determined.

2016 Response:

c) Blank ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A "blank ballot" is an official ballot bearing no marks readable by the ballot scanner or clearly signaling the voter's intent.

2016 Response:

d) Void/Spoiled ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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).

2016 Response:

e) Provisional/Challenged ballot

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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 county may challenge a voter who presents to vote in her 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 if authorized by a court. See GS 163-88.1

2016 Response:

f) Absentee

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

An absentee ballot is a ballot issued upon the timely request of a voter qualified to vote in the election. (Article 20 of Chapter 163 of the General Statutes deals with absentee voting.)

2016 Response:

g) Early voting

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

"Early voting" is popularly known as one-stop early voting in North Carolina and describes a 17-day period during which a voter may appear in-person at a county elections office or a one-stop voting site and simultaneously request, receive, and vote 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. (Note, the definition of early voting has not changed, but it is now reduced to 10 days from the 17 days it used to be.)

2016 Response:

Early Voting is currently back to 17 days.

In July 29, a panel of the U.S. Court of Appeals for the Fourth Circuit struck down photo ID requirements and other elections procedures enacted under S.L. 2013-381 and amended by S.L. 2015-103. Barring any alternative outcome on appeal, the following are no longer enforceable:

Photo ID requirement contained in Part 2 of Session Law 2013-381, as amended by Session Law 2015-103;
Removal of preregistration contained in Part 12 of Session Law 2013-381;
Elimination of same-day registration contained in Part 16 of Session Law 2013-381;
Changes to early voting contained in Part 25 of Session Law 2013-381; and
Elimination of out-of-precinct voting contained in Part 49 of Session Law 2013-381.

h) Active Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

i) Inactive Voter

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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).

2016 Response:

j) Other terms (please specify) _____

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

N/A

2016 Response:

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 2014** ☒ **Changed since 2014**

2014 Response:

Session Law 2013-381, known as the Voter Information Verification Act (VIVA) was passed August 12, 2013 and contains many provisions, some effective upon passage, others January 1, 2014, January 1, 2016, and January 1, 2018. The significant changes made in this bill are set out below:
1. Requires Photo Voter ID starting January 1, 2016.
2. Requires election officials at the polls, effective in 2014 and 2015, to inform voters of the need for Photo Voter ID in 2016 and to inform the voters of how they can obtain such ID.
3. Reduces the number of days for early voting from 17 days to 10 days, effective in 2014.
4. Effective January 1, 2014, eliminates same day voter registration at early voting sites.
5. Effective January 1, 2014, eliminates from ballots the straight ticket voting box and now requires that the voter marks their choice in each partisan race on the ballot.
6. Effective January 1, 2014, does not allow voters to vote in their incorrect precinct using provisional ballots.
7. Effective January 1, 2014, requires a state generated form to request an absentee ballot and that voted absentee ballots must have two witnesses or one notarization.
8. Effective September, 2013, eliminate pre-registration for 16 and 17 year olds and previously required annual voter registration drives in high schools.
9. Effective January 1, 2014, allows ten (10) additional poll observers that can serve at any polling location in the county.
10. Effective January 1, 2014, allows a any voter from the county to challenge another voter from the county on Election Day at a voting location.
11. Effective January 1, 2018, eliminates the use of "touch screen" electronic voting systems in North Carolina, and allows only voting systems that use a paper ballot after that date.

2016 Response:

Several of the provisions listed to the left (Items 1, 2, 3, 4, 6, and 8) are the subject of ongoing litigation. At the time of this report, these provisions have been permanently enjoined by the U.S. Fourth Circuit Court of Appeals.

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.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

North Carolina develops and maintains the State Elections Information Management Systems (SEIMS) for use by this state's 100 county boards of elections in the administration of elections in North Carolina. Using SEIMS, counties maintain their own list of registered voters. The data from each county's server is replicated to the state's central database. Information from the central database is then replicated down to individual counties. The

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The state's system is a hybrid system. Information input into the system by counties is replicated on state servers.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

A voter moves from Active to Inactive status due to the inability of the county board of elections to verify and receive confirmation of a person's address by mail. Inactive voters are still registered voters and have voting rights; the inactive status is only an administrative status the permits the county board of elections to flag the voter's record to show that the board has been unable to verify the voter's address. If an inactive voter presents to vote, the voter will be asked to confirm his current address in the county. Note: the voter will not be required to show proof of his current address. If the voter has contact with the board of elections by some other means, then the voter's registration status will be made active, and if applicable, his address will be updated.

2016 Response:

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?

☐ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

See Appendix A

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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".

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

In 2009, the State Board of Elections implemented an additional voter removal program using the National Change of Address (NCOA) data from the U.S. Postal Service, consistent with its permissible use under Section 8 of the NVRA. With this new program, county boards mail special confirmation mailings to voters who have filed a change of address with the postal service. The county board will remove the voter registration record of any voter who confirms in writing that he has moved out of the county. These mailings will also permit voters to update their name or address within a county and they allow near relatives to report the death of a voter.

Twice a year, county boards of elections must mail special postcards to active voters with change of address orders on file with the United State Postal Service. The mailings are not sent to:

- Voters in Inactive status
- Voters eligible under UOCAVA
- Voters who have registered within the past 95 days

2016 Response:

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?)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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.).

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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 2014** ☐ **Changed since 2014**

2014 Response:

Votes cast at the precinct are counted or tabulated at the precincts after closing. See 8 NCAC 10B.0105 and NC GS §163-182.2. Votes cast at one-stop absentee ("early voting") sites are counted or tabulated centrally at the board of elections office. Provisional ballots and ballots received by mail are tabulated centrally at the board of elections office.

2016 Response:

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

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Some counties report all tabulated votes by precinct in their canvass. Counties that code their ballots by style: votes that are tabulated centrally will eventually be reported or redirected to the appropriate precinct after the county canvass, but not necessarily in the canvass.

2016 Response:

The process has not changed since 2014, however the information provided previously did not fully reflect the process used in some North Carolina counties.

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 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

d. How are UOCAVA ballots counted and reported?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

UOCAVA absentee votes are counted along with the other absentee votes. There is an administrative requirement that county boards of elections keep records as to UOCAVA absentee transactions.

2016 Response:

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.)

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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

2016 Response:

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?

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

In-person early voting is called one-stop absentee voting in North Carolina. It is a form of absentee voting described 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 second 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.

2016 Response:

In July 29, a panel of the U.S. Court of Appeals for the Fourth Circuit struck down photo ID requirements and other elections procedures enacted under S.L. 2013-381 and amended by S.L. 2015-103. Barring any alternative outcome on appeal, the early voting period is now 17 days and begins the third Thursday before the election and ends no earlier than 1pm on the Saturday before the election.

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No.

2016 Response:

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

There are seven 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 whose party affiliation has been incorrectly assigned in an administrative error ("incorrect party voters"). Allowed by GS §163-166.11.
6.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.
7.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.

2016 Response:

During the 2016 primaries, photo identification was required for certain voters. Those who did not present an acceptable form of photo identification were permitted to vote a provisional ballot accompanied by a declaration indicating that the voter suffered from a reasonable impediment that prevented the voter from obtaining acceptable identification. This process was enjoined in July by the U.S. Court of Appeals for the Fourth Circuit.

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

Out of precinct voting has been the subject to ongoing litigation. At this time, the provisional ballot of a voter who presents to vote at a precinct other than his proper precinct will be counted for all contests for which the voter is otherwise entitled to vote, so long as the voter has presented in his or her county of registration.

2016 Response:

PHOTO ID, SAME-DAY REGISTRATION,
OUT-OF-PRECINCT VOTING, & PREREGISTRATION

In July 29, a panel of the U.S. Court of Appeals for the Fourth Circuit struck down photo ID requirements and other elections procedures enacted under S.L. 2013-381 and amended by S.L. 2015-103. Barring any alternative outcome on appeal, the following are no longer enforceable:

Photo ID requirement contained in Part 2 of Session Law 2013-381, as amended by Session Law 2015-103;
Removal of preregistration contained in Part 12 of Session Law 2013-381;
Elimination of same-day registration contained in Part 16 of Session Law 2013-381;
Changes to early voting contained in Part 25 of Session Law 2013-381; and
Elimination of out-of-precinct voting contained in Part 49 of Session Law 2013-381.

At this time, the provisional ballot of a voter who presents to vote at a precinct other than his proper precinct will be counted for all contests for which the voter is otherwise entitled to vote.

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

Required training is set out in GS 163-46. In addition we offer online 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.

2016 Response:

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.

The State Board of Elections provides and requires the use of an official election handbook by Chief Judges of every polling place.

The State Board of Elections provides and requires the use of station guides in every polling place. This guide outlines standard and provisional voting procedures and is intended for both the election official and the voter.

The State Board provides, as needed, webinars and on-site training for election officials in conjunction with their county board of elections.

The state board does not currently have web based poll worker training available.

SECTION D: ELECTION DAY ACTIVITIES

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

We do not systematically 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).

2016 Response:

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

a. registering to vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

The Voter Registration Application asks the registrant to provide his or her 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. Registrants who cannot be verified using the drivers license number or Social Security number, or those who do not provide either number, must present HAVA identification the first time they present to vote.

2016 Response:

b. casting an in-person ballot;

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

None until January 1, 2016. Currently, voter is still 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 and presenting photo identification in accordance with G.S. 163-166.13. (This change is effective January 1, 2016). 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

2016 Response:

In July 29, a panel of the U.S. Court of Appeals for the Fourth Circuit struck down photo ID requirements. Barring any alternative outcome on appeal the photo ID requirement contained in Part 2 of Session Law 2013-381, as amended by Session Law 2015-103;

§ 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 and presenting photo identification in accordance with G.S. 163-166.13. 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.

c. casting a mail-in or absentee vote;

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No ID requirement. Absentee ballot application needs to be signed by the voter in front of two witnesses who acknowledge their witness on the absentee application. The witness requirement can also be met by having the voter's ballot notarized by one notary.
Absentee ballot receipt deadline is now at 5p.m. the day of the elections. In 2012, it was at 5p.m. the day before the election.
Effective 2014, there is now a required absentee ballot request form that must be used to request an absentee ballot. 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:

2016 Response:

d. casting a ballot under UOCAVA;

☒ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

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. UOCAVA ballot receipt deadline is now at 5p.m. the day of the elections. In 2012, it was at 5p.m. the day before the election.

2016 Response:

No witness requirement on UOCAVA.

Deadline for return
163-258.10 Electronically by 7:30 PM election day
163-258.12 Late mail exception end of business on the business day before the county canvass

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

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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.

2016 Response:

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.

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

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. Effective in 2014, political parties are allowed to appoint ten (10) at –large observers who are free to observe any voting location in a county without restriction as to how long the observers must stay at a location.
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.

2016 Response:

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?

☒ **No Change since 2014** ☐ **Changed since 2014**

2014 Response:

No we have made no revisions. We have had one meritless 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. The agency's legal division is currently reviewing processes and considering whether to establish additional procedures for such administrative complaints.

2016 Response:

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.

☐ **No Change since 2014** ☒ **Changed since 2014**

2014 Response:

N/A

2016 Response:

PHOTO ID, SAME-DAY REGISTRATION,
OUT-OF-PRECINCT VOTING, & PREREGISTRATION

In July 29, a panel of the U.S. Court of Appeals for the Fourth Circuit struck down photo ID requirements and other elections procedures enacted under S.L. 2013-381 and amended by S.L. 2015-103. Barring any alternative outcome on appeal, the following are no longer enforceable:

Photo ID requirement contained in Part 2 of Session Law 2013-381, as amended by Session Law 2015-103;

* 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). 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 04/30/2017). 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 – 2014 Election Administration and Voting Survey, 1335 East West Highway, Suite 4300, Silver Spring MD, 20910.

NOTES – please place longer responses below

Appendix A – North Carolina 2014 Responses

B3. 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. Each county board of elections shall also remove from its voter registeration records a person identified as deceased by the signed statement of a near relative or persaonl representative of the deceased voter. 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 precedingcalendar 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).