



NORTH CAROLINA VOTER REGISTRATION

These resources are current as of 7/15/2019. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law.

Please email us at advocacy@afj.org.

This guide summarizes key aspects of laws and regulations governing lobbying on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice

In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.

Voter registration in North Carolina is governed by the provisions of Article 7A of Chapter 163, re-codified in 2017 as Article 20 of Chapter 163A of the North Carolina General Statutes. However, during 2017 and 2018, the legislature passed a number of bills modifying N.C.G.S. § 163A. House Bill 1029, also found as Session Law 2018-146, which became law in North Carolina on December 27, 2018, re-re-codified N.C.G.S. § 163A back in N.C.G.S. § 163 and returned the structure of the various entities responsible for Election law, Campaign Finance law, and Lobbying law to the pre-2017 structure, with some significant modifications described herein.

In November 2018 North Carolina voters approved an amendment to the state constitution establishing a photo ID requirement to vote either in-person or absentee. In December, the General Assembly passed legislation implementing this amendment. *Senate Bill 824, Session Law 2018-144*. However, the General Assembly subsequently approved Session Law 2019-4 (SB214), which delayed implementation of proof of ID requirements until 2020. Even more recently, the General Assembly passed Session Law 2019-22 (HB646) which further described ID cards for students and employees. *Senate Bill 214, Session Law 2019-4; House Bill 646, Session Law 2019-22*. Litigation is ongoing regarding voter identification and these resources will be updated upon resolution.

Voter registration in North Carolina is conducted by and through county boards of elections and registration is permanent, subject to removal at the request of the voter or disqualification through death, conviction of a felony or removal from the county. Additionally, removal can occur should a county board determine that it can no longer confirm where the voter resides.

DEADLINES FOR REGISTRATION

Deadline for registering (e.g. 20 days before election)?

In order to be valid for an election, a registration form: (1) if submitted by mail must be posted at least 25 days before the election, except that mailed application with a missing or unclear postmark is deemed to be validly submitted if received not later than 20 days before the election; (2) if submitted in person by facsimile or transmission of a scanned document, must be received by the county board on the 25th day before the election; or (3) if submitted through a delegatee violates the duties set forth in (a) of the section must be signed by the applicant and given by the delegatee not later than 25 days before the election. *N.C.G.S. § 163-82.6(c) & (c1); N.C.G.S. § 163A-865(d)(1) & (d)(3).*

If an application is submitted by facsimile or transmission of a scanned document, a permanent document of the completed signed form must be delivered to the county board not later than 20 days before the election. *N.C.G.S. § 163-82.6(c)(2); N.C.G.S. § 163A-865(e).*

In the case of an individual who has become qualified to register and vote between the 25th day before an election and Election Day, then such person may apply to register on election day by submitting an application as described in *N.C.G.S. § 163-82.3(a) or (b); N.C.G.S. § 163A-862(a) or (b)*, which form may be submitted to a member of the county board of elections, the county director, or a judge of the precinct, and in such instances if the application is approved that person may vote on the same day. *N.C.G.S. § 163-82.6(d); N.C.G.S. § 163A-865(f) & (g).*

Does state offer Election Day registration?

No, except for those persons who become eligible to vote during the period between the 25th day before an election and Election Day. *N.C.G.S. § 163-82.6(d); N.C.G.S. § 163A-865(f).*

Does state allow by-mail registration?

Yes, registration may be submitted by mail, which mail must be postmarked at least 25 days before the election, or in the event of a missing or unclear postmark, then if received by the county board of elections not later than 20 days before the election. *N.C.G.S. § 163-82.6(c)(1); N.C.G.S. § 163A-865(d)(1).*

May voter register before turning 18? If so, how much earlier, or just by next election?

Yes, a voter may register before turning 18 if that voter will be 18 years of age on or before Election Day. The registration form provides a box for the applicant to check if the applicant will be 18 years of age or older on Election Day. Pursuant to *N.C.G.S. § 163-59; N.C.G.S. § 163A-843*, a person may register to vote in the primary election if they will be eligible to vote in the general election. They may register no earlier than 60 days nor later than the last day for making application to register, pursuant to *N.C.G.S. § 163-82.6(c); N.C.G.S. § 163A-865(h)*, prior to the primary election. *N.C.G.S. § 163-82.6(d),(e),(f); N.C.G.S. § 163A-865.*

VOTER ID REQUIREMENTS

Required for registration? If so, what kinds of ID?

There is no photo ID requirement to register to vote in NC. However, registration does require a driver's license number or the last four digits of the applicant's social security number. If neither of these are provided, then the applicant must present a HAVA approved document the first time he or she votes. *N.C.G.S. § 163-82.4; N.C.G.S. § 163A-863.* The link to the NC voter registration form and its instructions follows:
<https://www.ncsbe.gov/Portals/0/Forms/NCVoterRegForm06W.pdf>

Required for voting? If so, what kinds of ID?

Beginning in 2019 but delayed until 2020 by Statute (Sessions Law 2019-4, Senate Bill 214), a photo ID will be required for voting in North Carolina. *N.C.G.S. § 163-166.13; N.C.G.S. § 163A-1145.* This includes absentee voting. Voters requesting an absentee ballot must submit electronic or physical copies of their identification with their absentee ballot request. *Senate Bill 824, SL 2018-144, Section 1.2(e); House Bill 646, SL2019-22; N.C.G.S. § 163A-1309; now N.C.G.S. § 163-230.2.*

The types of photo ID that will be accepted are:

- (1) Any of the following that is valid and unexpired, or has been expired for one year or less:
 - a. A North Carolina driver's license.
 - b. A special identification card for nonoperators issued under *N.C.G.S. § 20-37.7* or other form of non-temporary identification issued by the Division of Motor Vehicles of the Department of Transportation.
 - c. A United States passport.
 - d. A North Carolina voter photo identification card of the registered voter issued pursuant to *N.C.G.S. § 163A-869.1*.
 - e. A tribal enrollment card issued by a State or federal recognized tribe.
 - f. A student identification card issued by a constituent institution of The University of North Carolina, a community college, as defined in *N.C.G.S. § 115D-2(2)*, or eligible private postsecondary institution as defined in *N.C.G.S. § 116-280(3)*, provided that card is issued in accordance with *N.C.G.S. § 163A-1145.2*; See *House Bill 646, SL 2019-22*.
 - g. An employee identification card issued by a state or local government entity, including a charter school, provided that card is issued in accordance with *N.C.G.S. § 163A-1145.3*; See *House Bill, SL 2019-22*.
 - h. A driver's license or special identification card for nonoperators issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.
- (2) Any of the following, regardless of whether the identification contains a printed expiration or issuance date:
 - a. A military identification card issued by the United States government.

- b. A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities.

(3) Any expired form of identification allowed in this subsection presented by a registered voter having attained the age of 65 years at the time of presentation at the voting place, provided that the identification was unexpired on the registered voter's sixty-fifth birthday. *Senate Bill 824, SL 2018-144, N.C.G.S. § 163A-1145.1(a); probably codified in N.C.G.S. § 163-166.13.*

Are there any exceptions to this voter ID requirement?

Yes. There are three limited exceptions to the voter ID requirement. Voters who do not have an ID due to one of the following do not have to provide an ID to vote. (1) a religious objection to being photographed, (2) a reasonable impediment preventing the voter from obtaining an ID, or (3) the result of being a victim of a natural disaster within 100 days of Election Day.

If a voter falls within one of these exceptions, they will be asked to complete an affidavit before being given a provisional ballot. *Senate Bill 824, SL 2018-144, N.C.G.S. § 163A-1145.1(d); probably codified in N.C.G.S. § 163-166.13.*

Requirement to provide proof of citizenship to register and/or vote?

A voter is not required to present proof of citizenship, but at the time of registration must respond affirmatively to the question "are you a citizen of the United States of America?" *N.C.G.S. § 163A-863(e); probably codified in N.C.G.S. § 163-82.4(d).*

VOTER REGISTRATION DRIVES

Voter registration is available in North Carolina not only at the offices of boards of elections but also at driver's license offices, offices accepting applications for programs of public assistance, office accepting applications for programs to provide services to persons with disabilities and offices providing for the acceptance for claims of benefits under the employment security law. It is also available at military recruitment offices, public libraries and public high schools. The North Carolina state Board of Elections provides its own instructions regarding voter registrations drives at <https://www.ncsbe.gov/Voter-Information/VR-Drives>.

Organizers must:

- Refrain from coercing, threatening, or intimidating any person engaged in the registration or voting process.
- Refrain from altering any information placed on the form without the permission of the person registering.

- If assisting a person in filling out a voter registration form, must place information on the form that accurately reflects the intent and direction of the person.
- Not offer a person a voter registration form that has been pre-marked unless the person receiving the form has requested the pre-marking.
- 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.
- Make good faith efforts to submit any completed or partially completed application to the appropriate county board of elections by no later than 25 days before Election Day.

Senate Bill 486, SL 2018-13, Section 3.9(a), N.C.G.S. § 163A-1388(a); recodified at N.C.G.S. § 163-274 with amendments.

Does state accept national form? Any restrictions?

Yes. The state, pursuant to *N.C.G.S. § 163-82.3; N.C.G.S. § 163A-826(b)*, requires that any county board of elections accept an application on the interstate application form designed by the Federal Elections Commission pursuant to section 9 of the NVRA, if such form is submitted in accordance with other applicable law as provided in *N.C.G.S. § 163-82.6; N.C.G.S. § 163A-865*. There are no restrictions on use of the NVRA form.

May groups “cage” completed registration forms (i.e. ask voters to mail them back to the group, which will then send them to the appropriate elections registrar(s))? If so, may they copy the forms or any of data included on them? If so, any deadlines for sending the completed forms to the state or to local officials?

- North Carolina does not prohibit the caging of completed application forms and expressly permits the submission of a completed application form by a person other than the applicant. *N.C.G.S. § 163-82.6(a); N.C.G.S. § 163A-865*.
- Caged application forms must be delivered so that the forms are received by the appropriate county boards of elections in time to satisfy registration deadlines. *N.C.G.S. § 163-82.6(a); N.C.G.S. § 163A-865*.
- It is a misdemeanor for any person to communicate acceptance of the delegation of the delivery of a completed application, and then to fail to make a good faith effort to deliver the form so that it is received in time to satisfy registration deadlines. There is no guidance as to what constitutes a “good faith effort.”
- There is no prohibition on the photo copying of forms or the copying of data included on a caged application form. *N.C.G.S. § 163-82.6(a); N.C.G.S. § 163A-865*. However, Senate

Bill 486 (Session Law 2018-13), Section 3.9(a)(a16) provides, “[f]or any person who is not an elections official or who is not otherwise authorized by law to retain a registrant’s signature, full or partial Social Security number, date of birth, or the identity of the public agency at which the registrant registered under G.S. 163A-884, any electronic mail address submitted under Part 2 of Article 17 of this Chapter, or driver’s license number from any form described in G.S. 163-862 after submission of the form to the county board of elections or elections official.”¹ *Senate Bill 486, SL 2018-13, Sect. 3.9(a)(a16).*

May a group “pre-fill” some or all of the form (e.g. name, address) before sending/giving it to a would-be registrant?

- North Carolina does not prohibit the pre-filling of some or all of a form, but requires that the applicant sign the application under oath.
- Note that it is unlawful to pre-mark a voter registration form with a political party affiliation, unless the person assisting the voter receives permission from the voter to pre-mark the form with a particular party affiliation. *N.C.G.S. § 163-82.6 (a1)(5); N.C.G.S. § 163A-865(b)(5).* (This is a Class 2 misdemeanor.)

May voter registration drive workers assist a voter in completing their registration form?

- North Carolina law does not prohibit a voter registration drive worker – whether a state or local employee of a voter registration agency or a third-party registration drive worker – from assisting a voter in completing their registration form.
- As above, note that it is unlawful to pre-mark a voter registration form with a political party affiliation, unless the person assisting the voter receives permission from the voter to pre-mark the form with a particular party affiliation. *N.C.G.S. § 163-82.6 (a1)(5); N.C.G.S. § 163A-(b)(5).*

Does state require training of voter registration workers?

- There is no requirement that any third-party groups engaging in voter registration drives provide training to their volunteers. Nor is there any requirement that groups obtain training from the state prior to engaging in a voter registration drive. But training is available if organizations would like to better understand the rules.

Does state require registration of voter registration drives? If so, for by mail drives, too?

- No registration is required of voter registration drives.

¹ Please note this is in conflict with instructions provide by the North Carolina State Board of Elections which states, “[i]n other words, it is unlawful for any person who is not an elections official or not otherwise authorized by law to take the above-described information from a voter's registration form and keep it in any form for any purpose. The information may not be photocopied, transcribed, recorded or transmitted to a database.” <https://www.ncsbe.gov/Voter-Information/VR-Drives>.

Any requirement that group must provide information to voters about how they may contact the group to determine the status of their registration (e.g. South Dakota)?

- No, there is no requirement that a group provide information to voters about contact to determine the status of their registration, although voters may obtain such information from county or state boards of elections.

May group pay voter registration drive workers? If so, is it permissible to pay on a per-voter-registered basis?

- North Carolina law does not prohibit payment to voter registration drive workers.
- It is unlawful to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment. *N.C.G.S. § 163-82.6(a1)(2); N.C.G.S. § 163A-865(b)(2).*
- It is unlawful to pay persons on a per voter registered basis. *Senate Bill 486, SL 2018-13, Sect. 3.9.(a) N.C.G.S. § 163A-1388(a); N.C.G.S. § 163-274(a)(15).*

CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

North Carolina State Board of Elections

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Physical Address:
430 N. Salisbury St.
Raleigh, NC 27603-5918

Telephone - (919) 814-0707 or (866) 522-4723

Facsimile - Administration - (919) 715-0135 Facsimile - Campaign Reporting - (919) 7158047
Email – elections.sboe@ncsbe.gov

Contact information for North Carolina County Boards of Elections is available here:
<https://www.ncsbe.gov/contact-us>

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FOR FURTHER ASSISTANCE

For assistance regarding these resources or for more information about federal law,
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