

2008

North Carolina Voter Protection Laws in a Nutshell



Just Democracy!



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INTRODUCTION

This publication (“Nutshell”) is intended to distill complex election law for lawyers, advocates, voter registration campaigns, and “get out the vote” campaigns. It combines state election law with state regulations, rules, attorney general opinions, and other election materials to provide a comprehensive interpretation of the law and practices with respect to elections. While this Nutshell does not cover every provision of state election law, it highlights those provisions that, in our experience, have most affected the voting rights of minority voters.

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VOTER REGISTRATION - GENERAL

Who may register to vote?

To be eligible to register to vote in North Carolina, a person must be:

- At least 18 years of age by the next general election;
- A citizen of the United States; and
- A resident of North Carolina and have lived at the North Carolina residence prior to October 5, 2008.¹

A citizen may register and vote in a primary at age 17 if s/he will be 18 on or before the next general election. However, no citizen may vote for referenda until age 18.²

North Carolina permits a person previously convicted of a felony to register and vote upon the completion of all parts of his/her sentence (including probation and parole).³ (See “Voter Registration List Maintenance” below.)

When will the general election be held?

- Tuesday, November 4, 2008

What is the voter registration deadline?

- October 10, 2008, if applying by mail, fax, or scanned document.
- November 1, 2008, if registering and voting in-person at the One-Stop Registration & Absentee Voting site located in the voter’s county (open from October 16, 2008 through November 1, 2008).⁴

An application for registration is considered to have met the deadline if it is submitted as follows:

- Delivered in person to the county board of elections, by fax, or as a scanned document, so long as the county board receives it by the deadline they have established.⁵ The deadline established by the board cannot be earlier than 5:00 p.m. on October 10, 2008.⁶ Additionally, when a voter submits her/his voter registration application by fax or scan, s/he must also submit the original, signed voter registration application to the county board no later than October 15, 2008;⁷ or
- Mailed or shipped by some similar type of express delivery, provided that the mailing/express package is postmarked by October 10, 2008. If the postmark is missing or unclear, the application must be received by the county board of elections no later than October 15, 2008.⁸

The following individuals may register to vote and vote in-person on Election Day if they missed the above deadlines because of their occupation:

- Service in the armed forces (Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant

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- Marine, National Oceanic and Atmospheric Administration, commissioned Public Health Service, National Guard, and military reserves);
- Spouses of persons serving in the armed forces residing outside the counties of their spouses' voting residence;
- Disabled war veterans in U.S. government hospitals;
- Civilians attached to and serving outside the U.S. with the armed forces; and
- Members of the Peace Corps.⁹

In addition, persons who were convicted of a felony but who completed all parts of their sentence after the voter registration deadline, are entitled to register on Election Day by submitting a voter registration application to the county director of elections, any member of their county board of elections, or to the chief judge or a judge for the precinct in which they are eligible to vote.¹⁰

Furthermore, individuals who become naturalized U.S. citizens after the voter registration deadline are also entitled to submit a voter registration application using the process described above.¹¹

Where can a person apply for voter registration?

A person may register to vote by applying in person at any of the following locations:

- Board of elections office for the applicant's resident county;
- One-Stop Registration & Absentee Voting site for the applicant's resident county (open from October 16, 2008 through November 1, 2008);¹²
- Office of any state agency that accepts applications for programs of public assistance, disability services, or unemployment benefits (i.e. WIC, food stamps, Medicaid, Mental Health, Development Disabilities, and Substance Abuse Services, Employment Security Commission).¹³ If an agency provides services to a person with a disability at his/her home, the agency must also provide voter registration service at the person's home;¹⁴
- North Carolina Division of Motor Vehicles offices; or¹⁵
- Military recruitment centers.¹⁶

When a person convicted of a felony completes all parts of his/her sentence, the State must inform the person that her/his right to vote has been restored. At a minimum, the State must send the individual a written notice stating that s/he may now register to vote along with a voter registration application.¹⁷

Additionally, public high schools and libraries must make available, but are not authorized to accept, voter registration applications. Public libraries must also designate at least one employee to assist applicants during operating hours.¹⁸

Mail-in applications can be obtained on the internet at the website of the Board of Elections (www.sboe.state.nc.us).

What information must be provided on a voter registration application?

An applicant must include the following information on her/his voter registration application:

- Name.
- Date of birth.
- Residence address.
- County of residence.
- Date of application.
- Gender, race, and ethnicity, but no application may be denied because an applicant does not provide such information.
- Political party affiliation, if any.
- Telephone number (to assist in contacting the voter if needed in processing the application). Form must conspicuously state that the provision of a telephone number is optional, and no application can be denied because an applicant does not provide his/her telephone number.
- Driver's license number, or, if the applicant does not have a driver's license number, the last four digits of the applicant's social security number.
- Statement whether the applicant is currently registered to vote anywhere, and at what address.
- Any other information the State Board of Elections finds necessary to enable county officials to satisfactorily process the application.¹⁹

Furthermore, North Carolina law requires the state voter registration application to include the following:

- Statement that if the applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes.
- Statement that if the applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.
- Voter's attestation (by signature) that s/he meets each eligibility requirement, under penalty of a Class I felony.²⁰

How do homeless people register to vote?

Homeless individuals who meet state voter eligibility requirements are entitled to register. For voter registration purposes, if the applicant does not have a traditional residence, the place where s/he usually sleeps will establish place of residency. This is allowed under North Carolina law because it applies a broad definition to "residence" to provide all persons with the opportunity to register and to vote.²¹

May people register to vote by mail? If so, are there any special requirements for first-time voters who register to vote by mail?

Yes. First-time voters who register by mail must provide a copy of a current and valid photo identification or another document that shows the name and address of the applicant (e.g. a current utility bill, bank statement, government check, paycheck) with their voter registration application.²² If a first-time applicant does not submit a copy of her/his ID with the voter registration application, s/he may be subject to special ID requirements at the time of voting.²³

County boards of elections may opt to send verification notices to voters as part of list maintenance

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procedures. If a verification notice sent to a first time voter registering by mail is returned by the Postal Service after October 10, 2008, the voter may be required to vote in person in that first election.²⁴

Will mail-in voter registration applications be accepted if they are received by the registrar's office after the registration deadline?

Yes, as long as the application is postmarked before the deadline. Where the postmark is missing or unclear, the application will be accepted for processing if received in the mail no later than October 15, 2008.²⁵

May a person correct or complete a form after the deadline for voter registration if it was submitted before the deadline?

Yes. If a person does not provide all of the required information on the voter registration application but provides enough information that the county board of elections can identify and contact him/her, the applicant must be notified of the omission. The notice must inform the applicant that s/he has the right to provide the missing information.

If the applicant completes the form and the county board of elections determines s/he is eligible to vote by Election Day, the applicant must be allowed to vote. On the other hand, if the missing information is not provided by Election Day, the applicant must be allowed to vote by a provisional ballot. This ballot will be counted if the missing information is provided to the county board of elections by 5:00 p.m. on the day before the county canvass (generally 10 days after Election Day).²⁶

How many voter registration applications may individuals or groups conducting voter registration drives receive from the state or county boards of elections?

North Carolina does not specify a limit. Instead, the law requires the State Board of Elections to make voter registration applications available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration drives.²⁷

Are there any special rules pertaining to the federal registration application?

No. Both federal and North Carolina law require boards of elections to accept, use, and process the federal mail-in registration application as a valid voter registration application.²⁸

May individuals or groups conducting voter registration drives copy completed voter registration applications before delivering them to the appropriate registration authorities?

Neither federal nor North Carolina law expressly prohibits the copying of completed voter registration applications before they are delivered to the appropriate office. However, election law does state that while the voter's signature can be viewed by the public, either on the voter registration application or in electronic form, it cannot be copied or traced except by election officials.²⁹ Nevertheless, always mail or deliver all originals to the appropriate registration authorities prior to the registration deadline.³⁰ It is a misdemeanor to accept another person's application and fail to deliver the original application before the registration deadline.³¹

To allow sufficient time for processing, individuals conducting voter registration drives should mail or deliver a completed voter registration application no more than 10 days after accepting it from an

applicant, or no more than 2 days if accepted within 2 weeks of the registration deadline, but always prior to the registration deadline.

Are individuals or groups conducting voter registration drives required to submit completed voter registration applications to registration officials within a certain time limit?

North Carolina law does not specify a particular time limit for individuals or groups conducting voter registration drives to submit completed voter registration applications. Nevertheless, always mail or deliver all originals to the appropriate registration authorities prior to the registration deadline.³² It is a misdemeanor to accept another person's application and fail to deliver it before the registration deadline.³³

How long will it take to process voter registration applications that are mailed or delivered to boards of elections?

While North Carolina law does not provide a specific time frame within which boards of elections must process applications that were delivered in person, by mail, fax, or as a scanned document, the county board of elections is required to make a "tentative determination" as to the applicant's qualifications within "reasonable time" of having received the application.³⁴ Additionally, federal law requires all election officials to process all applications postmarked or received by the registration deadline in time for all eligible voters to vote in the applicable election.³⁵

What are the time limits for DMVs and other public agencies to process voter registration applications?

A voter registration application received by the Division of Motor Vehicles (DMV) or a designated voter registration agency must be processed and forwarded to the appropriate board of elections within 5 business days after receipt of the application.³⁶ All persons whose applications are accepted by the DMV or a designated voter registration agency by or on the registration deadline are eligible to vote in the next election.³⁷

What can a person do if his/her registration application is denied?

If the county board of elections denies an individual's registration application, the board must send the applicant a notice informing her/him of its decision. The notice must be sent by certified mail, within 2 business days of the decision. The notice must state the date on which her/his voter registration was denied, inform the applicant of her/his options, including her right to appeal the denial if s/he disagrees with the decision.³⁸

What is the procedure for determining whether an individual's registration application has been correctly processed and accepted?

The National Voter Registration Act of 1993 (NVRA) requires state election officials to provide notice to each person who submits a completed voter registration form of whether his/her application was accepted or denied.³⁹ If the registration application is accepted, the applicant will receive a notice by mail.⁴⁰ If the application is denied, the board of elections must notify the applicant, within 2 days of its decision, that the application has been denied and the reason for the denial.⁴¹

IDENTIFICATION REQUIREMENTS

What identification is required for voter registration?

The Help America Vote Act of 2002 (HAVA) requires an applicant to include on his/her voter registration application, a current and valid driver's license number, if the applicant has one. If the applicant does not have a driver's license, s/he should provide the last four digits of his/her social security number. If the applicant has neither a driver's license nor a social security number, the state must assign the applicant a unique identification number for voter registration purposes.⁴²

In addition, HAVA provides that first-time voters who register to vote by mail (including those who register through a privately-sponsored voter registration drive) must either send a copy of proof of identification with their mail-in application or present ID at the polls on Election Day.⁴³ The type of proof may include a copy of current and valid photo identification (driver's license or state ID), a current utility bill, a bank statement, or government documentation that shows the applicant's name and current address.⁴⁴

The following "first-time" voters who register by mail are exempt from the proof of identification requirement:

- Voters who personally hand-deliver their mail registration applications to an official at their county or local clerk's office, a Department of State office, or a designated state voter registration agency;
- Voters whose name, date of birth, and identification number supplied on the voter registration application (i.e., driver's license number or last four digits of the social security number) are successfully matched by election officials with an existing state identification record;
- Voters with a disability; or
- Voters who are eligible to vote other than in person under the Uniform and Overseas Citizens Absentee Voting Act or other federal law.⁴⁵

Voters registering in-person at their resident county's One-Stop Registration & Absentee Voting site (open from October 16, 2008 through November 1, 2008) must prove residency by presenting a North Carolina driver's license, photo identification from a government agency, a current utility bill, a bank statement, or government documentation that shows the applicant's name and current address.⁴⁶

Can election officials delay the processing of a voter registration application or deny registration outright, based on their inability to match the applicant's HAVA identification number (driver's license number or last four digits of SSN) with a record in the Social Security Administration or state driver license database?

Yes. When an applicant's identification number cannot be matched against the applicable database, processing of her/his voter registration application will be delayed because the county board of elections must attempt to resolve the discrepancy by sending the applicant a notice.⁴⁷

What identification is required at the voting place?

North Carolina does not require identification at the voting place, although pursuant to HAVA, some first-time voters may be required to present ID at the polls.⁴⁸

What identification is required to obtain or cast an absentee ballot?

North Carolina does not require registered voters to present ID in order to request or cast an absentee ballot.⁴⁹ However, first-time voters seeking to both register and cast an absentee ballot at their resident county's One-Stop Registration & Absentee Voting site must prove residency by presenting a North Carolina driver's license, photo identification from a government agency, a current utility bill, a bank statement, or government documentation that shows the applicant's name and current address.⁵⁰

VOTER REGISTRATION LIST MAINTENANCE

For what reasons can a person's name be removed from a list of registered voters?

North Carolina law permits boards of elections to remove a voter's name from the voter registration rolls at the voter's request, if a voter has died, has been convicted of a felony, or has moved outside of the county.⁵¹ Furthermore, boards of elections may remove a voter who, after failing to respond to a confirmation notice (which must be sent by forwardable mail), fails to cast a ballot in the two federal general elections conducted after the mailing.⁵²

Under what circumstances will an individual's name be placed on a list of inactive voters?

North Carolina does not maintain a list of "inactive" voters, but, as discussed above, voters can be removed from active voter lists for failing to respond to a confirmation notice and not casting a ballot in the two federal general elections conducted after the mailing.⁵³

How do voters get their names restored to the active list?

A voter removed from the voter registration list for failing to respond to a confirmation mailing and not casting a ballot in the two federal general elections conducted after the mailing may be reinstated and permitted to vote at their resident precinct upon giving oral or written affirmation of continuous residency.⁵⁴

What should voters do if they change their address?

In general, a voter who changes her address can provide the updated information to her/his local county board of elections by submitting a written notice bearing the voter's signature, full name, date of birth, her/his old address and new address, as well as the date s/he moved to the new address. This information can be submitted by fax so long as it is received by 5:00 p.m. on October 10, 2008.⁵⁵ Even so, there are other options for individuals who change their address:

A voter changing his/her address within the same county may update his/her registration address by completing and mailing or delivering to the county's board of elections prior to the registration deadline:

- A change of address form;
- The voter's identification card indicating the address change; or
- A signed letter indicating the address change.⁵⁶

A voter changing his/her address to a different county has a number of options for updating her/his voter registration, including:

- Submitting a new voter registration application to their new county's board of elections prior to the registration deadline;⁵⁷ or
- Taking steps that would cause a "written confirmation" to be sent to her/his previous county election board.⁵⁸ A written confirmation can include notice from the DMV or a voter registration agency indicating the voter has changed her address to one outside of the county

or a notice of cancellation from the voter's new state of residence.⁵⁹

A voter who has moved to a different county within the state less than 30 days before an election (after October 5, 2008), remains eligible to vote in her/his former county and former precinct.⁶⁰

Voters who fail to update their registration address are subject to the following rules:

- Voters who moved within the same precinct are permitted to vote at that precinct upon affirming her/his address before a precinct official.⁶¹
- Voters who move into a new precinct more than 30 days before the next election (prior to October 5, 2008) are entitled to vote in their new precinct upon written affirmation of her/his new address. Alternatively, the individual can be directed to a central voting location chosen by the county board.⁶² Voters who move into a new precinct more than 30 days before the next election (prior to October 5, 2008) but appear at their old precinct, must be redirected to the new precinct or if the voter prefers, to a central voting location.⁶³ Lastly, a voter who falls into this category may instead choose to vote by provisional ballot at the old precinct.⁶⁴
- Voters who moved less than 30 days before an election (after October 5, 2008) are entitled to vote at their former precinct.⁶⁵

Under all circumstances, a change of address form should be completed upon voting at the correct voting place.⁶⁶

What are the procedures for removing names of individuals who have felony convictions from the registration rolls?

Each month the State Board of Elections compiles a report of individuals convicted of felonies and forwards the report to county boards of elections. If a registered voter appears on the report, the county board of elections must notify the voter (by mail to the voter's registration address) and must give that voter at least 30 days to object and be heard before any action is taken.⁶⁷

May individuals whose names have been removed because of a felony conviction have their right to vote restored?

Yes. North Carolina automatically restores the citizenship rights, including the right to vote, of persons previously convicted of a felony after the completion of all parts of a sentence (including probation and parole).⁶⁸

In order to vote, however, a person previously convicted of a felony who has completed all parts of his/her sentence must re-register to vote by:

- Completing a regular voter registration application form. By signing the form, the applicant attests to the completion of all parts of his/her sentence; and
- Submitting the regular voter registration application form to the county board of elections.
- No additional documents are required for voter registration purposes.⁶⁹

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Upon completing all parts of their sentence, a person sentenced by a North Carolina state court must be informed that his/her voting rights have been restored and s/he must be provided with an opportunity to re-register to vote.⁷⁰ At a minimum, individuals in this situation should be sent a written notice and a voter registration form.⁷¹

It is prudent – but not required for the purposes of voter registration – that a person sentenced in jurisdictions other than North Carolina, including federal courts, obtain documentation from the sentencing jurisdiction that all parts of his/her sentence have been completed and file such documentation with the county clerk of court.⁷²

If a person completes all parts of their sentence after the voter registration deadline, s/he may register to vote on Election Day by submitting a voter registration form to the director or any member of the board of elections for his/her resident county or to a judge of the precinct in which s/he is eligible to vote.⁷³

What are the procedures for removing names of individuals who have been found to be mentally incompetent?

North Carolina law does not provide for the removal from the voter registration rolls of those who are found to be mentally incompetent.

What may voters do if they learn that their names have been removed from the registered voters' list in error?

A voter whose name is removed from the voter registration list because s/he did not respond to an address confirmation notice sent as part of a list maintenance program, can be reinstated. When the individual appears to vote, s/he must provide an oral or written affirmation stating that s/he has not moved out of the county and that s/he has continuously kept her/his residence within the county.⁷⁴

Who may obtain a list of registered voters?

Any person may obtain from a county board of elections a printed or electronic list of registered voters, including lists that classify voters by party affiliation, gender, race, precinct name, and/or any other categories. No list, which is made available to the general public, may contain a voter's date of birth, full or partial social security number, the identity of the public agency where the individual registered, or the voter's driver's license number.⁷⁵

Nevertheless, although North Carolina law makes lists of registered voters available to any person who requests it, in addition to the limitations set out above, no voter registration list can contain the address of a registered voter who has provided the county board of elections a copy of a protective order or other court order restricting the access or contact of one or more persons with the voter, or a copy of a current and valid Address Confidentiality Program authorization card along with a signed statement indicating the voter believes her/his physical safety – or that of her/his family – will be jeopardized if the voter's address is disclosed.⁷⁶

How often are names removed from voter registration lists?

The law does not provide for any specific time tables for the updating or maintenance of voter

registration lists; however, boards of elections are generally required to regularly conduct programs to remove names of registered voters who are no longer qualified to vote in the county.⁷⁷ Programs to remove names from the list can be conducted through house-to-house canvasses, general mailings requesting address verification, participation in the U.S. Postal Service's national change of address program, or other means deemed appropriate by the board.⁷⁸ With the exception of removal from the voter registration list by individual voter request, death, or new registration of voter, a registration list maintenance program to remove names must be completed 90 days before a federal election (prior to August 6, 2008).⁷⁹

Should voters be notified before their names are removed from voter registration lists?

Yes. Federal law requires certain steps to be followed before the name of a registered voter can be removed from the list.⁸⁰ Upon receiving that notice, the voter should respond promptly to avoid the risk of having his/her name removed from the voter rolls.

As discussed above, additional requirements exist for voters who have felony convictions.

What can voters do if they do not appear on their precinct's voter registration list?

A voter who goes to his/her proper voting place, but does not appear on the voter registration list, may vote by provisional ballot.⁸¹ (See "Provisional Ballots" below.)

ABSENTEE AND EARLY VOTING

Who is permitted to vote by absentee ballot?

Any qualified North Carolina voter may vote by absentee ballot for any reason.⁸²

How may individuals request an absentee ballot?

Regular voters, as well as qualified military voters, can request an absentee ballot by submitting a written request – written entirely by the requester her/himself – or by submitting an approved absentee ballot request application.⁸³ The voter her/himself, her/his near relative⁸⁴ or a verifiable legal guardian may submit a request for an absentee ballot on the voter's behalf so long as the request is in writing and signed by the voter.⁸⁵

Additionally, only military voters who are also qualified to vote by absentee ballot, have the option of applying for voter registration and an absentee ballot by fax, email, or by sending a scanned document.⁸⁶

If a voter states that s/he expects that a sickness or physical disability will last the remainder of the calendar year, the voter's request will be sufficient for all of the primaries and elections held during the calendar year when the application is received.⁸⁷

When is the deadline for requesting an absentee ballot?

- October 28, 2008 (at a county board of elections' office in person or by mail)
- November 1, 2008 (at a One-Stop Registration & Absentee Voting site)

Generally, voters may apply for absentee ballots after September 15, 2008, but no later than 5 p.m. on October 28, 2008.⁸⁸ However, a voter may vote in person at the One-Stop Registration & Absentee Voting site for their resident county until November 1, 2008.⁸⁹

If a voter becomes sick or disabled after the deadline, the board of elections will personally deliver an absentee ballot if the voter requests such an accommodation in writing no later than 5:00 p.m. on November 3, 2008.⁹⁰

May a first time voter cast an absentee ballot?

Yes. Nevertheless, a first-time voter seeking to both register and cast an absentee ballot at his/her resident county's One-Stop Registration & Absentee Voting site must prove residency by presenting a North Carolina driver's license, photo identification from a government agency, a current utility bill, a bank statement, or government documentation that shows the applicant's name and current address.⁹¹

But, if the first-time voter who casts an absentee ballot has not previously satisfied the ID verification requirements for first-time voters and s/he does not provide a copy of her/his ID with the voted absentee ballot, the absentee ballot will be treated like a provisional ballot.⁹²

What steps must voters take if they request but do not receive an absentee ballot?

North Carolina election law does not specifically state what a voter should do if s/he requests an absentee ballot but does not receive it. However, election law does state that the county election board must mail to the voter a package containing her absentee ballot “upon receiving” an application requesting an absentee ballot.⁹³

Therefore, if a voter does not receive her/his absentee ballot within a reasonable amount of time, the voter should contact his/her county’s board of elections to follow up.

If the deadline has passed, a voter may, subject to challenge, either vote in person at his/her resident county’s One-Stop Registration & Absentee Voting site (until November 1, 2008), or vote by regular ballot in person in his/her precinct on Election Day.⁹⁴

How must voters cast their absentee ballots to ensure they are counted?

A voter must mark his/her absentee ballot in the presence of two other qualified North Carolina voters who are at least 18 years old and who, at all times, must respect the voter’s privacy unless the voter requests assistance.⁹⁵ The voter and witnesses must sign the envelope, and the voter or a near relative⁹⁶ or verifiable legal guardian must return the completed ballot (in the return envelope provided) by mail, commercial courier service, in-person or by the voter’s near relative or verifiable legal guardian to the county board of elections no later than 5:00 p.m. (received, not postmarked) on the day before Election Day.⁹⁷

Absentee military voters can mail the completed absentee ballot in the sealed “container-return envelope” to the chairman of the county board of elections who issued the ballot in the first place.⁹⁸ Or, s/he can send her voted ballot to the county board by fax, email, or by scanning and transmitting the ballot.⁹⁹

When is the deadline for casting an absentee ballot to ensure it is counted?

- November 3, 2008 (5:00 p.m.)

Are there other requirements for casting an absentee ballot?

- No.

When will absentee ballots be counted?

- Boards of elections may begin counting absentee ballots after 5:00 p.m. on Election Day.¹⁰⁰

What are the procedures for determining if an absentee ballot will be counted?

Only absentee ballots in “container-return envelopes” that have been properly completed and which were returned to the board no later than 5:00 p.m. on November 3, 2008, will be counted.¹⁰¹ The board of elections determines whether the votes are legal by examining the registration records to ensure that the ballots are validly cast and that the voters are qualified and have not already voted in person in that election.¹⁰² Questionable ballots are subject to challenge.¹⁰³ Validly cast ballots are opened and, preserving secrecy, absentee voters’ names are entered and ballots are placed in the appropriate ballot box.¹⁰⁴

What should individuals do if they requested an absentee ballot but want to vote in person on Election Day?

If a voter requested and received an absentee ballot but did not return it, s/he may, subject to challenge, either vote in person at their resident county's One-Stop Registration & Absentee Voting site (until the last Saturday before the election), or vote by regular ballot in person in their precinct on Election Day.¹⁰⁵ On the other hand, if a voter cast her/his absentee ballot, s/he is not entitled to withdraw it.¹⁰⁶

Is there early voting? If so, describe.

Yes. From October 16, 2008 through November 1, 2008, voters may vote in person at their county's One-Stop Registration & Absentee Voting site.¹⁰⁷ There are no additional requirements to vote at such a site, except voters seeking to register and vote for the first time must prove residency by presenting a North Carolina driver's license, photo identification from a government agency, a current utility bill, bank statement or government documentation that shows the applicant's name and current address.¹⁰⁸

What if a person is overseas and wants to register to vote by absentee ballot?

The following individuals may register to vote and request an absentee ballot at the same time:

- U.S. citizen residing outside of the U.S.;
- Individuals serving in the armed forces (Army, Navy, Air Force, Marine Corps, Coast Guard, Merchant Marine, National Oceanic and Atmospheric Administration, commissioned Public Health Service, National Guard, and military reserves);
- Spouses of persons serving in the armed forces residing outside the counties of their spouses' voting residence;
- Disabled war veterans in U.S. government hospitals;
- Civilians attached to and serving outside the U.S. with the armed forces;
- Members of the Peace Corps; and
- Other individuals meeting the definitions of "absent uniformed services voter" and "overseas voter" in the federal Uniformed and Overseas Citizens Absentee Voting Act.¹⁰⁹

The above individuals may register by mail and vote absentee provided that the request for the application and the absentee ballot are received by 5:00 p.m. on November 3, 2008 and returned by Election Day (postmarked). Only applications and absentee ballots meeting those deadlines will be counted.¹¹⁰ For more information on military and overseas citizen voting, go to www.fvap.gov.

What if individuals do not request an absentee ballot, but cannot reach their voting place on Election Day because of unforeseen emergency circumstances?

If a voter becomes sick or disabled after the deadline to request absentee ballots, the board of elections will personally deliver an absentee ballot if the voter submits a request for such an accommodation in writing no later than 5:00 p.m. on November 3, 2008.¹¹¹

VOTING PLACE LOCATIONS AND PROCEDURES

What hours are the polls open on Election Day?

Polls must open at 6:30 a.m. and close at 7:30 p.m. In extraordinary circumstances, county boards of elections may direct that the polls remain open until 8:30 p.m. All voters in line to vote at the time the polls are scheduled to close must be permitted to vote even if they reach the booths/machines after the scheduled closing time.¹¹²

When is the final list of voting place locations made available to the public?

Because North Carolina election law requires the board to give the public notice (by September 20, 2008) when any polling place is altered, discontinued, or newly created, it can be presumed that the final list of voting places will be available accordingly.¹¹³

How are decisions about precincts and voting place locations made?

North Carolina participates in the U.S. Census Redistricting Data Program, so that precinct boundaries comport with census block boundaries, as practicable and in compliance with the United States and North Carolina Constitutions and the Voting Rights Act.¹¹⁴ Once precincts are established, county boards of elections are entitled to demand and use any school or other state, county, or municipal building, or any other accessible building supported or maintained, in whole or in part, by tax revenues.¹¹⁵

How and when will voters be notified about voting place changes?

To establish, alter, discontinue, or create a precinct or voting place, county boards of elections must give notice by September 20, 2008, although, with the approval of the Executive Director of the State Board of Elections, county boards may temporarily transfer voters to an adjacent precinct. This notice must be given by advertisement in a newspaper of general circulation in the county, by posting at the courthouse door and the office of the county board of elections, and by mailing a copy of the resolution declaring the changes to the chairman of every political party in the county.¹¹⁶

Additionally, no later than October 5, 2008, county boards of election must mail a notice to each registered voter who, as a result of a change, will be assigned to a different voting place.¹¹⁷

Are there specific guidelines on how large precincts can be?

No. However, county boards of elections must “choose the voting places and allocate the equipment in a way that as nearly as practicable provides equal access to the voting system for each voter.”¹¹⁸

Are there specific guidelines on how many voting machines and voting booths are required in each precinct?

No. However, county boards of elections must “choose the voting places and allocate the equipment in a way that as nearly as practicable provides equal access to the voting system for each voter.”¹¹⁹

Are there specific guidelines regarding whether multiple precincts can be contained in a single voting place?

No. However, a proposal to locate a voting place outside of a precinct is subject to approval by

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the Executive Director of the State Board of Elections, conditioned the county board of elections' demonstrating that:

- No facilities adequate to serve as a voting place are located in the precinct;
- Adequate notification and publicity are provided to notify voters in the precinct of the new polling location;
- The plan does not unfairly favor or disfavor voters with regard to race or party affiliation;
- The new voting place meets all requirements for voting places including accessibility for elderly and disabled voters; and
- The proposal provides adequately for security against fraud.¹²⁰

What activities are not permitted at voting places on Election Day?

No person or group may hinder access, harass others, distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity in the voting place or in the site's buffer zone, which county boards of elections may set at no more than 50 feet and no less than 25 feet from the door of entrance to the voting place.¹²¹

Additionally, no one is allowed to photograph, videotape, or record the image of any voter who is inside the room where voting takes place unless the person recording images has the permission of the voter and the chief judge.¹²²

What activities are permitted at voting places on Election Day?

Individuals may only engage in election-related activity outside of the voting place's buffer zone. The county boards of elections create the buffer zones which should be, where practical, no more than 50 feet and no less than 25 feet from the door of entrance to the voting place.¹²³

While not permitted inside the voting place, electioneering is allowed outside the voting place so long as it takes place within the designated area adjacent to the buffer zone.¹²⁴ Persons or groups can distribute campaign literature, place political advertising, solicit votes, or engage in other election-related activity within this designated area.¹²⁵

Also, the chair of each political party in the county may designate two non-candidate observers per voting place, each of whom must be a registered voter of the county and must have "good moral character." Each observer is entitled to inspect the list of persons who have voted in the precinct so far in that Election Day. The parties may also designate "runners," who, like observers, may inspect the voter list. The State Board of Elections may specify the times when observers and runners may inspect the voter list, but access cannot be limited to less than three times during Election Day or with spacing less than one hour apart.¹²⁶

Can voters request assistance with voting equipment at the voting place?

Yes. Any voter is entitled to assistance from a near relative,¹²⁷ even if the voter is not disabled or illiterate.¹²⁸ A voter who is disabled, illiterate, blind, or is not proficient in English is entitled to assistance from any person of that voter's choice (other than an employer, union representative, or employer/union agent).¹²⁹ The person providing assistance may not persuade or induce the voter to cast a vote in any particular way, may not make or keep any memorandum of anything that occurs

within the voting booth, and may not, directly or indirectly, reveal to any person how the assisted voter marked his/her ballot.

Additionally, any voter can request instruction on how to use the voting machines from the precinct officials. If such assistance is requested, the precinct officials must provide the help sought but, during the process, must not try to influence or intimidate the voter in any way.¹³⁰

Can a child/minor enter the voting booth with the voter?

Yes.¹³¹

What accommodations must be made for non-English speakers or individuals unable to read?

Ballot instructions must be printed in both English and Spanish in counties where the Hispanic population exceeds six percent (6%), in accordance with the most recent decennial federal census.¹³² In addition, if a voter is disabled, illiterate, blind, or if the voter requires assistance by reason of limited English proficiency, the voter is entitled to assistance by any person of the voter's choice (other than an employer, union representative, or employer/union agent).¹³³

Will there be central polling locations where voters, regardless of where they live, can vote?

Other than early voting One-Stop Registration & Absentee Voting sites, North Carolina does not provide for central polling locations where any voter in the county may vote regardless of his/her residence. Polling locations are based on the precinct and residence of the voter, and voters who vote in person on Election Day should vote at the voting place for their assigned precinct.

What accommodations must be made for individuals who are unable to write?

Illiterate voters are entitled to assistance by any person of the voter's choice (other than an employer, union representative, or employer/union agent).¹³⁴

What accommodations must be made for voters with disabilities?

Disabled voters are entitled to assistance by any person of the voter's choice (other than an employer, union representative, or employer/union agent).¹³⁵ Also, voters with disabilities must be allowed to vote either in their vehicle or in the immediate proximity of the voting place ("curb-side") if because of age and physical barriers at the polling place they are unable to enter without physical assistance.¹³⁶ Furthermore, any elderly voter or voter with disabilities assigned to an inaccessible voting place may, upon advance request, be assigned to an accessible voting place.¹³⁷

How much time do voters have to cast their ballot?

No time limit is prescribed, although the county board of elections' general duty to conduct "safe, secure, fair, and honest" elections suggests that voters are afforded a reasonable amount of time to cast their ballots.¹³⁸

If a voter is in line to vote at poll closing time but has not reached the voting machine, may the voter still vote?

Yes. Voters in line to vote at the time the polls are closed must be permitted to vote, even if a voter reaches the voting booth/machine after the time for closing.¹³⁹

May voters who have moved to a new address in another precinct but who have not registered at their new address be allowed to vote at the precinct for their old address?

Yes, but only if the voter moved less than 30 days before an election (after October 5, 2008).

Otherwise the voter should vote provisionally at his/her new precinct.¹⁴⁰

Are poll watchers or other non-voters permitted inside the voting place?

Yes. Individuals providing assistance to voters are entitled to be inside the voting enclosure with the voter. Additionally, the chief judge and judges of elections are entitled to call in the sheriff, the police, or other peace officers to help them discharge their duties to maintain good peace and order within and around the polling place.¹⁴¹

Additionally, the chair of each political party in the county may designate two non-candidate observers per voting place, each of whom must be a registered voter of the county and must have “good moral character.” Each observer is entitled to inspect the list of persons who have voted in the precinct so far in that Election Day. The parties may also designate “runners,” who, like observers, may inspect the voter list. The State Board of Elections may specify the times when observers and runners may inspect the voter list, but access cannot be limited to less than three times during Election Day or with spacing less than one hour apart.¹⁴²

CHALLENGES AND VOTER INTIMIDATION

Can a person's right to vote be challenged at the polls?

Yes. On the day of the election any person's right to vote can be challenged by any other registered voter of the precinct on one or more of the following grounds:

- The person is not a resident of the State of North Carolina;
- The person is not a resident of the county in which the person is registered;
- The person is not a resident of the precinct in which the person is registered;
- The person is not 18 years of age, or if the challenge is made within 60 days before a primary, that the person will not be 18 years of age by the next general election;
- That a person has been adjudged guilty of a felony and remains ineligible to vote;
- The person is dead;
- The person is not a citizen of the United States;
- The person has already voted in that primary or election;
- The person presenting to vote is not who s/he represents himself or herself to be.¹⁴³

Who can challenge a person's right to vote at the polls?

On the day of an election, any registered voter's right to vote can be challenged by any other registered voter of the precinct.¹⁴⁴ The chief judge, judge or assistant can also enter challenges against voters in the precinct to which they have been appointed.¹⁴⁵

Additionally, up to 25 days before an election (October 10, 2008), any registered voter of the county may challenge the right of any person to register, remain registered, or vote in that county.

Nevertheless, an individual's voting rights cannot be successfully challenged using, as evidence, a letter or postcard that was sent to the voter and returned to the sender as undeliverable.¹⁴⁶

What can individuals do if they are challenged at the polls?

A challenged voter who believes s/he is qualified to vote can prove his/her identity and continued residency in the precinct by taking an oath tendered by the precinct's chief judge.¹⁴⁷ Even if the challenged voter takes the oath, precinct officials may sustain the challenge if they are not satisfied that the challenged voter is qualified. If the challenge is sustained, the challenged voter may vote by challenged ballot. The chairperson of the county board must preserve challenged ballots in their sealed envelopes for a period of six months after the election.¹⁴⁸

What constitutes illegal intimidation of voters at the polls?

Under state law, it is a misdemeanor for any person to interfere with, or attempt to interfere with, any voter when inside the voting place or when marking his/her ballot.¹⁴⁹ Punishment for such interference may be heightened if committed because of race, color, religion, nationality, or country of origin.¹⁵⁰ Furthermore, no person or group may hinder access, harass others, distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity in the voting place or in a buffer zone, which county boards of elections may set at no more than 50 feet and no less than 25 feet from the door of entrance to the voting place.¹⁵¹

In addition, it is against federal law for any individual to challenge a qualified and registered voter for

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the purpose of annoying or delaying, or otherwise intimidating said voter at the polls.¹⁵² Challenges may not be made indiscriminately and may only be made if the challenger knows, suspects, or reasonably believes such a person not to be qualified and entitled to vote.¹⁵³

North Carolina also prohibits certain acts of intimidation outside of the voting place, including:

- Misrepresenting the law to the public through mass mailing or any other means of communication where the intent is to discourage potential voters from exercising their lawful right to vote.¹⁵⁴
- State or local officer or employee discharging or threatening to discharge from employment, or otherwise intimidating or oppressing, any other state or local officer, employee, or subordinate.¹⁵⁵
- Discharging or threatening to discharge from employment, or otherwise intimidating or opposing any legally qualified voter.¹⁵⁶

Election judges may order the arrest of any person violating any election laws, but such arrest shall not prevent the person arrested from registering or voting if he is entitled to do so.¹⁵⁷

Can a challenger challenge a voter simply because s/he does not have photo identification or did not bring it to the polls?

No.¹⁵⁸ Not possessing identification when attempting to vote is not a ground for challenge.

Are law enforcement officers allowed in a voting place during voting hours?

Yes. North Carolina does not prohibit law enforcement officers from being in a voting place during voting hours. In fact, any two election judges “shall have the authority to deputize any person or persons as police officers to aid in maintaining order at the place of registration or voting.”¹⁵⁹

To whom should a person report acts of intimidation?

Acts of voter intimidation should be reported first to the precinct’s election judges, then to the local police and also to the county board of elections. Individuals may also contact the North Carolina State Board of Elections, toll-free at (866) 522-4723, or the United States Department of Justice, Civil Rights Division, Voting Section at (800) 253-3931.

If a voter wants to file a complaint against any member of a county board, s/he can do so by filing a written statement with the State Board of Elections. This complaint must state the name and address of the official against whom the complaint is filed, as well as a brief description of the alleged misconduct and the date on which it occurred.¹⁶⁰

PROVISIONAL BALLOTS

What is a provisional ballot?

North Carolina defines a provisional ballot as 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.¹⁶¹ It can be counted only after the voter's eligibility to vote is verified, in which case the board must count all ballot items for which it determines the individual was eligible to vote.¹⁶²

Who may request a provisional ballot?

If a person claims to be properly registered in the jurisdiction but her/his name does not appear in the poll book, s/he may request a provisional ballot.¹⁶³ County board election officials must count all of the items on the ballot for which the officials determine the voter was eligible to vote.¹⁶⁴

Why and when will provisional ballots be provided to voters?

A provisional ballot will be provided if a voter does not appear in official list of eligible registered voters in the voting place, and:

- The voter is a registered voter in the county and has moved into the precinct 30 days or more prior to the election (before October 5, 2008) and has not reported the change to the board of elections;
- The voter is attempting to vote in his/her resident precinct and claims to have applied for voter registration in the county, but there is no record of the person's name on the registration records;
- The voter was removed from the list, but the person maintains continuous eligibility within the county and precinct;
- The voter disputes the voting districts (and ballots) to which the voter has been assigned;
- The voter registered by mail and is voting for the first time, but has not submitted, either as part of the registration application or in person at the voting place, a copy of a current and valid photo identification card or another document that shows the name and address of the applicant (i.e. a current utility bill);
- The voter failed to complete a required item on the voter registration form, was notified of the omission, did not complete the form by Election Day, and will provide the correct information to the county board of elections by 5:00 p.m. on the day before the county canvass, which generally occurs 10 days after a general election; or
- Any voter who votes after the statutory poll closing time of 7:30 p.m. by virtue of a federal or State court order or any other lawful order, including an order of a county board of elections.¹⁶⁵

What procedures must an election official follow when issuing a provisional ballot?

If a person is found to not be registered to vote in the precinct, the election judge must inform the person of the provisional voting process and, based on information provided by the person, determine whether that person may be eligible to vote provisionally. Additionally, the State Board of Elections must establish rules that ensure that voters who are ineligible to vote in the precinct but who seek to vote there anyway, are given proper assistance in voting a provisional ballot or are

given guidance to another polling place where the voter will be eligible to vote.¹⁶⁶ If the individual chooses to cast a provisional ballot in the polling place at which s/he has presented herself to vote, the individual must sign a written affirmation stating that s/he is a registered voter in the county and precinct in which the individual seeks to vote and is eligible to vote in that election.¹⁶⁷

What can voters do if they request but do not receive a provisional ballot?

Voters who ask for a provisional ballot and are refused can report the incident to the North Carolina State Board of Elections, toll-free at (866) 522-4723. Voters may also file a formal complaint with the State Board of Elections under the Help America Vote Act.¹⁶⁸

What information must be provided to voters who cast provisional ballots?

Boards of elections must post at each active voting place instructions explaining how to cast a provisional ballot, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if the voter believes those rights have been violated.¹⁶⁹ Finally, at the time an individual casts a provisional ballot, election officials must provide written information stating that anyone casting a provisional official ballot may ascertain (without charge) 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.¹⁷⁰

How do election officials determine whether a provisional ballot will be counted?

Provisional ballots are counted by the county board of elections before the canvass. Any member of the public can witness the vote count so long as s/he does not interfere with the orderly counting of the ballots. The board will determine an individual's eligibility to vote based upon whether s/he is appropriately registered in the county according to North Carolina law.¹⁷¹ If a voter is determined to be eligible to vote, no mistake of an election official in either giving the voter a ballot or in failing to comply with their duties will prevent the provisional ballot from being counted for all items for which s/he was entitled to vote.¹⁷²

Do voters who cast a provisional ballot have a right to present evidence or appear before the election officials evaluating whether it will count?

If a voter failed to complete a required item on the voter registration form (including a first-time voter identification issue), s/he may provide the correct information to the county board of elections by 5:00 p.m. on the day before the county board of elections' canvass meeting, which generally occurs 10 days after a general election.¹⁷³ Otherwise, upon learning that a provisional ballot was not counted, a voter may file a protest before the canvass meeting. If a voter shows good cause for failing to file his/her protest before the canvass meeting, the voter may file his/her protest no later than 5:00 p.m. on the second business day after the canvass meeting. The county board will conduct a hearing and decide the protest.¹⁷⁴

When will provisional ballots be counted?

The initial counting of official ballots must occur immediately after the polls close and must be continuous until completed, although provisional ballots may be counted up to the county board of elections' canvass, which occurs on the 10th day after every general election.¹⁷⁵ During the canvass, the county board of elections will examine provisional ballots, verify the initial counting, and hear

any protests.¹⁷⁶

How can voters find out whether their provisional ballots have been counted?

The State Board of Elections established a system for informing a provisional voter 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 system must be available to every provisional voter without charge, and must contain reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote.¹⁷⁷

Do voters have a right to appeal the determination of whether their provisional ballots will count?

No, but voters may file a complaint under the Help America Vote Act, which will require the Board of Elections to conduct a hearing on the record, provide a remedy where appropriate, and publish the results of the procedures on its website.¹⁷⁸

ENDNOTES

- 1 N.C. CONST. art. VI, § 1. *See also* N.C. GEN. STAT. § 163-55 (2008).
- 2 N.C. GEN. STAT. § 163-59 (2008).
- 3 N.C. GEN. STAT. § 13-1 (2008).
- 4 N.C. GEN. STAT. § 163-82.6A(a) (2008).
- 5 N.C. GEN. STAT. § 163-82.6(a); N.C. GEN. STAT. § 163-82.6(c)(2) (2008).
- 6 N.C. GEN. STAT. § 163-82.6(c)(2) (2008). *See* 8 N.C. ADMIN. CODE 7B.0101(a) (2008).
- 7 N.C. GEN. STAT. § 163-82.6(c1) (2008). *See* 8 N.C. ADMIN. CODE 7B.0101(b) (2008).
- 8 N.C. GEN. STAT. § 163-82.6(c) (2008).
- 9 N.C. GEN. STAT. § 163-254 (2008).
- 10 N.C. GEN. STAT. § 163-82.6(d) (2008).
- 11 N.C. GEN. STAT. § 163-82.6(e)(1) (2008).
- 12 N.C. GEN. STAT. § 163-82.6A(a) (2008).
- 13 N.C. GEN. STAT. § 163-82.20 (2008).
- 14 N.C. GEN. STAT. § 163-82.20(d) (2008).
- 15 N.C. GEN. STAT. § 163-82.19 (2008).
- 16 N.C. GEN. STAT. § 163-82.21 (2008).
- 17 N.C. GEN. STAT. § 163-82.20A (2008).
- 18 N.C. GEN. STAT. §§ 163-82.22 and 23 (2008).
- 19 N.C. GEN. STAT. § 163-82.4(a) (2008).
- 20 N.C. GEN. STAT. § 163-82.4(b) (2008).
- 21 N.C. GEN. STAT. § 163-57(1)(c) (2008).
- 22 N.C. GEN. STAT. § 163-166.12(a) (2008).
- 23 42 U.S.C § 15483(b) (2008); N.C. GEN. STAT. § 163-166.12(a) (2008).
- 24 N.C. GEN. STAT. § 163-82.7(g)(2) (2008).
- 25 N.C. GEN. STAT. § 163-82.6(c)(1) (2008).
- 26 N.C. GEN. STAT. § 163-82.4(e) (2008).
- 27 N.C. GEN. STAT. § 163-82.5 (2008).
- 28 42 U.S.C. § 1973gg 4(a)(1); N.C. GEN. STAT. § 163-82.3(b) (2008).
- 29 N.C. GEN. STAT. § 163-82.14(d) (2008).
- 30 N.C. GEN. STAT. § 163-82.6(a) (2008).
- 31 N.C. GEN. STAT. § 163-82.6(a1)(1) (2008).
- 32 N.C. GEN. STAT. § 163-82.6(a) (2008).
- 33 N.C. GEN. STAT. § 163-82.6 (a1)(1) (2008).
- 34 N.C. GEN. STAT. § 163-82.7(a) (2008). *See* 8 N.C. ADMIN. CODE 7B.0102 (2008).
- 35 42 U.S.C. § 1973gg 6(a)(1).
- 36 N.C. GEN. STAT. § 163-82.19(a) (2008); N.C. GEN. STAT. § 163-82.20(g) (2008).
- 37 *Id.*
- 38 N.C. GEN. STAT. § 163-82.18 (2008).
- 39 42 U.S.C. § 1973gg-6(a)(2).
- 40 N.C. GEN. STAT. § 163-82.7(b) (2008).
- 41 *Id.*
- 42 Help America Vote Act of 2002, 42 U.S.C. § 15483(a)(5) (2008); N.C. GEN. STAT. § 163-82-4(a.1) (2008).
- 43 42 U.S.C § 15483(b) (2008); N.C. GEN. STAT. § 163-166.12(a) (2008).
- 44 42 U.S.C. § 15483(b)(2) (2008); N.C. GEN. STAT. § 163-166.12(a) (2008).
- 45 42 U.S.C. § 15483(b)(3); N.C. GEN. STAT. § 163-166.12(d) (2008).
- 46 N.C. GEN. STAT. § 163-82.6A(b)(2) (2008).
- 47 N.C. GEN. STAT. § 163-82.12(8b) (2008).
- 48 *See* N.C. GEN. STAT. § 163-166.7(a) (2008). *See also* *Project Vote, Restrictive Voter Identification Requirements*, at http://projectvote.org/fileadmin/ProjectVote/Policy_Briefs/Project_Vote_Policy_Brief_8_Voter_ID.pdf
- 49 N.C. GEN. STAT. § 163-227.2(b) (2008); N.C. GEN. STAT. § 163-230.1 (2008).

- 50 N.C. GEN. STAT. § 163-82.6A(b)(2) (2008).
- 51 N.C. GEN. STAT. § 163-82.9 (2008); N.C. GEN. STAT. § 163-82.14 (2008).
- 52 N.C. GEN. STAT. § 163-82.14(d)(2) (2008).
- 53 *See id.* *See also* N.C. GEN. STAT. § 163-82.14(d)(3) (2008).
- 54 N.C. GEN. STAT. § 163-82.14(d)(3) (2008).
- 55 8 N.C. ADMIN. CODE 7B.0101(c) (2008).
- 56 *See* N.C. GEN. STAT. § 163-82.15(a) (2008).
- 57 *See generally* N.C. GEN. STAT. § 163-82.1 (c) (2008).
- 58 N.C. GEN. STAT. § 163-82.14(d) (2008).
- 59 N.C. GEN. STAT. § 163-82.14(d)(1) (2008).
- 60 *See* N.C. GEN. STAT. § 163-55(a) (2008).
- 61 N.C. GEN. STAT. § 163-82.15(d) (2008).
- 62 N.C. GEN. STAT. § 163-82.15(e) (2008).
- 63 N.C. GEN. STAT. § 163-82.15(e) (2008).
- 64 *Id.*
- 65 *See* N.C. GEN. STAT. § 163-55(a) (2008).
- 66 *See* N.C. GEN. STAT. § 163-82.15 (2008). *See also* 8 N.C. ADMIN. CODE 10B.0103(f)(a) (2008).
- 67 N.C. GEN. STAT. § 163-82.14(c) (2008).
- 68 N.C. GEN. STAT. § 13.1 (2008).
- 69 N.C. GEN. STAT. § 163-82.4(d) (2008).
- 70 N.C. GEN. STAT. § 163-82.20A (2008).
- 71 *Id.*
- 72 N.C. GEN. STAT. § 13-2 (2008).
- 73 N.C. GEN. STAT. § 163-82.6(d) (2008).
- 74 N.C. GEN. STAT. § 163-82.14(3) (2008).
- 75 N.C. GEN. STAT. § 163-82.10 (2008).
- 76 N.C. GEN. STAT. § 163-82.10(d) (2008).
- 77 42 U.S.C. § 15483(a)(2); N.C. GEN. STAT. § 163-82.14 (2008).
- 78 *Id.*
- 79 *Id.*
- 80 42 U.S.C. § 1973gg(1)-(6).
- 81 N.C. GEN. STAT. § 163-82.14(d)(3) (2008).
- 82 N.C. GEN. STAT. § 163-226(a) (2008).
- 83 N.C. GEN. STAT. § 163-230.2(a); N.C. GEN. STAT. § 163-247 (2008).
- 84 *See* N.C. GEN. STAT. § 163-230.1(f) (2008) (“near relative” means spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild.)
- 85 *See* N.C. GEN. STAT. § 163-230.1(a) (2008). *See also* N.C. GEN. STAT. § 163-230.2 (2008); N.C. State Board of Elections, *Absentee Voting*, at <http://www.sboe.state.nc.us/content.aspx?id=16>.
- 86 N.C. GEN. STAT. § 163-257 (2008).
- 87 N.C. GEN. STAT. § 163-226(a2) (2008).
- 88 N.C. GEN. STAT. § 163-227.3(a) (2008); N.C. GEN. STAT. § 163-230.1(a) (2008).
- 89 N.C. GEN. STAT. § 163-82.6A(a) (2008).
- 90 N.C. GEN. STAT. § 163-230.1(a1) (2008).
- 91 N.C. GEN. STAT. § 163-82.6A(b)(2) (2008).
- 92 N.C. GEN. STAT. § 163-166.12(c) (2008).
- 93 N.C. GEN. STAT. § 163-230.1(a) (2008).
- 94 *See* N.C. GEN. STAT. § 163-232 (2008).
- 95 N.C. GEN. STAT. § 163-231(a); N.C. GEN. STAT. § 163-250(a) (2008).
- 96 *Supra* n. 69.
- 97 N.C. GEN. STAT. § 163-231(b) (2008).
- 98 N.C. GEN. STAT. § 163-250(b) (2008).
- 99 N.C. GEN. STAT. § 163-257 (2008).
- 100 N.C. GEN. STAT. § 163-234 (2008).

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- 101 N.C. GEN. STAT. § 163-234(1) (2008).
- 102 *See* N.C. GEN. STAT. § 163-232 (2008).
- 103 *Id.*
- 104 *See* N.C. GEN. STAT. § 163-234(5) (2008).
- 105 *See* N.C. GEN. STAT. § 163-232 (2008).
- 106 N.C. GEN. STAT. § 163-233.1 (2008).
- 107 *See* N.C. GEN. STAT. § 163-227.2 (2008).
- 108 N.C. GEN. STAT. § 163-82.6A(b)(2) (2008).
- 109 *See* N.C. GEN. STAT. § 163-245 (2008). *See generally* 39 U.S.C. § 3406.
- 110 *Id.*
- 111 N.C. GEN. STAT. § 163-230.1(a1) (2008).
- 112 N.C. GEN. STAT. § 163-166.01 (2008).
- 113 N.C. GEN. STAT. § 163-128(a) (2008).
- 114 N.C. GEN. STAT. § 163-132.1(a) (2008).
- 115 N.C. GEN. STAT. § 163-129 (2008).
- 116 N.C. GEN. STAT. § 163-128(a) (2008).
- 117 N.C. GEN. STAT. § 163-128(a) (2008).
- 118 N.C. GEN. STAT. § 163-165.10 (2008).
- 119 N.C. GEN. STAT. § 163-165.10 (2008).
- 120 N.C. GEN. STAT. § 163-130.1 (2008).
- 121 N.C. GEN. STAT. § 163-166.4(a) (2008).
- 122 N.C. GEN. STAT. § 163-166.3(b)(2008).
- 123 N.C. GEN. STAT. § 163-166.4(a) (2008).
- 124 N.C. GEN. STAT. § 163-166.4(a) (2008).
- 125 *Id.*
- 126 N.C. GEN. STAT. § 163-45 (2008).
- 127 *Supra* n. 69.
- 128 N.C. GEN. STAT. § 163-166.8(a)(1) (2008).
- 129 N.C. GEN. STAT. § 163-166.8(a)(2) (2008); 42 U.S.C. § 1973aa-6 (2008).
- 130 8 N.C. ADMIN. CODE 4.0305 (2008).
- 131 N.C. GEN. STAT. § 163-166.3(a)(6) (2008).
- 132 N.C. GEN. STAT. § 163-165.5A (2008).
- 133 N.C. GEN. STAT. § 163-166.8(a)(2) (2008); 42 U.S.C. § 1973aa-6 (2008).
- 134 *Id.*
- 135 *Id.*
- 136 N.C. GEN. STAT. § 163-166.9 (2008). *See* 8 N.C. ADMIN. CODE 8.0003(2008) *et seq.* *See also generally* 42 U.S.C. 1973ee1-6.
- 137 *Id.* *See* N.C. GEN. STAT. § 163-131(a) (2008).
- 138 *See* N.C. GEN. STAT. § 163-166.1 (2008).
- 139 N.C. GEN. STAT. § 163-166.01 (2008).
- 140 N.C. GEN. STAT. § 163-82.15(e) (2008).
- 141 N.C. GEN. STAT. § 163-48 (2008).
- 142 N.C. GEN. STAT. § 163-45 (2008).
- 143 N.C. GEN. STAT. § 163-87; N.C. GEN. STAT. § 163-85(c) (2008).
- 144 N.C. GEN. STAT. § 163-87(2008).
- 145 N.C. GEN. STAT. § 163-85(c) (2008); N.C. GEN. STAT. § 163-87 (2008).
- 146 N.C. GEN. STAT. § 163-88 (2008).
- 147 N.C. GEN. STAT. § 163-88 (2008).
- 148 N.C. GEN. STAT. § 163-88.1 (2008).
- 149 N.C. GEN. STAT. § 163-273 (2008).
- 150 N.C. GEN. STAT. § 14-3(b)(c) (2008).
- 151 N.C. GEN. STAT. § 163-166.4(a) (2008).
- 152 18 U.S.C. § 594 (2008).
- 153 N.C. GEN. STAT. § 163-90.1(a) (2008).

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- 154 N.C. GEN. STAT. § 163-275(17) (2008).
- 155 N.C. GEN. STAT. § 163-271 (2008).
- 156 N.C. GEN. STAT. § 163-274(6) (2008).
- 157 N.C. GEN. STAT. § 163 48 (2008).
- 158 *See* N.C. GEN. STAT. § 163-85(c) (2008). *See also* N.C. GEN. STAT. § 163-87 (2008).
- 159 N.C. GEN. STAT. § 163 48 (2008).
- 160 8 N.C. ADMIN. CODE 3.0101 (2008).
- 161 N.C. GEN. STAT. § 163-165(6) (2008).
- 162 N.C. GEN. STAT. § 163-166.11(5) (2008).
- 163 N.C. GEN. STAT. § 163-166.11 (2008).
- 164 N.C. GEN. STAT. § 163-166.11(5); N.C. GEN. STAT. § 163-182.2(4)(2008). *See* 8 N.C. ADMIN. CODE 6B.0105(e) (2008).
- 165 *See* 08 N.C. ADMIN. CODE 10B.0103(d). *See also* N.C. GEN. STAT. § 163-166.12(c) (2008); N.C. GEN. STAT. § 163-82.4(e) (2008); N.C. GEN. STAT. § 163-166.01 (2008).
- 166 N.C. GEN. STAT. § 163-166.7(c)(6) (2008). *See also* 8 N.C. ADMIN. CODE 10B.0101(g)(10) (2008).
- 167 N.C. GEN. STAT. § 163-166.11 (2008). *See* 08 N.C. ADMIN. CODE 10B.0103(d).
- 168 N.C. GEN. STAT. § 163-91 (2008). *See also* 42 U.S.C. § 15512 et seq. (2008).
- 169 N.C. GEN. STAT. § 163-166.7A(a)(4) (2008); N.C. GEN. STAT. § 163-166.7A(a)(6) (2008).
- 170 N.C. GEN. STAT. § 163-166.11(3) (2008).
- 171 *See* N.C. GEN. STAT. § 163-182.2(4) (2008).
- 172 N.C. GEN. STAT. § 163-182.2(6)(2008). *See also*: 8 N.C. ADMIN. CODE 6B.0105(e) (2008).
- 173 N.C. GEN. STAT. § 163-82.4(e) (2008).
- 174 N.C. GEN. STAT. § 163-182.9 (2008).
- 175 *See* N.C. GEN. STAT. § 163-182.5(b) (2008).
- 176 *Id.*
- 177 N.C. GEN. STAT. § 163-166.11(3) (2008).
- 178 N.C. GEN. STAT. § 163-91 (2008). *See also* 42 U.S.C. § 15512 et seq. (2008).