



STATE BOARD OF ELECTIONS

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In today's *New York Times*, reprinted in *The News and Observer*, a story appeared about voter registration that lumped North Carolina in with other states that were allegedly following incorrect procedures that might prejudice voters in the November elections. Although no specific irregularities were mentioned with respect to North Carolina, the articles contend that voters here may be disenfranchised. This is simply untrue.

No reporter for either publication contacted any one in this office to verify North Carolina's procedures. Nor did the Commissioner of the Social Security Administration contact us before he released his allegations that North Carolina may be preventing voters from registering; instead he sent a letter to the Secretary of State, who does not administer elections in North Carolina, and we had to obtain a copy from a national organization.

The problem with these stories is they undermine the public's confidence in North Carolina's elections. Our processes have been reviewed by both major presidential campaigns, reviewed and precleared by the U.S. Department of Justice, and by independent advocacy organizations such as Democracy North Carolina. These are the processes we use to assure every qualified voter is permitted to register and vote in this State:

The Social Security number Match is only one of the tools we use to verify a voter's identity. Applicants to register to vote are asked to provide their driver's license number, and if they do not have one, then the last four digits of their Social Security number. Pursuant to an agreement between the North Carolina Division of Motor Vehicles and the Social Security Administration, an applicant's information is automatically processed to verify the numbers provided by the voter. The State of North Carolina reimburses the Social Security Administration for each verification transaction. The vast majority of voters are verified by their driver's license number. This office is well aware that the Social Security database was never intended to be used for this type of identification process – but it was mandated by Help America Vote Act and implemented in North Carolina. It is a tool for those voters who do not have North Carolina driver's license numbers.

However, if a voter registers and their information is incomplete or the number or numbers they provide do not match, there are several safeguards in place to assure that no qualified voter is

disenfranchised. The person's name is put into our computer database, but flagged that identification or other information is needed. If time permits, counties contact the applicant to obtain the missing information before the election. If the applicant appears to vote in an election before their identification has been verified, they may produce any of a variety of types of identification and vote. Alternatively, they can vote a provisional ballot and it will be counted if the missing information is provided by the day before the canvass of the election.

These news articles also imply that North Carolina's list maintenance procedures have impermissibly removed voters. North Carolina strictly follows the requirements of state and federal law in conducting list maintenance to remove from the voter rolls at regular intervals those persons who have died, been convicted of a felony and have not had their citizenship rights restored, or who have moved out of the voting jurisdiction, i.e., the county in North Carolina. To assure that a voter is not removed through administrative errors, all names are kept in the voter registration database. A voter whose name has been removed may be allowed to vote a regular ballot if he or she has simply failed to report a move within a county, or to provide other missing information that will be researched by the county and to vote a provisional ballot that will be counted if their qualifications are verified.

North Carolina will add approximately 850,000 new voters to its rolls by November 1, a record growth in voter registration. It is not surprising that the Social Security Administration has processed nearly 400,000 requests for verification since October 1, 2007.

The Social Security Administration plans to take down its computer system during the Columbus Day federal holiday to do routine maintenance. This office protested taking down the system for two days when our deadline for voter registration by mail is October 10. In anticipation of this shutdown, Sherre Toler, the Director of Elections in Harnett County, sorted voter registration applications awaiting processing into several groups. In light of today's articles, you might find these numbers interesting –

- 1001 registrations awaiting processing
- 307 contain last four digits of their SSN
- 439 contain driver's license number only
- 228 contain both SSN and driver's license number
- 27 contain no identifying number

Harnett County, like many in North Carolina, has large numbers of college students, military families and older citizens. These are precisely the groups that may not have a North Carolina driver's license but do have a Social Security Number. Thus, they have a high number of applicants who provide only that information. (We recognize that some applicants will choose to provide only their Social Security Number when they do have a valid driver's license; this does not render their application invalid.)

Today's articles have undermined the public's trust in North Carolina's election administration. We want to provide any and all information that will restore that confidence. Attached please find the most pertinent North Carolina statutes to this issue- General Statutes 163-82.4, 82.14, and 166.12 and a summary of our list maintenance processes.

LOCATION: 506 NORTH HARRINGTON STREET • RALEIGH, NORTH CAROLINA, 27603

§ 163-82.4. Contents of application form.

(a) Information Requested of Applicant. – The form required by G.S. 163-82.3(a) shall request the applicant's:

- (1) Name,
- (2) Date of birth,
- (3) Residence address,
- (4) County of residence,
- (5) Date of application,
- (6) Gender,
- (7) Race,
- (7a) Ethnicity,
- (8) Political party affiliation, if any, in accordance with subsection (c) of this section,
- (9) Telephone number (to assist the county board of elections in contacting the voter if needed in processing the application),
- (10) Drivers license number or, if the applicant does not have a drivers license number, the last four digits of the applicant's social security number,

and any other information the State Board finds is necessary to enable officials of the county where the person resides to satisfactorily process the application. The form shall require the applicant to state whether currently registered to vote anywhere, and at what address, so that any prior registration can be cancelled. The portions of the form concerning race and ethnicity shall include as a choice any category shown by the most recent decennial federal census to compose at least one percent (1%) of the total population of North Carolina. The county board shall make a diligent effort to complete for the registration records any information requested on the form that the applicant does not complete, but no application shall be denied because an applicant does not state race, ethnicity, gender, or telephone number. The application shall conspicuously state that provision of the applicant's telephone number is optional. If the county board maintains voter records on computer, the free list provided under this subsection shall include telephone numbers if the county board enters the telephone number into its computer records of voters.

(a1) No Drivers License or Social Security Number Issued. – The State Board shall assign a unique identifier number to an applicant for voter registration if the applicant has not been issued either a current and valid drivers license or a social security number. That unique identifier number shall serve to identify that applicant for voter registration purposes.

(b) Notice of Requirements, Attestation, Notice of Penalty, and Notice of Confidentiality. – The form required by G.S. 163-82.3(a) shall contain, in uniform type, the following:

- (1) A statement that specifies each eligibility requirement (including citizenship) and an attestation that the applicant meets each such

requirement, with a requirement for the signature of the applicant, under penalty of a Class I felony under G.S. 163-275(13).

- (2) A 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.
- (3) A 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.

(c) Party Affiliation or Unaffiliated Status. – The application form described in G.S. 163-82.3(a) shall provide a place for the applicant to state a preference to be affiliated with one of the political parties in G.S. 163-96, or a preference to be an "unaffiliated" voter. Every person who applies to register shall state his preference. If the applicant fails to declare a preference for a party or for unaffiliated status, that person shall be listed as "unaffiliated", except that if the person is already registered to vote in the county and that person's registration already contains a party affiliation, the county board shall not change the registrant's status to "unaffiliated" unless the registrant clearly indicates a desire in accordance with G.S. 163-82.17 for such a change. An unaffiliated registrant shall not be eligible to vote in any political party primary, except as provided in G.S. 163-119, but may vote in any other primary or general election. The application form shall so state.

(d) Citizenship and Age Questions. – Voter registration application forms shall include all of the following:

- (1) The question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.
- (2) The question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether the applicant will be 18 years of age or older on election day.
- (3) The statement "If you checked 'no' in response to either of these questions, do not complete this form."

(e) Correcting Registration Forms. – If the voter fails to complete any required item on the voter registration form but provides enough information on the form to enable the county board of elections to identify and contact the voter, the voter shall be notified of the omission and given the opportunity to complete the form at least by 5:00 P.M. on the day before the county canvass as set in G.S. 163-182.5(b). If the voter corrects that omission within that time and is determined by the county board of elections to be eligible to vote, the board shall permit the voter to vote. If the information is not corrected by election day, the voter shall be allowed to vote a provisional official ballot. If the correct information is provided to the county board of elections by at least 5:00 P.M. on the day before the county canvass, the board shall count any portion of the provisional official ballot that the voter is eligible to vote. (1901, c. 89, s. 12; Rev., s. 4319; C.S., s. 5940; Ex. Sess. 1920, c. 93; 1933, c. 165, s. 5; 1951, c. 984, s. 1; 1953, c. 843; 1955, c. 800; c. 871, s. 2; 1957, c. 784, s. 2; 1963, c. 303, s. 1; 1967, c. 775, s. 1;

1971, c. 1166, s. 6; 1973, c. 793, s. 27; c. 1223, s. 3; 1975, c. 234, s. 2; 1979, c. 135, s. 1; c. 539, ss. 1-3; c. 797, ss. 1, 2; 1981, c. 222; c. 308, s. 2; 1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1999-424, s. 7(c), (d); 1999-453, s. 8(a); 2003-226, s. 9; 2004-127, s. 4; 2005-428, s. 15; 2007-391, s. 20.)

§ 163-82.14. List maintenance.

(a) Uniform Program. – The State Board of Elections shall adopt a uniform program that makes a reasonable effort:

- (1) To remove the names of ineligible voters from the official lists of eligible voters, and
- (2) To update the addresses and other necessary data of persons who remain on the official lists of eligible voters.

That program shall be nondiscriminatory and shall comply with the provisions of the Voting Rights Act of 1965, as amended, and with the provisions of the National Voter Registration Act. The State Board of Elections, in addition to the methods set forth in this section, may use other methods toward the ends set forth in subdivisions (1) and (2) of this subsection, including address-updating services provided by the Postal Service. Each county board of elections shall conduct systematic efforts to remove names from its list of registered voters in accordance with this section and with the program adopted by the State Board. The county boards of elections shall complete their list maintenance mailing program by April 15 of every odd-numbered year, unless the State Board of Elections approves a different date for the county.

(b) Death. – The Department of Health and Human Services shall furnish free of charge to the State Board of Elections every month, in a format prescribed by the State Board of Elections, the names of deceased persons who were residents of the State. The State Board of Elections shall distribute every month to each county board of elections the names on that list of deceased persons who were residents of that county. The Department of Health and Human Services shall base each list upon information supplied by death certifications it received during the preceding month. Upon the receipt of those names, each county board of elections shall remove from its voter registration records any person the list shows to be dead. The county board need not send any notice to the address of the person so removed.

(c) Conviction of a Felony. –

- (1) Report of Conviction Within the State. – The State Board of Elections, on or before the fifteenth day of every month, shall report to the county board of elections of that county the name, county of residence, and residence address if available, of each individual against whom a final judgment of conviction of a felony has been entered in that county in the preceding calendar month.
- (2) Report of Federal Conviction. – The Executive Director of the State Board of Elections, upon receipt of a notice of conviction sent by a United States Attorney pursuant to section 8(g) of the National Voter Registration Act, shall notify the appropriate county boards of elections of the conviction.

- (3) County Board's Duty Upon Receiving Report of Conviction. – When a county board of elections receives a notice pursuant to subdivision (1) or (2) of this subsection relating to a resident of that county and that person is registered to vote in that county, the board shall, after giving 30 days' written notice to the voter at his registration address, and if the voter makes no objection, remove the person's name from its registration records. If the voter notifies the county board of elections of his objection to the removal within 30 days of the notice, the chairman of the board of elections shall enter a challenge under G.S. 163-85(c)(5), and the notice the county board received pursuant to this subsection shall be prima facie evidence for the preliminary hearing that the registrant was convicted of a felony.

(d) Change of Address. – A county board of elections shall conduct a systematic program to remove from its list of registered voters those who have moved out of the county, and to update the registration records of persons who have moved within the county. The county board shall remove a person from its list if the registrant:

- (1) Gives confirmation in writing of a change of address for voting purposes out of the county. "Confirmation in writing" for purposes of this subdivision shall include:
 - a. A report to the county board from the Department of Transportation or from a voter registration agency listed in G.S. 163-82.20 that the voter has reported a change of address for voting purposes outside the county;
 - b. A notice of cancellation received under G.S. 163-82.9; or
 - c. A notice of cancellation received from an election jurisdiction outside the State.
- (2) Fails to respond to a confirmation mailing sent by the county board in accordance with this subdivision and does not vote or appear to vote in an election beginning on the date of the notice and ending on the day after the date of the second general election for the United States House of Representatives that occurs after the date of the notice. A county board sends a confirmation notice in accordance with this subdivision if the notice:
 - a. Is a postage prepaid and preaddressed return card, sent by forwardable mail, on which the registrant may state current address;
 - b. Contains or is accompanied by a notice to the effect that if the registrant did not change residence but remained in the county, the registrant should return the card not later than the deadline for registration by mail in G.S. 163-82.6(c)(1); and
 - c. Contains or is accompanied by information as to how the registrant may continue to be eligible to vote if the registrant has moved outside the county.

A county board shall send a confirmation mailing in accordance with this subdivision to every registrant after every congressional election if the county board has not confirmed the registrant's address by another means.

- (3) Any registrant who is removed from the list of registered voters pursuant to this subsection shall be reinstated if the voter appears to vote and gives oral or written affirmation that the voter has not moved out of the county but has maintained residence continuously within the county. That person shall be allowed to vote as provided in G.S. 163-82.15(f). (1953, c. 843; 1955, c. 800; 1963, c. 303, s. 1; 1965, c. 1116, s. 1; 1967, c. 775, s. 1; 1973, c. 793, ss. 25, 28; c. 1223, s. 4; 1975, c. 395; 1977, c. 265, s. 3; 1981, c. 39, s. 1; c. 87, s. 1; c. 308, s. 1; 1983, c. 411, ss. 1, 2; 1985, c. 211, ss. 1, 2; 1987, c. 691, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1997-443, s. 11A.117; 1999-453, s. 7(a), (b); 2001-319, ss. 8(a), 11; 2005-428, s. 14; 2007-391, ss. 18, 32.)

§ 163-166.12. Requirements for certain voters who register by mail.

(a) Voting in Person. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, shall present to a local election official at a voting place before voting there one of the following:

- (1) A current and valid photo identification.
- (2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the mailed-in absentee ballot one of the following:

- (1) A copy of a current and valid photo identification.
- (2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(b1) The county board of elections shall note the type of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the tendered copy of identification proof as soon as the type of proof is noted in the voter registration records.

(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an individual has registered by mail or by another method, if the individual has provided with the registration form a drivers license number or last four digits of a Social Security number but the computer validation of the number as required by G.S. 163-82.12 did not result in a match, and the number has not been otherwise validated by the board of elections, in the first election in which the individual votes that individual shall submit with the ballot the form of identification described in subsection (a) or subsection (b) of

this section, depending upon whether the ballot is voted in person or absentee. If that identification is provided and the board of elections does not determine that the individual is otherwise ineligible to vote a ballot, the failure of identification numbers to match shall not prevent that individual from registering to vote and having that individual's vote counted. If the individual registers and votes under G.S. 163-82.6A, the identification documents required in that section, rather than those described in subsection (a) or (b) of this section, apply.

(c) The Right to Vote Provisionally. – If an individual is required under subsection (a), (b), or (b2) of this section to present identification in order to vote, but that individual does not present the required identification, that individual may vote a provisional official ballot. If the voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If the voter is voting by mail-in absentee ballot, the mailed ballot without the required identification shall be treated as a provisional official ballot.

(d) Exemptions. – This section does not apply to any of the following:

- (1) An individual who registers by mail and submits as part of the registration application either of the following:
 - a. A copy of a current and valid photo identification.
 - b. A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.
- (2) An individual who registers by mail and submits as part of the registration application the individual's drivers license number or at least the last four digits of the individual's social security number where an election official matches either or both of the numbers submitted with an existing State identification record bearing the same number, name, and date of birth contained in the submitted registration. If any individual's number does not match, the individual shall provide identification as required in subsection (b2) of this section in the first election in which the individual votes.
- (3) An individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.
- (4) An individual who is entitled to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act.
- (5) An individual who is entitled to vote otherwise than in person under any other federal law. (2003-226, s. 16; 2004-127, s. 3; 2007-391, s. 21(a).)

SBE List Maintenance Summary

Definitions:

- SBE - State Board of Elections
- CBE - County Board of Elections
- DOC - Department of Corrections
- DHHS - Department of Health and Human Services

Felons:

SBE receives a list of convicted felons once a month from DOC. The list is then processed by the state and made available to the CBE, via email and web, for processing. The list is a potential match list of DOC records against the statewide voter list that the counties must research and verify.

The memo can be found:

<ftp://www.app.sboe.state.nc.us/seims/numbermemo/2008-0004> - DOC FELON REPORTS.doc

Deaths:

SBE receives a list of people who have died once a month from DHHS. The list is then processed by the state and made available to the County Board of Elections, via email and web, for processing. There are 2 lists that are provided to the counties. The first list from DHHS is of people who have died in their county. The second list is a potential match list of DHHS records against the statewide voter list that the counties must research and verify. The memo can be found:

<ftp://www.app.sboe.state.nc.us/seims/numbermemo/2008-0005> - DHHS DECEASED REPORTS.doc

SBE also runs a death check with DMV where SBE sends a list of active and inactive driver licenses from the voter registration database. DMV then matches that list against their SSN death database. SBE then receives the list then removes the identified registered voters.

Duplicates:

The following are the Duplicate procedures handled by elections:

1. HAVA moves. When a voter is registered at the CBE, that voter is checked at the state for a duplicate. If a duplicate is found, the state removes the existing voter and allows the county to complete the registration for the new voter.
2. Monthly duplicate check. The SBE runs a county report monthly comparing the county voter records with the state voter records attempting to find duplicate matches. A report is generated and made available to the counties via email and the web for processing. The memo can be found: <ftp://www.app.sboe.state.nc.us/seims/numbermemo/2008-0006> – DUPLICATE REGISTRATIONS REPORT.doc
3. Merge Voters. The CBE is able, through the voter registration software, to merge voters if they find a duplicate. This can be during the voter registration process or at any point afterwards.

SEIMS Scheduled Tasks:

Weekly Tasks:

1. Print voter cards, verifications, and address confirmations.
2. Run Verification update reports.

Monthly Tasks:

1. Print cancellation notices
2. Print felon letters
3. Run the wait period expiration task.

Annual Tasks:

1. Remove all temporary registrants.

List Maintenance:

Maintaining a list of eligible voters requires identifying voters that should be inactive, and removing those that have been inactive through two federal general elections.

The **List Maintenance** process starts at the beginning of each year following a federal election after all voter histories for that election have been updated. The steps include:

1. Create a no-contact list
2. Change inactive voter status to removed status
3. Remove duplicate voters

NVRA:

SBE runs a NVRA report that collects data from the counties monthly.