



*Helping Voters Register Under North Carolina Law**

***Relevant statutes are the subject of current litigation. This guide provides information available at the time it was prepared.**

Important: Voter registration drives in North Carolina have to follow certain state laws and rules, such as a requirement that drives turn in applications within a certain period of time after receiving them, and rules about compensating workers. It is important to review **all** relevant information regarding voter registration drives before beginning a voter registration program.

About this guide: The guide is broken up into parts: 1) Who is Eligible, 2) Frequently Asked Eligibility/Residency Questions, 3) Filling out an Application, 4) Voter Registration Deadline, and 5) Voter Registration Drive Rules. Voter Registration Drive laws and rules are often more complicated than the summary table used for quick reference, so, if appropriate, a more detailed explanation is below the table. Sometimes the detailed explanation may not answer all the questions. Therefore, as a best practice, Project Vote recommends that voter registration drive organizers meet with their local election officials before beginning their programs. Election officials may be able to clarify rules and may also have their own interpretation or perspective that you will want to understand when starting your drive.

Need assistance? Project Vote offers training in running voter registration programs and best practices. Contact us at (202) 546-4173, www.projectvote.org, info@projectvote.org

PART 1: ELIGIBILITY

In North Carolina, an individual may register to vote if the person is:¹

- A U.S. citizen;
- A resident of North Carolina and the precinct in which she wishes to vote for 30 days before the election;
- Will be at least 18 years of age by the next election;² and
- Not convicted of a felony in North Carolina, a federal felony, or of an out-of-state felony that would also be a felony in North Carolina, or if convicted, has had her rights legally restored, including automatically.³

PART 2: FREQUENTLY ASKED ELIGIBILITY/RESIDENCY QUESTIONS:

- **Homeless Applicants:** If a person's residence is not a traditional residence associated with real property, then the location of the usual sleeping area for that person is controlling for residency purposes. Residence must be broadly construed to provide all persons with the opportunity to register and to vote, including stating a mailing address different from residence address.⁴ Applicants who do not have a street address are instructed

to indicate on the map on the voter registration application where they reside, and should include roads and landmarks.⁵

- **Felony Convictions:** Person who have been convicted of a felony in North Carolina, a federal felony, or of an out-of-state felony that would also be a felony in North Carolina, must have their rights legally restored, including automatically. Once the person's sentence is complete, including any probation or parole, North Carolina automatically restores an individual's citizenship rights and the person becomes eligible to register to vote and vote. No special document is needed.⁶ Rights are also restored upon unconditional pardon or by satisfaction of all terms of a conditional pardon.⁷
- **College Students:** A college student may be considered domiciled in the student's college community "[s]o long as a student intends to make the student's home in the community where the student is physically present for the purpose of attending school while the student is attending school and has no intent to return to the student's former home after graduation The student need not also intend to stay in the college community beyond graduation in order to establish domicile there."⁸

PART 3: FILLING OUT AN APPLICATION

North Carolina's State Board of Elections indicates that the following fields must be completed on the voter registration application:⁹

- Checkbox indicating U.S. citizenship
- Checkbox indicating the applicant will be 18 by the next election
- Full Name
- Date of birth
- Physical residence address (and also including mailing address, if applicable)
- Driver's license number, or DMV-issued identification card number, or if the applicant does not have either, the last four digits of the applicant's Social Security Number.
 - If applicant has neither, ID must be shown the first time the person presents to vote
- The applicant's signature.
 - An electronically captured signature, including signatures on applications generated by computer programs of third-party groups, is not valid on a voter registration form, except as provided in Article 21A of the election law (regarding military and overseas voters), and except for electronically captured signatures on electronic voter registration forms offered by state agencies.¹⁰

In North Carolina, in a partisan primary, voters who are affiliated with a political party may only vote the partisan ballot for the party for which they are affiliated; they are *closed* from voting in another party's primary. *Unaffiliated* voters may vote in any one recognized party's primary.¹¹

PART 4: VOTER REGISTRATION DEADLINE

If submitted by mail, applications must be postmarked at least 25 days before the primary or election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the primary or election. If submitted in person, by fax, or by transmission of a scanned document, applications must be received by the county board of elections by a time established by that board, no earlier than 5:00 P.M., on the 25th day before the primary or election, and a permanent copy of the completed, signed form must be delivered to the county board no later than 20 days before the election.¹²

PART 5: SUMMARY OF STATE VOTER REGISTRATION DRIVE RULES

<i>Does the state require organizations conducting voter registration drives to register or file other information detailing their voter registration activities?</i>	No, except that groups ordering forms in quantity have to complete a voter registration supplies order form, see question A below.
<i>Are there restrictions on getting voter registration forms?</i>	Yes. The State Board indicates drives must provide state-approved forms and should not make copies of the voter registration form available on its website. See question A below for details.
<i>Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?</i>	Yes. The State Board of Elections states that drives should not offer a person a premarked form unless the person has requested the premarking. See question B below for details.
<i>Does the state require any training in order to conduct voter registration drives?</i>	No. ¹³
<i>Does the state have restrictions on who may help others register to vote?</i>	No; however, the Board of Elections does state that drives may not refuse to accept completed forms. ¹⁴
<i>Does the state have restrictions on paying drive workers?</i>	Yes. It is a Class 2 misdemeanor for any person to be compensated based on the number of forms submitted for assisting persons in registering to vote. ¹⁵
<i>Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?</i>	Yes. See question C below for details.
<i>Must the registration drive worker sign her name to the completed voter registration application?</i>	No.
<i>Does the state have a rule requiring a receipt or other tracking information to be provided to the applicant?</i>	No.

<i>Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?</i>	North Carolina law does not address this issue.
<i>Are there restrictions on copying completed voter registration applications prior to submitting them to the election official, or other restrictions on data entry or disclosure?</i>	North Carolina law does not address this issue.
<i>Is there a time limit for voter registration groups to submit the voter registration applications they collect?</i>	Yes, they must be delivered in time to meet the registration deadline for the next election. See question D below for details.
<i>What are the consequences for failing to submit applications on time?</i>	Failing to meet the deadline is a misdemeanor. See question E below.
<i>If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?</i>	It is a Class 2 misdemeanor for anyone to change a person's information on a voter registration form prior to its delivery to a county board of elections. ¹⁶ See additional information in question F below.
<i>How will an applicant know whether the election official received the application?</i>	Applicants will receive notice of tentative approval, incomplete application, or denial. See details in questions G and H below.
<i>How may an applicant correct an incomplete application after it has been submitted to election officials?</i>	Applicants who provided enough information to identify and contact the person must be given the opportunity to correct the form. See question H below.
<i>Who investigates and enforces the state rules?</i>	State Board of Elections/District Attorneys/Director of the State Bureau of Investigation. See question I below.

State Voter Registration Drive Rules: Detailed Explanations

BEFORE THE DRIVE

A. Are there restrictions on getting voter registration forms?

The State Board of Elections states that drives must provide individuals with current, state-approved voter registration forms. These forms may be ordered from the State Board of Elections, if quantities are over 500, by filling out and signing a NC Voter Registration Supplies Order Form and faxing it to the number on the form. The order form is available at

<https://www.ncsbe.gov/Portals/0/FilesP/VRDriveSuppliesRequestForm.pdf>. The form may be mailed, faxed or scanned and emailed to the State Board of Elections at the address or fax number given on the order form, or by email to elections.sboe@ncsbe.gov. Voter registration forms may also be picked up from county boards of elections' offices if quantities are below 500. The Board states that drive organizers should not make copies of the voter registration form available on its website.¹⁷

B. Does the state have any restrictions on using pre-filled voter registration forms or other rules for mailing forms to potential applicants?

Yes. The Board of Elections states that drives should not offer a person a voter registration form that has been premarked unless the person receiving the form has requested the premarking. It also states that drives must refrain from giving a partially completed voter registration form to a person for registering unless that person is made aware of the information already on the form and the person registering does not object to that information. An unaltered blank registration form must be provided to the registrant if requested.¹⁸ In addition, it is a Class 2 misdemeanor to offer a person a voter registration form that has a party affiliation premarked unless the person receiving the form has requested the premarking.¹⁹

C. Are there restrictions on the voter registration drive offering something of value to a person in exchange for completing a voter registration application?

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."²⁰ At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."²¹

Another example is California's Secretary of State's interpretation of the federal law to mean that "Any type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."²²

In addition, in North Carolina, it is a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.²³

DURING THE DRIVE

D. Is there a time limit for voter registration groups to submit the voter registration applications they collect?

Yes. Anyone who tells an applicant that the person will submit the applicant's completed application must deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline for the next election. See the deadline information above.²⁴

E. What are the consequences for failing to submit voter registration applications on time?

Any person who tells the applicant that the person will submit the applicant's completed application and who fails to make a good faith effort to deliver it within the time period described above is guilty of a Class 2 misdemeanor.²⁵

F. If an application is incomplete, may the voter registration drive write the missing information on the application with the applicant's consent?

The state board states that drives must refrain from altering any information placed on the form without the permission of the person registering.²⁶ It is a Class 2 misdemeanor for anyone to change a person's information on a voter registration form prior to its delivery to a county board of elections.²⁷ The State Board of Elections indicates that incomplete forms should not be altered by the drive, but should be given to the county board of elections as is. Further the Board instructs drives not to place sticky notes, flags on

any incomplete form to alert the county board to those deficiencies and indicates that voter registration applications are scanned into the voter registration database system prior to any data entry and these notes are simply removed by the county board staff prior to scanning.²⁸

G. *How will an applicant know whether the election official received the application?*

If the board determines the applicant is not qualified, the board is required to send the applicant a notice of denial of registration, which must be mailed within two business days after denial, and must inform the applicant of alternatives that the applicant may pursue in order to vote. If the board of elections tentatively determines that the applicant is qualified to vote at the address given, a notice must be sent to the applicant by nonforwardable mail that the county will register the applicant to vote if the notice is not returned as undeliverable. If a second notice is returned as undeliverable, the applicant will be rejected.²⁹

H. *How may an applicant correct an incomplete application after it has been submitted to election officials?*

If the voter fails to complete any required item on the form but provides enough information to enable the county board to identify and contact the voter, the voter must be notified of their omission and given the opportunity to complete the form by 5:00 pm on the day before the county canvass. If they do so, and the person is determined to be eligible, the voter is permitted to vote. If the information is not corrected by election day but is provided by at least 5:00pm on the day before the county canvass, the person must be allowed to cast a provisional ballot that must be counted for any portion of the provisional official ballot that the voter is eligible to vote.³⁰

I. *Who investigates and enforces the state rules?*

The State Board of Elections and district attorneys investigate, and district attorneys prosecute, cases under the election code. The State Board of Elections and the district attorneys are authorized to call upon the Director of the State Bureau of Investigation to furnish assistance.³¹

WEB PAGE OF STATUTE

<http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl?Chapter=0163>

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¹ N.C. Gen. Stat. § 163-55

² N.C. Gen. Stat. § 163-82.4(d)(2)

³ N.C. Gen. Stat. § 163-55(a)(2); N.C. Gen. Stat. § 13-1

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- ⁴ N.C. Gen. Stat. Ann. § 163-57(1)(c)
- ⁵ North Carolina Voter Registration Form,
<http://www.ncsbe.gov/Portals/0/FilesP/NCVRRegFormv102013eng.pdf>
- ⁶ N.C. Gen. Stat. § 163-55(a)(2); N.C. Gen. Stat. § 13-1; North Carolina Voter Registration Form,
<http://www.ncsbe.gov/Portals/0/FilesP/NCVRRegFormv102013eng.pdf>; North Carolina State Board of
Elections, Voter Registration Drives, <https://www.ncsbe.gov/Voter-Information/VR-Drives> (last visited Feb.
3, 2016) (“NCSBE Voter Registration Drives Online Guidance”), “Responsibilities”
- ⁷ N.C. Gen. Stat. § 13-1
- ⁸ N.C. Gen. Stat. § 163-57(11)
- ⁹ NCSBE Voter Registration Drives Online Guidance, “Completing Voter Registration Applications”
- ¹⁰ N.C. Gen. Stat. § 163-82.6(b)
- ¹¹ North Carolina State Board of Elections, Voter Registration in NC, Voter Registration and Party Affiliation
<https://www.ncsbe.gov/registering-to-vote> (last visited Feb. 3, 2016)
- ¹² N.C. Gen. Stat. § 163-82.6(c), (c1)
- ¹³ NCSBE Voter Registration Drives Online Guidance, “Who May Conduct A Voter Registration Drive”
- ¹⁴ NCSBE Voter Registration Drives Online Guidance, “Responsibilities”
- ¹⁵ N.C. Gen. Stat. § 163-274(a)(14)
- ¹⁶ N.C. Gen. Stat. § 163-82.6(a1)(3)
- ¹⁷ NCSBE Voter Registration Drives Online Guidance, “Responsibilities”
- ¹⁸ NCSBE Voter Registration Drives Online Guidance, “Responsibilities”
- ¹⁹ N.C. Gen. Stat. § 163-82.6(a1)(5)
- ²⁰ 52 U.S.C. § 10307(c)
- ²¹ *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).
- ²² California Secretary of State, Guide to Voter Registration Drives 11, *available at*
<http://elections.cdn.sos.ca.gov/guides/guide-to-vr-drives.pdf> (last revised Jan. 2016).
- ²³ N.C. Gen. Stat. § 163-82.6(a)
- ²⁴ N.C. Gen. Stat. § 163-82.6(a)
- ²⁵ N.C. Gen. Stat. § 163-82.6(a)
- ²⁶ NCSBE Voter Registration Drives Online Guidance, “Responsibilities”
- ²⁷ N.C. Gen. Stat. § 163-82.6(a1)(3)
- ²⁸ NCSBE Voter Registration Drives Online Guidance, “Completing Voter Registration Applications”
- ²⁹ N.C. Gen. Stat. § 163-82.7
- ³⁰ N.C. Gen. Stat. § 163-82.4(e)
- ³¹ N.C. Gen. Stat. § 163-278