



# A Candidate's Guide to the 2020 Statewide Primary and General Election

## CONTENTS

1	Candidate Filing .....	4
1.1	Notice of Candidacy.....	4
1.2	Candidate Challenges and Election Protests .....	7
2	Voter Registration .....	11
2.1	Qualification to Vote .....	11
2.2	Voter Registration Requirements.....	11
2.3	Voter Registration Deadline .....	11
2.4	Same-Day Registration .....	12
2.5	Voter Registration Drives .....	12
2.6	Capturing voters' Personal Identifying Information is unlawful.....	13
2.7	Voter Challenges .....	13
3	Voting in North Carolina.....	14
3.1	Voting Methods.....	14
3.2	In-Person Voting Procedures.....	14
3.3	Absentee Voting by-Mail Procedures.....	16
3.4	Provisional Voting Summary .....	21
4	Election Results.....	24
4.1	County Canvass .....	25
4.2	State Canvass.....	25
5	Campaign Etiquette.....	26
5.1	No Electioneering near the Front EntrancE to a Voting Site .....	26
5.2	Issues or Complaints at Voting Sites.....	26

## A Candidate's Guide to Elections in North Carolina

This resource has been created to give general guidance and assistance to candidates. This guidance does not absolve a candidate from the responsibility of reading the North Carolina General Statutes and any other state or federal rule, regulation or code related to election administration and campaign finance laws.

If you have any questions concerning this Guide, please contact your county board of elections or the State Board. If your inquiry rises to the level of a request for legal advice to assist you in your campaign, we will encourage you to seek legal counsel.

## IMPORTANT DATES

### Candidate Filing Period

	Primary	Soil & Water
Candidate Filing Period Begins <a href="#">GS § 163-106.2</a> ; <a href="#">GS § 139-6</a>	12/02/2019	06/08/2020
Last Day to Withdraw as a Candidate <a href="#">GS § 163-106.4</a>	12/17/2019	06/30/2020
Candidate Filing Period Ends <a href="#">GS § 163-106.2</a> ; <a href="#">GS § 139-6</a>	12/20/2019	07/06/2020
Last Day to File a Candidate Challenge <a href="#">GS § 163-127.2</a>	01/09/2020	07/20/2020

### Election Event Schedule

Event	Primary Election	General Election
Absentee Voting by Mail Begins <a href="#">GS § 163-227.10</a>	01/13/2020	09/04/2020
Voter Registration Deadline <a href="#">GS § 163-82.6(d)</a>	02/07/2020	10/09/2020
Voter Challenge Deadline <a href="#">GS § 163-85(a)</a>	02/07/2020	10/09/2020
One-stop Voting Begins <a href="#">GS § 163-227.2</a>	02/13/2020	10/15/2020
Last Day to Request a Civilian Absentee Ballot <a href="#">GS § 163-230.1(a)</a>	02/25/2020	10/27/2020
One-stop Voting Ends <a href="#">GS § 163-227.2</a>	02/29/2020	10/31/2020
Last Day to Return an Absentee Ballot <a href="#">GS § 163-231</a>	03/03/2020	11/03/2020
Election Day <a href="#">GS § 163-1</a> ; <a href="#">GS § 163-111</a>	03/03/2020	11/03/2020
County Canvass <a href="#">GS § 163-182.5</a>	03/13/2020	11/13/2020
Deadline to File an Election Protest (before 11AM) <a href="#">GS § 163-182.9</a> (re: vote count or tabulation)	03/13/2020	11/13/2020
Deadline to Request a Recount <a href="#">GS § 163-182.7(b)</a> (county jurisdictional contest)	03/16/2020	11/16/2020
Deadline to Request a Recount <a href="#">GS § 163-182.7(c)</a> (state jurisdictional contest)	03/17/2020	11/17/2020
Deadline to File an Election Protest <a href="#">GS § 163-182.9</a> (re: other than vote count or tabulation)	03/17/2020	11/17/2020

*\* If any federal contest requires a second primary, the election event date for North Carolina's second primary will be in May; otherwise the election event date for any second primary will be in April.*

*\*\*There shall be no voter registration between a first primary and a second primary.*

## 1 CANDIDATE FILING

The date of the general election is **Tuesday, November 3, 2020**. To determine the nominee for certain contests, there is a primary election on **Tuesday, March 3, 2020**. If there is no clear party nominee in certain contests following the partisan primary election, there may be a second primary for that contest, either on **Tuesday, April 21, 2020** (if no contest for federal office in the state requires a second primary), or **Tuesday, May 12, 2020** (if one or more contests for federal office in the state requires a second primary).

**NOTE REGARDING CONGRESSIONAL FILINGS:** As of this Guide's publication [November 21, 2019], a three-judge panel of the Wake County Superior Court in *Harper v. Lewis* on its own enjoined filing for the 2020 congressional primary elections. Pursuant to the order, the State Board of Elections may not accept any filings for candidates for the congressional primary until further order of the court. The court will hold a hearing on December 2, 2019, to consider pending motions in the case. The court did not enjoin filing for any other offices.

### 1.1 NOTICE OF CANDIDACY

Each person seeking to become a candidate must file a notice of candidacy with the proper board of elections. The State Board provides a [Notice of Candidacy](#) form, which is available on its website or from any county board of elections.

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#### 1.1.1 FILING JURISDICTION AND FILING PERIOD

Candidates for the following office types must file their Notice of Candidacy with the State Board of Elections:

- National offices
- State offices
- Superior court judge
- District court judge
- District attorney

Candidates for office of NC State Senator, State House Representative and all county and local offices must file their notice of candidacy with their county board of elections.

- Filing for contests subject to a *possible* primary election in the March 2020 statewide primary begins at noon on **Monday, December 2, 2019** and ends at noon on **Friday, December 20, 2019**.
- Filing for soil & water conservation supervisors begins at noon on **Monday, June 8, 2020** and ends at noon on **Monday, July 6, 2020**.
- Candidates seeking municipal or other local office must check with their county board of elections for the dates of the filing for these offices

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#### 1.1.2 CANDIDATE'S SIGNATURE

Each candidate must sign the notice of candidacy in the presence of the chair or secretary of the relevant board of elections. Alternatively, a candidate may have his or her signature on the notice of candidacy acknowledged and certified by a Notary Public, in which case the candidate may mail or have the notice of candidacy delivered by commercial courier service to the appropriate board of elections before the deadline.

In signing the notice of candidacy, the candidate shall either:

- use his or her legal name (an initial may be used for a middle name, if applicable), and in the candidate’s discretion may also include any nickname by which he or she is commonly known; or
- provide a signed affidavit that the candidate has been known by a certain nickname for at least five years prior to the date of the affidavit, in which case he or she may sign with the nickname in lieu of the legal first name and any middle initial or name. A candidate may not use a last name other than his or her legal last name.

### 1.1.3 GENERAL CANDIDACY REQUIREMENTS

Unless otherwise specified, all candidates must be registered to vote in the state, qualified to vote in an election for the office sought, and 21 years old by the date of the general election. The following table lists additional requirements for certain offices.

Office	Additional Requirements
<b>U.S. Senate</b>	Candidates must be at least 30 years of age, a U.S. citizen for at least 9 years, and a resident of the state by the date of the general election.
<b>U.S. Congress</b>	Candidates must be at least 25 years of age, a U.S. citizen for at least 7 years, and a resident of the state by the date of the general election (a candidate running for U.S. House is not required to be a resident of the congressional district in which the candidate is seeking election).
<b>Governor &amp; Lieutenant Governor</b>	Candidates must be at least 30 years of age; a citizen of the United States for at least five years; and a resident of North Carolina for at least two years by the date of the general election. Candidates must also not have served more than two consecutive terms of the same office.
<b>Council of State</b>	n/a
<b>Attorney General</b>	Candidates must be duly authorized to practice law in the courts of the state.
<b>NC House</b>	Candidates must have resided in the district for one year immediately prior to general election.
<b>NC Senate</b>	Candidates must be at least 25 years of age and have resided in the state as a citizen for two years and in the district for one year prior to the general election.
<b>Judicial and District Attorney</b>	Candidates must be duly authorized to practice law in the courts of the state.
<b>County and Local</b>	n/a

### 1.1.4 ONLY ONE OFFICE PER ELECTION

No person may file for more than one office for any one election. A person who has filed a notice of candidacy may not subsequently file for any other office when the election is on the same date unless the notice for the first office is withdrawn by the deadline. The withdrawal deadline is **December 17, 2019** for candidates who file in December.

### 1.1.5 CANDIDATE’S NAME ON THE BALLOT

The names of the candidates will appear on the official ballots as they appear on the notice of candidacy. No title, appendage, or appellation indicating rank, status, or position shall be printed on the official ballot in connection with a candidate's name, though candidates may use the title Mr., Mrs., Miss, or Ms. Legitimate nicknames may be permitted on an official ballot, but only if listed on the notice of candidacy. The nickname, which will appear in parentheses on the ballot, may not mislead voters or unduly advertise the candidacy. If a candidate is providing an affidavit to permit the use of a nickname with his or her legal last name, the affidavit shall include the way the ballot shall list the candidate’s name (as permitted by law) in the event that another candidate with the same last name files for the same office.

The table below provides examples of what is and what is not acceptable for the candidate name on ballot if the candidate's name is George Eugene Smith.

Candidate Names On Ballots		Candidate Name on Ballot Example(s):	
		Allowed	Not Allowed
1	A candidate may use either first or middle name before the last name (no nickname affidavit necessary)	George Smith Eugene Smith	
2	A candidate may abbreviate using the first letter of either his first or middle name (but not last name) (no nickname affidavit necessary).	G. Smith G. E. Smith George E. Smith G. Eugene Smith	George S. G. E. S.
3	A candidate may choose to include a suffix (no nickname affidavit necessary).	George Smith George Smith, Jr. George Smith III	George Smith, Esq. George Smith, MD
4	The ONLY title allowed along with a name is Mr./Mrs./Miss/Ms.	Mr. George Smith	General George Smith Judge George Smith Hon. George Smith
5	If a nickname affidavit is completed, the nickname must either be used in place of the first or middle name, or following the first/middle name in parenthesis. Nicknames that indicate rank, status or position are prohibited. Any shortening of a name as it appears in the voter record, other than abbreviation to the first letter, requires a nickname affidavit (such as "Dave" if the voter registration lists the first name as "David")	George (Joey) Smith George E. (Joey) Smith George Eugene (Joey) Smith Eugene (Joey) Smith Joey Smith	George (Da Bomb) Smith George (Vote For Me) Smith George (The Judge) Smith George (Winner) Smith

#### 1.1.6 DISCLOSURE OF FELONY CONVICTION

The *Notice of Candidacy* form provided by the State Board of Elections includes a statement that addresses whether the candidate has ever been convicted of a felony. Candidates are required by law to file a statement that answers the following question: "Have you ever been convicted of a felony?" Candidates who answer "yes" to this question must provide the name of the offense, date of conviction, date of restoration of citizenship rights, and the county and state of conviction. Candidates must the Felony Disclosure Form, available on the State Board of Elections' website ([NCSBE.gov](https://www.ncsbe.gov)), for this purpose. It is a Class I felony for an individual to knowingly provide untrue information in response to this question.

A candidate is not required to disclose a felony conviction if the conviction was dismissed as a result of reversal on appeal or resulted in a pardon of innocence or expungement. A prior felony conviction does not preclude holding elective office if the candidate's rights of citizenship have been restored.

If a candidate fails to complete the felony disclosure statement, the board of elections that accepted the filing will notify the candidate of the omission, at which point the candidate has 48 hours to complete the statement. If a candidate does not complete the statement at the time of filing or within 48 hours after the notice, the individual's filing is not considered complete, the individual's name shall not appear on the ballot as a candidate, and votes for the individual shall not be counted. It is a Class I felony to complete the form knowing that information as to a felony conviction or the restoration of citizenship is untrue.

The notice of candidacy is a public record in the office of the board of elections where the candidate files.

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### 1.1.7 WITHDRAWAL OF CANDIDACY

Any person who has filed a notice of candidacy for an office has the right to withdraw it at any time prior to the close of business on the third business day prior to the date on which the right to file for that office expires. The deadline for withdrawal of notice of candidacy for the following filing period is as follows:

- Primary filing period: **Tuesday, December 17, 2020**
- Soil & water filing period: **Tuesday, June 30, 2020**

The name of any candidate who does not withdraw by the deadline shall be printed on the primary ballot. Any votes received by that candidate shall be counted. The filing fee will not be refunded.

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### 1.1.8 PARTY AFFILIATION

No one is permitted to file as a candidate in a party primary unless he or she has been affiliated with that party for at least 90 days as of the date of that person's filing of notice of candidacy. A person registered as "unaffiliated" is ineligible to file as a candidate in a partisan primary election.

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### 1.1.9 VERIFICATION BY COUNTY BOARD OF ELECTIONS

Candidates required to file their notice of candidacy with the State Board must file, along with their notice, a certificate signed by the chair of the board of elections or the director of elections of the county in which they are registered to vote. For this reason, candidates required to file their notice of candidacy with the State Board must first have their notice of candidacy verified by their board of elections prior to submitting the notice to the state Board. This certificate, on the second page of the [Notice of Candidacy](#), permits the board of elections to verify that the person seeking candidacy for a non-judicial office is registered to vote in that county, states the party with which the person is affiliated, and has not changed his affiliation from another party or from unaffiliated within 90 days prior to the filing deadline.

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## 1.2 CANDIDATE CHALLENGES AND ELECTION PROTESTS

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### 1.2.1 CHALLENGES: WHEN, HOW AND GROUNDS FOR A CHALLENGE

A challenge to a candidate must be filed with the board of elections that received the notice of candidacy or petition no later than ten business days after the close of the filing period. The challenge must be made in a verified affidavit by a challenger, based on the challenger's reasonable suspicion or belief of the facts stated. The grounds for filing a challenge are that the candidate does not meet the constitutional or statutory qualifications for the office, including residency.

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### 1.2.2 ELECTION PROTEST

If a challenger discovers grounds for challenging a candidate after the deadline, those grounds may be the basis for an "election protest." Only registered voters eligible to participate in the election in question and candidates in the election in question are permitted to protest the election.

The timing for filing a protest depends upon the nature of the alleged irregularity. A county board shall not delay canvass for election protests that do not relate to (1) the vote count or (2) a number of votes that could change the outcome of an election within the jurisdiction of the county board.

Alleged Irregularity	Filing Deadline
<b>Manner in which votes were counted or results tabulated</b>	Before the beginning of the county canvass meeting
<b>Manner in which votes were counted or results tabulated AND statement of good cause for delay in filing</b>	5 PM on the 2 <sup>nd</sup> business day after the county has completed canvass & declared results
<b>Irregularity other than vote counting or results tabulation</b>	5 PM on the 2 <sup>nd</sup> business day after the county has completed its canvass & declared results

If the protest filed before Election Day concerns an irregularity other than vote counting or results tabulation, the protest proceedings shall be stayed until after Election Day (unless a party defending against the protest moves otherwise) if any one of the following conditions exists:

- The ballot has been printed
- The voter registration deadline for that election has passed
- Any of the proceedings will occur within 30 days before Election Day.

Persons who wish to file a protest shall use the form prescribed by the State Board of Elections ([08 NCAC 02 .0111](#)). See the [Election Protest Procedures Guide](#) for additional information.

#### Article 11B.

#### Challenge to a Candidacy.

##### § 163-127.1. Definitions.

As used in this Article, the following terms mean:

- (1) Board. – State Board of Elections.
- (2) Candidate. – A person having filed a notice of candidacy under the appropriate statute for any elective office in this State.
- (3) Challenger. – Any qualified voter registered in the same district as the office for which the candidate has filed or petitioned.
- (4) Office. – The elected office for which the candidate has filed or petitioned.

##### § 163-127.1. Definitions.

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- (4) Office. – The elected office for which the candidate has filed or petitioned.

##### § 163-127.2. When and how a challenge to a candidate may be made.

(a) When. – A challenge to a candidate may be filed under this Article with the board of elections receiving the notice of the candidacy or petition no later than 10 business days after the close of the filing period for notice of candidacy or petition.



(b) How. – The challenge must be made in a verified affidavit by a challenger, based on reasonable suspicion or belief of the facts stated. Grounds for filing a challenge are that the candidate does not meet the constitutional or statutory qualifications for the office, including residency.

(c) If Defect Discovered After Deadline, Protest Available. – If a challenger discovers one or more grounds for challenging a candidate after the deadline in subsection (a) of this section, the grounds may be the basis for a protest under G.S. 163-182.9.

**§ 163-127.3. Panel to conduct the hearing on a challenge.**

Upon filing of a challenge, a panel shall hear the challenge, as follows:

(1) Single county. – If the district for the office subject to the challenge covers territory in all or part of only one county, the panel shall be the county board of elections of that county.

(2) Multicounty but less than entire State. – If the district for the office subject to the challenge contains territory in more than one county but is less than the entire State, the Board shall appoint a panel within two business days after the challenge is filed. The panel shall consist of at least one member of the county board of elections in each county in the district of the office. The panel shall have an odd number of members, no fewer than three and no more than five. In appointing members to the panel, the Board shall appoint members from each county in proportion to the relative total number of registered voters of the counties in the district for the office. If the district for the office subject to the challenge covers more than five counties, the panel shall consist of five members with at least one member from the county receiving the notice of candidacy or petition and at least one member from the county of residency of the challenger. The Board shall, to the extent possible, appoint members affiliated with different political parties in proportion to the representation of those parties on the county boards of elections in the district for the office. The Board shall designate a chair for the panel. A meeting of the Board to appoint a panel under this subdivision shall be treated as an emergency meeting for purposes of G.S. 143-318.12.

(3) Entire State. – If the district for the office subject to the challenge consists of the entire State, the panel shall be the Board.

**§ 163-127.4. Conduct of hearing by panel.**

(a) The panel conducting a hearing under this Article shall do all of the following:

(1) Within five business days after the challenge is filed, designate and announce the time of the hearing and the facility where the hearing will be held. The hearing shall be held at a location in the district reasonably convenient to the public, and shall preferably be held in the county receiving the notice of the candidacy or petition. If the district for the office covers only part of a county, the hearing shall be at a location in the county convenient to residents of the district, but need not be in the district.

(2) Allow for depositions prior to the hearing, if requested by the challenger or candidate before the time of the hearing is designated and announced.

(3) Issue subpoenas for witnesses or documents, or both, upon request of the parties or upon its own motion.

(4) Render a written decision within 20 business days after the challenge is filed and serve that written decision on the parties.

(b) Notice of Hearing. – The panel shall give notice of the hearing to the challenger, to the candidate, other candidates filing or petitioning to be elected to the same office, to the county chair of each political party in every county in the district for the office, and to those persons who have requested to be notified. Each person given notice shall also be given a copy of the challenge or a summary of its allegations.

Failure to comply with the notice requirements in this subsection shall not delay the holding of a hearing nor invalidate the results if the individuals required by this section to be notified have been notified.

(c) Conduct of Hearing. – The hearing under this Article shall be conducted as follows:

(1) The panel may allow evidence to be presented at the hearing in the form of affidavits supporting documents, or it may examine witnesses. The chair or any two members of the panel may subpoena witnesses or documents. The parties shall be allowed to issue subpoenas for witnesses or documents, or both, including a subpoena of the candidate. Each witness must be placed under oath before testifying. The Board shall provide the wording of the oath to the panel.

(2) The panel may receive evidence at the hearing from any person with information concerning the subject of the challenge, and such presentation of evidence shall be subject to Chapter 8C of the General Statutes. The challenger shall be permitted to present evidence at the hearing, but the challenger shall not be required to testify unless subpoenaed by a party. The panel may allow evidence to be presented by a person who is present.

(3) The hearing shall be recorded by a reporter or by mechanical means, and the full record of the hearing shall be preserved by the panel until directed otherwise by the Board.

(d) Findings of Fact and Conclusions of Law by Panel. – The panel shall make a written decision on each challenge by separately stating findings of facts, conclusions of law, and an order.

(e) Rules by Board. – The Board shall adopt rules providing for adequate notice to parties, scheduling of hearings, and the timing of deliberations and issuance of decisions.

**§ 163-127.5. Burden of proof.**

(a) The burden of proof shall be upon the candidate, who must show by a preponderance of the evidence of the record as a whole that he or she is qualified to be a candidate for the office.

(b) If the challenge is based upon a question of residency, the candidate must show all of the following:

(1) An actual abandonment of the first domicile, coupled with an intent not to return to the first domicile.

(2) The acquisition of a new domicile by actual residence at another place.

(3) The intent of making the newer domicile a permanent domicile.

**§ 163-127.6. Appeals.**

(a) Appeals from Single or Multicounty Panel. – The decision of a panel created under G.S. 163-127.3(1) or G.S. 163-127.3(2) may be appealed as of right to the Board by any of the following:

(1) The challenger.

(2) A candidate adversely affected by the panel's decision. Appeal must be taken within two business days after the panel serves the written decision on the parties. The written appeal must be delivered or deposited in the mail to the Board by the end of the second business day after the written decision was filed by the panel. The Board shall prescribe forms for filing appeals from a panel's decision in a challenge. The Board shall base its appellate decision on the whole record of the hearing conducted by the panel and render its opinion on an expedited basis. From the final order or decision by the Board under this subsection, appeal as of right lies directly to the Court of Appeals. Appeal shall be filed no later than two business days after the Board files its final order or decision in its office.

(b) Appeals from Statewide Panel. – The decision of a panel created under G.S. 163-127.3(3) may be appealed as of right to the Court of Appeals by any of the following:

(1) The challenger.

(2) A candidate adversely affected by the panel's decision. Appeal must be taken within two business days after the panel files the written decision. The written appeal must be delivered or deposited in the mail to the Court of Appeals by the end of the second business day after the written decision was filed by the panel.

## 2 VOTER REGISTRATION

Candidates are encouraged to be aware of the qualifications to vote in North Carolina and of the requirements and procedures for voter registration.

### 2.1 QUALIFICATION TO VOTE

To vote in North Carolina, a person must be a qualified registered voter. To vote, a person must be a U.S. citizen, at least 18 years of age by the date of the general election or at least 16 years old and understand that the person must be at least 18 years old on Election Day of the general election, a resident in the precinct for at least 30 days prior to the election<sup>1</sup>, and not serving an active felony sentence including any period of probation or parole<sup>2</sup>.

### 2.2 VOTER REGISTRATION REQUIREMENTS

To register to vote, change party affiliation or unaffiliated status, or report a name or address change, a voter registration applicant must complete a proper voter registration application. The applicant shall use a form developed by the State Board or the Federal Voter Registration Application.

#### **§ 163-82.3. Voter registration application forms.**

(a) Form Developed by State Board of Elections. – The State Board of Elections shall develop an application form for voter registration. Any person may use the form to apply to do any of the following:

- (1) Register to vote.
- (2) Change party affiliation or unaffiliated status.
- (3) Report a change of address within a county.
- (4) Report a change of name.
- (5) [preregister to vote]

The county board of elections for the county where the applicant resides shall accept the form as application for any of those purposes if the form is submitted as set out in G.S. 163-82.3.

(b) Interstate Form. – The county board of elections where an applicant resides shall accept as application for any of the purposes set out in subsection (a) of this section the interstate registration form designed by the Federal Election Commission pursuant to section 9 of the National Voter Registration Act, if the interstate form is submitted in accordance with G.S. 163-82.6.

### 2.3 VOTER REGISTRATION DEADLINE

The deadline for civilian voters to register to vote, change name, address, or party affiliation is 25 days before the date of an election. The deadline for military and overseas citizens (UOCAVA) is the close of business on the day before election day.

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<sup>1</sup> Removal from one precinct to another in this State shall not operate to deprive any person of the right to vote in the precinct from which the person has removed until 30 days after the person's removal. G.S. § 163-55 (a).

<sup>2</sup> Any person adjudged guilty of a felony in North Carolina or the United States, or adjudged guilty of a felon in another state that would also be a felony if it had been committed in North Carolina, shall not be allowed to vote unless that person's rights of citizenship have been restored in the manner prescribed by law. G.S. § 163-55 (a)(2). Citizenship and voting rights are automatically restored upon completion of the sentence. No special document is required.

	Election Date	Deadline
Primary (3/3/2020)	<b>Regular Voter Registration</b>	02/07/2020
	<b>UOCAVA Voter Registration</b>	03/02/2020
General Election (11/3/2020)	<b>Regular Voter Registration</b>	10/09/2020
	<b>UOCAVA Voter Registration</b>	11/02/2020

\* There shall be no registration of voters between the dates of the first and second primaries. ([GS § 163-111\(e\)](#)).

## 2.4 SAME-DAY REGISTRATION

“Same day registration” permits individuals who are not registered in a county to register and vote at the same time during the one-stop early voting period. **Individuals who are already registered in a county may update their name and address information -- but not party affiliation -- during the one-stop absentee voting period.**

Same-day registrants must attest to their eligibility and provide proof of residence. Proof of residence may consist of any of the following valid documents showing the voter’s current name and residence address:

- A North Carolina driver license or photo identification issued by a government agency;
- A copy of a current utility bill, bank statement, government check, paycheck, or other government document showing the applicant’s current name and current residence address; OR
- Additional documents or methods authorized by the State Board.

The applicant may present either the original document or a copy of that document in hardcopy or electronic format. See <http://dl.ncsbe.gov/index.html?prefix=sboe/numbermemo/2016/> and click Numbered Memo [2016-15](#) for additional information and examples of acceptable documents.

## 2.5 VOTER REGISTRATION DRIVES

Voter registration is fundamental to elections. Assisting qualified citizens in becoming registered voters and involving them in the democratic process is a worthy cause and carries with it certain responsibilities. Candidates and their campaigns *may* distribute voter registration applications and conduct voter registration drives. Voter registration applications may be picked up in county boards of elections offices in quantities up to 500. Larger quantities may be requested from the State Board. Anyone conducting a voter registration drive must adhere to the following guidelines:

- You must provide individuals with current, state-approved voter registration forms. These forms may be ordered from the State Board of Elections (if quantities are over 500) by filling out and signing a NC Voter Registration Supplies Order Form and faxing it to the number on the form or picked up from county boards of elections’ offices (if quantities are below 500). Drive organizers should NOT make copies of the voter registration form available on our website.
- You must refrain from coercing, threatening, or intimidating any person engaged in the registration or voting process.
- You should encourage individuals to complete the entire form. You must refrain from altering any information placed on the form without the permission of the person registering. To do so is a Class 2 misdemeanor.
- If assisting a person in filling out a voter registration form, you must place information on the form that accurately reflects the intent and direction of the person.
- You must not offer a person a voter registration form that has been pre-marked unless the person receiving the form has requested the pre-marking. You must not offer a person a voter registration form that has a party affiliation premarked unless the person receiving the form has requested the premarking. To do so is a Class 2 misdemeanor.

- You may not refuse to accept completed voter registration forms.
- You must not be compensated based on the number of forms submitted for assisting persons in registering to vote. To do so is a Class 2 misdemeanor.
- You must not compensate another or accept compensation based on the number of returned written requests for absentee ballots. To do so is a Class I felony.
- **You are strongly encouraged to submit completed voter registration forms and any accompanying documentation to the county board of elections in the county in which the applicant resides within 5 business days of receiving the forms. You must return the forms so they are received no later than the 25th day before an election. Failure to do so is a Class 2 misdemeanor.**

Applications received by the State Board of Elections will be routed to the proper county board of elections, but voter registration drive organizers are strongly encouraged to route completed applications directly to applicants' proper county board of elections to ensure timely processing.

## 2.6 CAPTURING VOTERS' PERSONAL IDENTIFYING INFORMATION IS UNLAWFUL

No person may capture from a voter's full or partial social security number, date of birth, electronic mail address, photocopies of identification for voting, and drivers license number of that may be generated in the voter registration process. This information whether held by either the State Board of Elections or a county board of elections is confidential and shall not be considered public records or subject to disclosure to the general public. Cumulative data based on those items of information may be publicly disclosed as long as information about any individual cannot be discerned from the disclosed data.

Further, it is a misdemeanor for any person who is not an election 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 to vote, or any electronic mail address, or driver license number from any form after submission of the form to the county board of elections or elections official.

## 2.7 VOTER CHALLENGES

### General Information

In the absence of affirmative proof, the presumption is that a voter is properly registered or affiliated. Each challenge must be made separately, in writing, under oath, and on the Voter Challenge Form. The challenger must show that he or she knows, suspects, or reasonably believes the voter is not qualified or entitled to vote and must attach any evidence to support the challenge. A challenge may only be filed for the reasons listed on this form. Any other reason is not grounds for a challenge.

The challenge process is set out in [Article 8 of Chapter 163](#).

### Challenges Other Than on Election Day

Any registered voter in the county may challenge the right of any person to register, remain registered, or vote in the county. The challenge must be filed with the county board of elections before the 25th day before the primary, general, or special election.

The county board of elections will hold a preliminary hearing on the challenge. The burden of proof is on the challenger and if the challenger presents no evidence the county board will dismiss the challenge. If the county board of elections finds there is probable cause for the challenge, it will schedule a hearing and notify the challenger, challenged voter, and other parties that have requested notice.

### Election Day Challenges

Any registered voter in the county may file a voter challenge on Election Day. The challenge is filed at the time the registered voter offers to vote and is made at the precinct.

An Election-Day challenge will be heard and decided by the chief judge and judges of election at the precinct.

### Absentee Challenges

Any registered voter of the same precinct as the absentee voter may challenge the voter's absentee ballot. The challenge shall be filed at the county board of elections or with the chief judge of the precinct in which the challenger and the absentee voter are registered between noon and 5:00 p.m. on Election Day. For absentee ballots received after 5:00 p.m. on Election Day, the challenge shall be filed between noon on the

day after the election to 5:00 p.m. on the next business day following the deadline for receipt of such ballots. One-stop absentee ballots may also be challenged at a one-stop site or during one-stop voting at the county board office and may also be made by a person conducting one-stop voting.

Absentee challenges are heard and decided by the county board of elections on the day set for the canvass of the returns.

**Special Note for Residency Challenges AND Challenges Filed Within 90 Days Before Election**

Pursuant to *NC Conf. of NAACP v. State Board*, 1:16-CV-01274, 2018 WL 3748172 (M.D.N.C. Aug. 7, 2018), voter challenges based on the following grounds are NOT PERMITTED, and no hearing will be held if based on the voter's:

- change of residency; or
- other qualifications without individualized evidence specific to the voter, if filed within 90 days before a federal election.

**Do not file a voter challenge based on these grounds.** If you file a voter challenge within 90 days before a federal election, you must submit reliable first-hand evidence specific to the voter being challenged. Database matches do not constitute individualized evidence.

### 3 VOTING IN NORTH CAROLINA

Candidates should be aware of the options for voting in North Carolina.

#### 3.1 VOTING METHODS

There are three methods by which a registered voter may cast a ballot in North Carolina:

ABSENTEE BY-MAIL	ABSENTEE ONE-STOP VOTING	ELECTION DAY
Absentee voting by-mail permits any registered voter to request, receive and return a ballot by mail. Absentee ballots for the March primary election will be available as of <b>January 13, 2020</b> . If a second primary is necessary, absentee ballots will be available as soon as practicable if the election is in April. If the second primary is in May, absentee ballots will be available as of <b>March 23, 2020</b> . Absentee ballots for the general election in November will be available as of <b>September 4, 2020</b> .	Absentee One-Stop Voting – or “early voting” – permits a person to request an absentee ballot in-person, receive the ballot and cast the ballot at any one-stop site in the county. The early voting period begins on the third Thursday prior to the date of an election and ends on the last Saturday before Election Day.  During the early voting period, voting locations vary by county. Voters should check the one-stop absentee schedule in their county to determine specific hours for each early voting site. The schedule for early voting is typically posted by the start of the period for absentee voting by mail.	The hours for voting on Election Day are <b>6:30 AM to 7:30 PM</b> . Any voter who is in line at 7:30 PM will be allowed to vote. On Election Day, registered voters should vote in their assigned precincts to receive the correct ballot style. A voter's precinct is assigned according to the address where the voter has resided for 30 or more days prior to the date of an election.  Voters who present to vote at a polling site other than their assigned precinct, will be offered a provisional ballot. The county board of elections will review all provisional applications and use current North Carolina law to determine whether to count part or all of the ballot.

#### 3.2 IN-PERSON VOTING PROCEDURES

Persons may vote in-person at early voting sites during the one-stop absentee voting period or at a voting site on Election Day. The *in-person* voter will enter the voting enclosure and be asked by a precinct official to state his or her current name and residence address. In a primary election, the voter is also asked to state the political party with which he or she is affiliated. An unaffiliated voter must state which party's primary ballot he or she wishes to vote. In addition, beginning in 2020, all voters will be asked to present an acceptable Photo ID. The election official will examine the registration list to determine the voter's eligibility to vote in the current election. The voter is required to sign an authorization to vote document, a one-stop application, poll book, or other voting record, after which, he or she and will be directed to cast the provided ballot.

### 3.2.1 VOTER ID INFORMATION

In 2020, voters who present in-person and by-mail absentee voters (except military and overseas citizens) will need to show a Photo ID. The table below shows the list of acceptable Photo ID types.

Expiration Requirement	ID Type
<b>Unexpired photo ID (or has only been expired for one year or less)</b>	<ul style="list-style-type: none"><li>• North Carolina drivers license.</li><li>• North Carolina DMV identification card</li><li>• United States passport</li><li>• North Carolina voter photo identification card</li><li>• Tribal enrollment card issued by a State or federal recognized tribe</li><li>• Student identification card (must be approved)</li><li>• State or local government employee identification card (must be approved)</li></ul>
<b>Unexpired Out-of-State photo ID (or has been expired for one year or less)</b>	<ul style="list-style-type: none"><li>• A drivers 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 is within 90 days of the election.</li></ul>
<b>Photo IDs that may be expired or have no expiration date</b>	<ul style="list-style-type: none"><li>• A military identification card issued by the United States</li><li>• A Veterans Identification Card issued by the United States</li></ul>

#### Voting in Person

Voters will be asked to show a photo ID when they present to vote at the Check-in Station (registration table)., If a voter does not show photo ID, they may vote provisionally. The provisional ballot will count the voter brings acceptable photo ID to the county board of elections office before 5:00 pm the day before the county canvass or if the voter signs an affidavit stating a **qualifying exception**.

#### Voting by Mail

Voters who vote by mail will asked to enclose a copy of their acceptable photo ID when they return their ballot. Voters who vote by mail and do not enclose a copy of their photo ID may sign an affidavit stating a **qualifying exception**. Voters who do not enclose a copy of their ID or enclose a copy of their photo ID when they return their ballot may have their ballot counted if they bring acceptable photo ID to the county board of elections before 5:00 p.m. on the day before the county canvass.

#### Qualifying Exceptions

The following exceptions are provided for voters who does not produce an acceptable form of photo ID:

- If the voter has a religious objection to being photographed;
- If the voter has a reasonable impediment that prevents the voter from obtaining a photo ID (or, for voters who vote by mail, a reasonable impediment that prevents the voter from enclosing a copy of their photo ID);
- If the voter is a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of this State

#### Free Voter Photo ID Card

Voter may obtain a free photo ID at their county board of elections office at any time the office is open, except for the period from the end of one-stop early voting through Election Day. In 2020, the dates when free Photo IDs may not be issued are:

- Sunday, March 1 to Tuesday, March 3
- Sunday, November 1 to Tuesday, November 3

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### 3.2.2 VOTER ASSISTANCE

Any voter is entitled to assistance from the voter's near relatives, which state law defines as the voter's spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by the voter. The voter need not be disabled to receive such assistance.

A voter in any the following categories is entitled to assistance from a person of the voter's choice, excluding the voter's employer or agent of that employer or an officer or agent of the voter's union:

- A voter who, due to physical disability, is unable to enter the voting booth without assistance.
- A voter who, due to physical disability, is unable to mark a ballot without assistance.
- A voter who, due to illiteracy, is unable to mark a ballot without assistance.
- A voter who, due to blindness, is unable to enter the voting booth or mark a ballot without assistance.

Voters who request assistance at one-stop voting sites are entitled to the same assistance as voters on Election Day. There is no prohibition against a candidate assisting a voter if the voter is entitled to assistance. There is also no prohibition against a person assisting multiple voters if those voters are entitled to assistance.

See <http://dl.ncsbe.gov/index.html?prefix=sboe/numbermemo/2016/> and click Numbered Memo [2016-16](#) for additional information.

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### 3.2.3 CURBSIDE VOTING

A qualified voter who is able to travel to a voting place, but is unable to enter the voting enclosure to vote in person without assistance (whether because of age or physical disability or physical barriers at the voting place) is allowed to vote in the vehicle that conveyed him or her to the site. Every One-Stop site and Election Day polling place provides spaces outside the voting place dedicated to curbside voting. Curbside voters may be assisted in their vehicles according to the same standards that apply to voters who present inside a voting place.

Curbside voters will also be required to show acceptable Photo ID, with the same exceptions outlined above.

## 3.3 ABSENTEE VOTING BY-MAIL PROCEDURES

Any North Carolina registered voter who is qualified to vote in an election may request and receive a mail-in absentee ballot for any election in which absentee voting is allowed. No special circumstance or reason is needed to receive and vote a mail-in absentee ballot. For non-military/overseas voters, an absentee ballot must be requested for each election in which a voter desires to vote absentee by-mail. Military or overseas voters have special rights under the *Uniform and Overseas Citizens Absentee Voting Act* (UOCAVA). See [www.fvap.gov](http://www.fvap.gov) for more information on military and overseas citizens absentee voting.

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### 3.3.1 REQUESTING AN ABSENTEE BALLOT

To receive a mail-in absentee ballot for an election, a voter or the voter's near relative (spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild) or legal guardian must use the [State Absentee Ballot Request Form](#) to request the ballot. Voters who are blind or disabled, or who cannot read or write may receive assistance in completing the request form. If the assistance is provided by someone other than a near relative or legal guardian, that person's name and address must be listed on the *State Absentee Ballot Request Form*. Complete request forms may only be delivered to the county board of elections by one of the following:

- the voter
- the voter's near relative or verifiable legal guardian
- a member of a bipartisan assistance team (MAT)



A request for absentee ballots is not valid if any of the following apply:

- The completed written request is not on the [State Absentee Ballot Request Form](#).
- The completed written request is completed, partially or in whole, or signed by anyone other than the voter, the voter's near relative or verifiable legal guardian, or a MAT member.
- The written request does not contain all of the required information.
- The completed written request is returned to the county board by someone who is not authorized to return the request.

[State Absentee Ballot Request Forms](#) are available on the State Board's website, [www.NCSBE.gov](http://www.NCSBE.gov), or on county boards of elections' websites. A copy of the form may also be obtained from board of elections offices. It is permissible to make copies of the form for distribution. It is not permissible for candidates, campaigns, individuals or groups to create their own absentee ballot request form.

A signed and completed [State Absentee Ballot Request Form](#) must be received by the county board of elections office no later than 5:00 PM on the Tuesday prior to the date of the election for which the ballot is being requested. The form may only be delivered to the county board as follows: delivered in person by the voter, near relative, verifiable legal guard, or MAT team, or delivered by the U.S. Postal Service or designated delivery service authorized pursuant to 26 U.S.C. § 7502(f). Forms returned by any other person will not be processed. **Forms cannot be faxed or emailed.**

Requests that are received *after* the absentee request deadline will not be deemed timely, regardless of any postmark date. Requests forms that are delivered by the deadline to the State Board will be considered timely. In the interest of ensuring that county boards of elections are able to promptly process voters' absentee requests, we strongly recommend that forms be submitted to the appropriate county board of elections.

The table below shows the deadline by which a request for an absentee ballot for an election event in 2020 must be received:

Absentee Ballot Request Deadline	
<b>March Primary Election</b>	Tuesday, February 25, 2020 by 5:00 pm
<b>April Second Primary Election (Non-Federal)</b>	Tuesday, April 14, 2020 by 5:00 pm
<b>May Second Primary Election (Federal)</b>	Tuesday, May 5, 2020 by 5:00 pm
<b>November General Election</b>	Tuesday, October 27, 2020 by 5:00 pm

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### 3.3.2 COMPLETING THE STATE ABSENTEE BALLOT REQUEST FORM

When completing the [State Absentee Ballot Request Form](#) the following information is required:

- The name and address of the residence of the voter.
- The name and address of the voter's near relative or verifiable legal guardian if that individual is making the request.
- The address of the voter to which the application and absentee ballots are to be mailed if different from the residence address of the voter.
- One of the following types of identification numbers for the voter:
  - North Carolina drivers license;
  - North Carolina special identification card for nonoperators; or
  - last four social security number
- The voter's date of birth.
- The signature of the voter or of the voter's near relative or verifiable legal guardian, if that individual is making the request.
- A clear indicator of the date the election generating the request is to be held.

If a voter who is seeking a ballot for a partisan primary is registered as *unaffiliated*, the political party in whose primary the voter wishes to participate must be identified. This information enables the board of elections to determine which type of ballot to send to the voter. Finally, the voter or requestor must provide the address where the absentee balloting materials shall be mailed if different from the voter’s residential address.

Registered North Carolina voters (including his or her eligible dependents) absent due to military service or currently overseas may also complete the [State Absentee Ballot Request Form](#) to receive special absentee voting protections. Additional information for military and overseas voters is available on the State Board of Elections website ([www.ncsbe.gov](http://www.ncsbe.gov)) or the website of the Federal Voting Assistance Program ([www.FVAP.gov](http://www.FVAP.gov)).

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### 3.3.3 BALLOT AVAILABILITY

Once absentee ballots are available, the county board of elections will respond to a valid request by mailing an absentee ballot to the address provided on the request form. In 2020, absentee ballots will be available as of the following dates for each election event:

Civilian Absentee Ballot by-mail Receipt Deadline	
March Primary Election	Monday, January 13, 2020
November General Election	Friday, September 4, 2020

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### 3.3.4 VOTING AN ABSENTEE BALLOT

In the presence of two witnesses (or one witness if the witness is a Notary Public), the voter should mark the ballot, or if the voter is unable to mark the ballot, shall cause it to be marked according to the voter’s instructions. Any person who assisted the voter must also sign and date the certificate in the proper place on the envelope.

Once the ballot is marked, the voter or a person assisting the voter must:

- 1) must submit a copy of the voter’s photo ID or an alternative affidavit (reasonable impediment, religious objection, or natural disaster)
- 2) seal the ballot and document in the container-return envelope and
- 3) complete the [Absentee Application and Certificate](#) on the ballot container-return envelope.

The voter’s two witnesses must, after observing that the voter marking the ballot<sup>3</sup>, complete and sign the envelope in the space designated as *Witnesses’ Certification*. If a voter used the services of a Notary Public as a sole witness, the notary will sign the *Alternative Notary-Witness Certification*. A notary is not permitted to charge a fee for witnessing an absentee ballot. G.S. § 10B-30.

The following individuals are prohibited from serving as a witness on an absentee ballot:

- A person who is under 18;
  - An individual who is a candidate for nomination or election to such office, unless the voter is the candidate’s [near relative](#);
- or

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<sup>3</sup> A witness should not observe so closely that he or she is able to see what votes the voter marked. What is required is that the witness sees the that the voter is voting the ballot

Additionally, if the voter is a patient or resident of a hospital, clinic, nursing home, or rest home, the following people are *also* prohibited from serving as a witness on the absentee ballot:

- An owner, manager, director, employee of the hospital, clinic, nursing home, or rest home in which the voter is a patient or resident;
- An individual who holds any elective office under the United States, this State, or any political subdivision of this State;
- An individual who holds any office in a State, congressional district, county, or precinct political party or organization, or who is a campaign manager or treasurer for any candidate or political party; provided that a delegate to a convention shall not be considered a party office.

#### Voter ID Requirements:

The voter must submit a copy of his or her photo ID or an alternative affidavit (reasonable impediment, religious objection, or natural disaster) with the container-return envelope. The prior law allowed the option to submit a copy of the voter’s photo ID or an alternative affidavit with the absentee ballot request form.

Photocopies of voters’ photo IDs are confidential and are not considered public records.

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### 3.3.5 RETURNING THE VOTED BALLOT

For civilian absentee voters, once the [Absentee Application and Certificate](#) is fully executed with all relevant signatures, the voted ballot (placed inside the container-return envelope) must be returned to the county board of elections no later than **5:00 PM** on Election Day.

Absentee ballots received after 5:00 PM on Election Day will be timely *only* if they are received by mail no later than 5:00 PM on the third day following the date of the election, and bear a postmark that is dated on or before Election Day. The table below notes the dates for the “by-mail” exception to the absentee ballot return deadline.

Civilian Absentee Ballot By-mail Receipt Deadline
<b>March Primary Election:</b> Friday, March 6, 2020
<b>April Second Primary Election:</b> Friday, April 24, 2020
<b>May Second Primary Election:</b> Friday, May 15, 2020
<b>November General Election:</b> Friday, November 6, 2020

The envelope may be mailed or delivered in person to either the county board of elections office or to an open one-stop absentee voting site during the early voting period. However, only the voter or the voter’s near relative may take possession of the absentee ballot for purposes of returning the ballot to the board of elections.

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### 3.3.6 ABSENTEE BALLOT CHALLENGES

The absentee ballot of any voter may be challenged on the day of an election no earlier than noon and ending no later than 5:00 PM. Any registered voter of the same precinct as the challenged voter may challenge that voter's absentee ballot. G.S. § 163-89. The burden of proof is on the challenger. Each challenged absentee ballot must be challenged separately.

Each challenged ballot shall be challenged separately, in writing, and on the challenge form provided by the State Board of Elections. The challenge shall be filed with the county board of elections or the chief judge of the precinct in which the challenger and absentee voter are registered. The challenge shall specify the reason(s) the ballot does not comply with North Carolina law or the reason the absentee voter is not legally entitled to vote in the particular primary or election.

All absentee ballot challenges are heard by the county board of elections on the day set for the canvass of the returns.

**§ 163-89. Procedures for challenging absentee ballots.**

(a) Time for Challenge. – The absentee ballot of any voter may be challenged on the day of any statewide primary or general election or county bond election beginning no earlier than noon and ending no later than 5:00 P.M., or by the chief judge at the time of closing of the polls as provided in G.S. 163-232 and G.S. 163-258.26(b). The absentee ballot of any voter received by the county board of elections pursuant to G.S. 163-231(b)(ii) or (iii) may be challenged no earlier than noon on the day following the election and no later than 5:00 p.m. on the next business day following the deadline for receipt of such absentee ballots.

(b) Who May Challenge. – Any registered voter of the same precinct as the absentee voter may challenge that voter's absentee ballot.

(c) Form and Nature of Challenge. – Each challenged absentee ballot shall be challenged separately. The burden of proof shall be on the challenger. Each challenge shall be made in writing and, if they are available, shall be made on forms prescribed by the State Board of Elections. Each challenge shall specify the reasons why the ballot does not comply with the provisions of this Article or why the absentee voter is not legally entitled to vote in the particular primary or election. The challenge shall be signed by the challenger.

(d) To Whom Challenge Addressed; to Whom Challenge Delivered. – Each challenge shall be addressed to the county board of elections. It may be filed with the board at its offices or with the chief judge of the precinct in which the challenger and absentee voter are registered. If it is delivered to the chief judge, the chief judge shall personally deliver the challenge to the chairman of the county board of elections on the day of the county canvass.

(e) Hearing Procedure. – All challenges filed under this section shall be heard by the county board of elections on the day set for the canvass of the returns. All members of the board shall attend the canvass and all members shall be present for the hearing of challenges to absentee ballots.

Before the board hears a challenge to an absentee ballot, the chairman shall mark the word "challenged" after the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters. The board then shall hear the challenger's reasons for the challenge, and it shall make its decision without opening the container-return envelope or removing the ballots from it.

The board shall have authority to administer the necessary oaths or affirmations to all witnesses brought before it to testify to the qualifications of the voter challenged or to the validity or invalidity of the ballot.

If the challenge is sustained, the chairman shall mark the word "sustained" after the word "challenged" following the voter's name in the register of absentee ballot applications and ballots issued and in the pollbook of absentee voters; the voter's ballots shall not be counted; and the container-return envelope shall not be opened but shall be marked "Challenge Sustained." All envelopes so marked shall be preserved intact by the chairman for a period of six months from canvass day or longer if any contest then is pending concerning the validity of any absentee ballot.

If the challenge is overruled, the absentee ballots shall be removed from the container-return envelopes and counted by the board of elections, and the board shall adjust the appropriate abstracts of returns to show that the ballots have been counted and tallied in the manner provided for unchallenged absentee ballots.

If the challenge was delivered to the board by the chief judge of the precinct and was sustained, the board shall reopen the appropriate ballot boxes, remove such ballots, determine how those ballots were voted, deduct such ballots from the returns, and adjust the appropriate abstracts of returns.

Any voter whose ballots have been challenged may, either personally or through an authorized representative, appear before the board at the hearing on the challenge and present evidence as to the validity of the ballot.

## 3.4 PROVISIONAL VOTING SUMMARY

A provisional ballot is offered to voters when there are questions about:

- a voter's qualification to vote;
- the voter's eligibility to vote in a particular election; or
- the voter's eligibility to vote a particular ballot style.

The determination of whether a provisional voter's ballot will be counted is contingent upon the verification of the voter's eligibility to vote the ballot. Provisional research is conducted after each election to determine whether the provisional ballots cast are eligible to be counted. The decision whether to approve any provisional ballot is made by the members of the county boards of elections before the results of the election are finalized at the time of the county canvass.

Provisional voting is fail-safe voting; no one who wishes to vote is turned away. A person who presents to vote but whose eligibility is in question is always given the opportunity to cast a provisional ballot the same day.

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### 3.4.1 PROVISIONAL PROCEDURES

When a person enters the voting enclosure and presents to vote at the "**Check-in Station**" or registration table, if the voter cannot be offered a regular ballot because of reasons like: a person's name was not found in the pollbook; a registered voter moved more than 30 days prior to the date of the election and did not report the move to the board of elections; a registered voter does not have any eligible contests in which to vote in the current election; the registered voter did not present acceptable photo identification; or some other reason, the check-in official will direct the voter to the "**Help Station**" to receive guidance in casting a provisional ballot.

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#### 3.4.1 PROVISIONAL VOTING AND PHOTO ID

In 2020, a person seeking to vote in-person will need to show an acceptable type of photo identification before being issued a regular ballot. For voters who cannot produce acceptable identification, the registered voter may cast a provisional ballot. The provisional ballot will be counted if the registered voter:

(1) brings an acceptable form of photo identification to the county board elections by 5:00 p.m. on the business day prior to the canvass by. The voter casting a provisional ballot due to failure to provide photo identification will be given an instruction sheet on the deadline to return to their county board of elections to present photo identification and what forms of photo identification are acceptable, in order for the voter's provisional ballot to be counted; or

(2) signs an affidavit under penalty of perjury stating one of the following qualifying exceptions:

- the voter has a religious objection to being photographed;
- the voter has a reasonable impediment that prevents the voter from presenting photo identification. Reasonable impediments include:
  - Lack of transportation;
  - Disability or illness;
  - Lack of birth certificate or other underlying documents required to get an ID;
  - Work schedule;
  - Family responsibilities;
  - Lost or stolen photo identification;
  - Photo identification applied for but not yet received by the registered voter; or
  - Other impediment.
- the voter is a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of North Carolina.

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### 3.4.2 PROVISIONAL VOTING PACKET

An election official at the **Help Station** will help the voter complete a *Provisional Voting Application* and, if applicable, also complete an alternative affidavit based failure to show acceptable photo ID, and will then issue the voter a provisional ballot and envelope. The voter will be instructed to:

1. vote the ballot in private;
2. seal the voted ballot in the provisional envelope and;
3. return the sealed envelope to the **Help Station**.

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### 3.4.3 PROVISIONAL VOTER INSTRUCTIONS

The **Help Station** election official will further:

1. provide the voter a provisional identification number (PIN);
2. provide the voter instructions on how to use the PIN and the voter's date of birth to check the status of his or her provisional ballot application after election day;
3. inform the voter that the application status will not be available until at least ten days after the date of the election; and
4. inform the voter of what steps, if any, the voter may take to assist with approval of the application. For example, if the reason for casting the provisional ballot was due to failure to show an acceptable photo ID, and the voter did not affirm one of the exceptions to showing a photo ID, the voter will be instructed to bring acceptable form of photo identification to their county board of elections office before close of business on the day before the county canvass.

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### 3.4.4 PROVISIONAL VOTING REASONS

There are multiple reasons a voter may need to cast a provisional ballot:

PROVISIONAL VOTING REASON	EXPLANATION
<b>No Record of Registration</b>	Used when no record of registration for the voter can be found in the voter record.
<b>Unreported Move</b>	Used when a voter provides an address within the county of his or her registration that is different than the voter's current registration address, and the voter indicates that he or she moved to the new address 30 or more days prior to Election Day.
<b>Previously Removed</b>	Used when it is determined that a voter was previously registered in the county but the voter's registration was cancelled for some reason. A voter's registration may be cancelled due to any number of reasons (moved within state; moved to another state; felony conviction; removed due to list maintenance; sustained challenge; deceased, etc.)
<b>Unrecognized Address (Geocode Issue)</b>	Used when the precinct official or early voting worker is unable to locate the address stated by the voter in the county's street lookup files.
<b>Incorrect Precinct</b>	Used when a voter is requesting to vote at a polling place on Election Day that is not the polling place for the voter's proper precinct. The voter's proper precinct is the precinct assigned to the voter based on the voter's address at least 30 days prior to Election Day.
<b>Incorrect Party</b>	Used only in a partisan primary election when a voter requests to vote a ballot for a party other than the party with which the voter appears to be affiliated.
<b>Voter Already Voted</b>	Used if the voter record indicates that the voter presenting to vote has already cast a ballot in the election.

PROVISIONAL VOTING REASON	EXPLANATION
<b>Jurisdiction Dispute</b>	Used if a voter presents to vote and has no eligible ballot style or the voter requests to vote for an election contest that is not in the voter's assigned voting district based on their legal voting residence
<b>Voted During Extended Hours</b>	Used if the hours for voting are extended by the State Board of Elections or a court order.
<b>ID Not Provided - Natural Disaster</b>	Used if a registered voter does not produce an acceptable form of photo identification due to being a victim of a natural disaster occurring within 100 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of this State.
<b>ID Not Provided - Reasonable Impediment</b>	Used if a registered voter does not produce an acceptable form of photo identification because the registered voter suffers from a reasonable impediment that prevents the registered voter from presenting photograph identification.
<b>ID Not Provided - Religious Objection</b>	Used if a registered voter does not produce an acceptable form of photo identification due to a religious objection to being photographed.
<b>ID Not Provided</b>	Used if voter did not present an acceptable photo ID and did not assert a reason for an exemption to showing a photo ID.
<b>ID Provided - Expirations Requirements Not Met</b>	Used if a voter produced an acceptable form of photograph identification, but the ID did not meet the expiration requirements.
<b>ID Provided - Name Not Substantially Equivalent</b>	Used if a voter produced an acceptable form of photograph identification, but the judges of election unanimously agreed the name on the ID was not the same or substantially equivalent to the name in the pollbook.
<b>ID Provided - Nonreasonable Resemblance</b>	Used if a voter produced an acceptable form of photo identification, but the judges of election unanimously agreed that the photograph on the ID did not bear a reasonable resemblance to the person presenting to vote.
<b>ID Provided - Wrong Type</b>	Used if a voter produced a form of photograph identification that was <i>not acceptable</i> .

#### 3.4.5 PROVISIONAL RESEARCH

Before the election results are officially canvassed, provisional ballots are researched to determine whether they are eligible to be fully counted or partially counted. Elections officials at the voting sites return all provisional envelopes to the county board of elections. County board of elections staff research the underlying issue(s) and report their findings to the county board of elections members. Decisions are made by the board members prior to finalizing election results. If a provisional application is approved, the ballot will be removed from the sealed envelope and be fully counted or partially counted, depending upon the voter's eligibility. Ballots are partially counted if the voter is not entitled to vote for all of the contests on the ballot. If a provisional application is not approved, the ballot will remain sealed in its envelope.

#### 3.4.6 PROVISIONAL DATA FILES

A record of provisional transactions for an election event may be found on the State Board of Elections website, at <http://dl.ncsbe.gov/index.html?prefix=ENRS/> (Look for the election event date and then the zip files entitled "provisional"). Provisional transactions for an election event become available the day after Election Day and will continue to be updated until the day of the election's county canvass.

All election results on election night are unofficial. Election results are not made official until all relevant canvasses are completed (the county canvass for local contests and the state canvass for multicounty or statewide contests)

#### ABSENTEE BALLOTS

Absentee ballots (including one-stop absentee ballots) are counted at 5:00 PM on Election Day; in some cases, they may be counted as early as 2:00 PM. County boards of elections will not release absentee results until after the close of the polls. Absentee ballots that are timely received *after* election day, will be counted at or prior to the county's canvass meeting.

#### ELECTION DAY BALLOTS

Ballots cast on election day are counted after the close of the polls. Polls close at 7:30 PM.

#### PROVISIONAL BALLOTS

Provisional ballots are researched after Election Day. If the provisional voter is determined to be eligible, his or her ballot will be counted at or prior to the county's canvass meeting.

#### § 163-182.1. Principles and rules for counting official ballots.

(a) General Principles That Shall Apply. – The following general principles shall apply in the counting of official ballots, whether the initial count or any recount:

- (1) Only official ballots shall be counted.
- (2) No official ballot shall be rejected because of technical errors in marking it, unless it is impossible to clearly determine the voter's choice.
- (3) If it is impossible to clearly determine a voter's choice in a ballot item, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which the voter's choice can be clearly determined.
- (4) If an official ballot is marked in a ballot item with more choices than there are offices to be filled or propositions that may prevail, the official ballot shall not be counted for that ballot item, but shall be counted in all other ballot items in which there is no overvote and the voter's choice can be clearly determined.
- (5) If an official ballot is rejected by a scanner or other counting machine, but human counters can clearly determine the voter's choice, the official ballot shall be counted by hand and eye.
- (6) Write-in votes shall not be counted in party primaries or in referenda, but shall be counted in general elections if all of the following are true:
  - a. The write-in vote is written by the voter or by a person authorized to assist the voter pursuant to G.S. 163-166.8.
  - b. The write-in vote is not cast for a candidate who has failed to qualify under G.S. 163-123 as a write-in candidate.
  - c. The voter's choice can be clearly determined.
- (7) Repealed by Session Laws 2013-381, s. 32.2, effective January 1, 2014.

(b) Procedures and Standards. – The State Board of Elections shall adopt uniform and nondiscriminatory procedures and standards for voting systems. The standards shall define what constitutes a vote and what will be counted as a vote for each category of voting system used in the State. The State Board shall adopt those procedures and standards at a meeting occurring not earlier than 15 days after the State Board gives notice of the meeting. The procedures and standards adopted shall apply to all elections occurring in the State and shall be subject to amendment or repeal by the State Board acting at any meeting where notice that the action has been proposed has been given at least 15 days before the meeting. These procedures and standards shall not be considered to be rules subject to Article 2A of Chapter 150B of the General Statutes. However, the State Board shall publish in the North Carolina Register the procedures and standards and any changes to them after adoption, with that



publication noted as information helpful to the public under G.S. 150B-21.17(a)(6). Copies of those procedures and standards shall be made available to the public upon request or otherwise by the State Board. For optical scan and direct record electronic voting systems, and for any other voting systems in which ballots are counted other than on paper by hand and eye, those procedures and standards shall do both of the following:

(1) Provide for a sample hand-to-eye count of the paper ballots of a statewide ballot item in every county. The presidential ballot item shall be the subject of the sampling in a presidential election. If there is no statewide ballot item, the State Board shall provide a process for selecting district or local ballot items to adequately sample the electorate. The State Board shall approve in an open meeting the procedure for randomly selecting the sample precincts for each election. The random selection of precincts for any county shall be done publicly after the initial count of election returns for that county is publicly released or 24 hours after the polls close on election day, whichever is earlier. The sample chosen by the State Board shall be of one or more full precincts, full counts of mailed absentee ballots, full counts of one or more one-stop early voting sites, or a combination. The size of the sample of each category shall be chosen to produce a statistically significant result and shall be chosen after consultation with a statistician. The actual units shall be chosen at random. In the event of a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count shall control, except where paper ballots have been lost or destroyed or where there is another reasonable basis to conclude that the hand-to-eye count is not the true count. If the discrepancy between the hand-to-eye count and the mechanical or electronic count is significant, a complete hand-to-eye count shall be conducted.

(2) Provide that if the voter selects votes for more than the number of candidates to be elected or proposals to be approved in a ballot item, the voting system shall do all the following:

- a. Notify the voter that the voter has selected more than the correct number of candidates or proposals in the ballot item.
- b. Notify the voter before the vote is accepted and counted of the effect of casting overvotes in the ballot item.
- c. Provide the voter with the opportunity to correct the official ballot before it is accepted and counted

#### 4.1 COUNTY CANVASS

The county canvass meeting is the meeting that culminates in a county’s election results becoming official. The county canvass meeting is conducted 10 days after Election Day. During the 10-day canvass period, county boards of elections will also count eligible civilian, military or overseas absentee ballots that are received after Election Day. Until the county canvass, all election results posted by the county or by the State Board of Elections are unofficial.

These are the specific dates for the 2020 county canvass meetings:

Election Event	County Canvass
<b>March Primary Election</b>	March 13, 2020, at 11 a.m.
<b>November General Election</b>	November 13, 2020, at 11 a.m.

#### 4.2 STATE CANVASS

National offices, state offices, multi-county legislative offices, superior court judge, district court judge, district attorney, and statewide and multi-county referenda contests must be canvassed by the State Board. Local contests, for election districts that are in more than one county, including cities, towns or villages that lie in more than county, must also be canvassed by the State Board. All contests are authenticated by the State Board. The date for the state canvass of any primary or second primary will be set by the State Board closer to the time of the election event. The date of the state canvass for the November general election is **Tuesday, November 24, 2020** at 11:00 AM.

#### § 163-182.5. Canvassing votes.

(a) The Canvass. – As used in this Article, the term "canvass" means the entire process of determining that the votes have been counted and tabulated correctly, culminating in the authentication of the official election results. The board of elections conducting a canvass has authority to send for papers and persons and to examine them and pass upon the legality of disputed ballots.

(b) Canvassing by County Board of Elections. – The county board of elections shall meet at 11:00 A.M. on the tenth day after every election to complete the canvass of votes cast and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. If, despite due diligence by election officials, the initial counting of all the votes has not been completed by that time, the county board may hold the canvass meeting a reasonable time thereafter. The canvass meeting shall be at the county board of elections office, unless the county board, by unanimous vote of all its members, designates another site within the county. The county board shall examine the returns from precincts, from absentee official ballots, from the sample hand-to-eye paper ballot counts, and from provisional official ballots and shall conduct the canvass.

(c) Canvassing by State Board of Elections. – After each general election, the State Board of Elections shall meet at 11:00 A.M. on the Tuesday three weeks after election day to complete the canvass of votes cast in all ballot items within the jurisdiction of the State Board of Elections and to authenticate the count in every ballot item in the county by determining that the votes have been counted and tabulated correctly. After each primary, the State Board shall fix the date of its canvass meeting. If, by the time of its scheduled canvass meeting, the State Board has not received the county canvasses, the State Board may adjourn for not more than 10 days to secure the missing abstracts. In obtaining them, the State Board is authorized to secure the originals or copies from the appropriate clerks of superior court or county boards of elections, at the expense of the counties.

## 5 CAMPAIGN ETIQUETTE

### 5.1 NO ELECTIONEERING NEAR THE FRONT ENTRANCE TO A VOTING SITE

No electioneering may occur within the area immediately outside of the front entrance of a voting place. This area will be marked by signage to designate the area of the "buffer zone," which is typically 50 feet from the front entrance but in any case must be at least 25 feet from the front entrance. Persons may not engage in electioneering in this restricted area. If a political sign is placed in this restricted area, it will be removed. Every voting site will offer curbside voting in a designated area, to allow voters with disabilities to cast their vote in a vehicle. If curbside voting is located outside of the "buffer zone," electioneering restrictions will be in place to ensure the privacy of curbside voters. For more information about the area in which electioneering is restricted for a specific voting site, please contact your county board of elections office.

### 5.2 ISSUES OR COMPLAINTS AT VOTING SITES

Any issue or complaint relating to a voting site should first be brought to the attention of the polling place's chief judge (or, in the case of a One-Stop early voting site, the manager of the voting site). If the issue cannot be resolved by the election official at the voting site, the relevant county board of elections office should be contacted.