



The National Voter Registration Act Agency Procedures in North Carolina

This is an easy resource guide for the agencies in North Carolina who must provide voter registration services to their clients or customers under the National Voter Registration Act of 1993 (NVRA). This document explains the processes and procedures used in North Carolina to implement the NVRA.

The NVRA is a federal statute that mandated dramatic changes to states' voter registration procedures. The NVRA has often been called the "motor voter" bill because it required driver's license offices to take applications for voter registration; however, it also included other agencies that are mandated to also offer voter registration services to its clients. This training resource is for those "other" NVRA agencies.

The "other" agencies that are responsible for offering voter registration services include:

- Agencies that offer public assistance services (Source 01)
- Agencies that offer disability services (Source 02)
- Agencies that offer unemployment services (Source 03)

Coordination of NC's NVRA Program: The Role of the State Board of Elections

The Executive Director of the **North Carolina State Board of Elections (SBOE)** is the **Chief State Election Official** for purposes of administering the NVRA. North Carolina's NVRA Program places a strong emphasis on building partnerships with the diverse and varied NVRA agencies throughout North Carolina who are tasked with NVRA responsibilities. In the administration of this state's NVRA Program, the Executive Director of the State Board of Elections partners with the following divisions within the **North Carolina Department of Health and Human Services**:

- Social Services
- Public Health
- Medical Assistance
- Mental Health, Developmental Disabilities, and Substance Abuse
- Services for the Blind
- Services for the Deaf and the Hard of Hearing
- State Operated Healthcare Facilities
- Vocational Rehabilitation Services

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agencies all over the state, as well as the regional offices for several of the state agencies. These local NVRA agencies also work directly with this state's **100 county boards of elections**.

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NVRA Processes and Coordinated Partnerships

Summary of NVRA Partner Roles:

- The Executive Director of the **State Board of Elections**, through SBOE staff, provides the training, forms, and the support needed by NVRA agencies and the county boards of elections to properly administer the NVRA Program.
- The **NVRA Agencies** offer voter registration services to persons applying for services and transmit completed voter registration applications to the county boards of elections.
- The **100 county boards of elections** process the applications and ensure that applicants are properly registered.
- The processed applications are received into the state's statewide voter registration database system administered by the **State Board of Elections**.

Duties of NVRA Agencies

The statutory duties of NVRA agencies are to:

- Offer voter registration services
- Provide a statement of rights
- Avoid prohibited acts
- Keep declination information confidential
- Transmit completed forms

Offer Voter Registration Services

Under the NVRA, voter registration agencies **MUST** offer voter registration services to each person applying for service or assistance, renewing or recertifying eligibility, or submitting a change of address. In our NVRA Program, these interactions with agency applicants are referred to as **covered transactions**.

At the time of a covered transaction, NVRA agencies must ask a services applicant: **"If you are not registered to vote at the address where you now live, would you like to register to vote here today."** The question and "Yes" and "No" checkboxes must be made available to the

applicant on a form provided by the agencies. Agencies must also provide a voter registration application to the applicant, unless the person declines voter registration services in writing.

Provide Statement of Rights

The agencies must ensure that the form provided to clients has certain statements that explain their rights under the NVRA. The form must advise the applicant that his or her decision to accept or decline voter registration services will not affect the amount of assistance the person receives. The form must advise the applicant that he or she may receive help in completing the application if the applicant chooses. Finally, the form must advise the applicant of his or her right to file a complaint with the State Board of Elections if the applicant believes someone has interfered with his or her right to accept/decline voter registration services or to choose a party affiliation.

Avoid Prohibited Acts

Agency staff may not seek to influence an applicant's political preference or party registration, display any partisan or political materials, or discourage the applicant from registering to vote. The staff offering voter registration services may help an applicant complete the form, if the person asks for assistance. This includes answering general questions about how to complete the form. It is permissible to review the application after the applicant completes the form to ensure the client provided all required fields. The requirements of completing a voter registration application will be explained later.

Keep Declination Information Confidential

Under the NVRA, a client's decision to register to vote or to decline voter registration services is considered confidential.

Transmit Completed Forms

Voter registration applications completed at NVRA agencies (or turned in to an NVRA agency) must be transmitted within **five days** of when the application was received from the client.

In-Person Transactions

In-Person Transactions at NVRA Agencies

The next part of this resource guide will explain the NVRA procedures when a services client presents in-person to an agency for a covered transaction.

Covered Transactions

A NVRA **covered transaction** includes the initial application for service or assistance, as well as the recertification, renewal, or change of address form relating to such service or application. Thus, at any time a person presents in-person at an agency that offers public assistance, disability services, or unemployment services, the person must also be offered **voter registration services if the person is at the agency for a covered transaction.**

Persons Covered

NVRA agencies must offer voter registration services to anyone who is qualified to register or preregister to vote. These qualifications are:

- the person must be a U.S. citizen;
- the person must be at least 18 years of age on or before the date of the next general election to **register** to vote, or be at least 16 years of age to **preregister** to vote;
- the person must be a resident of North Carolina and the specific jurisdiction in which he or she will be presenting to vote;
- the person may not be currently be an **active** felon.

Based on these qualifications, agencies must offer voter registration services to persons as young as 16 years of age, but should not offer voter registration services to clients who are not United States citizens.

The NVRA Question

During the services interview, agency staff should ask their client the NVRA Question: *"If you are not registered to vote where you live now, would you like to apply to register to vote here today."*

Using the required language when offering voter registration services is important because voter registration in North Carolina is tied to the citizen's current address.

A person's current address defines the contests for which he or she is eligible to vote. In addition, even if a person is registered at their current address, it may be possible that the board of elections does not have their current **mailing** address. The North Carolina Voter Registration Application form contains both residential address information, as well as mailing address information for persons who do not receive mail at their residential address. It is sometimes necessary for boards of elections to notify voters by mail of upcoming changes involving an election event.

While it may be natural to shorten the question during conversation and ask: **"Are you registered to vote?"** or **"Do you want to register to vote,"** agency staff must read the NVRA Question. Thus, always ask: **"If you are not registered to vote where you live now, would you like to register to vote here today."**

Offer a Voter Registration Application

When agency staff asks the client the NVRA Question, agency staff must also present the services applicant a voter registration application form.

Offering a voter registration application to all covered clients is **new** to North Carolina's NVRA Program. With this new process, again, agency staff would ask each covered client the NVRA question **and** present the client with a voter registration application.

NVRA agencies have placed the preference statement and the required prominent language directly on their services applications. Thus, when a client is applying for covered services, the person can still **decline** voter registration services at the time they are presenting in person by signing the services application. If a client declines, agency staff instructs the client that he or she may simply keep the voter registration application form for future use.

If the client says “Yes”:

If the client accepts voter registration services, then the agency must offer assistance to the client and then assist the client with completing the application, if the client requests assistance. The agency must provide the same level of assistance with regard to the completion of the voter registration application form as the agency would provide with regard to the completion of its own forms for agency services. The required elements of a completed voter registration application are: full name, residential address, date of birth, indication of U.S. citizenship and the client's signature. Once the form is complete, the agency must accept the form and transmit it to the county local board of elections within five (5) business days.

If the client says “No”:

If the client declines voter registration services, then the agency should let the client know he or she may keep the voter registration application for future use in case the client changes his or her mind or needs to update his or her name or address at a later time.

No Preference Form Required

With this new policy, NVRA agencies should discontinue using the NVRA Preference form. The preference form is no longer needed because the NVRA declination question is now on an agency's actual application for service. In lieu of having clients sign a redundant preference form, North Carolina now universally extends the voter registration services provided to NVRA- agency clients by giving each client a voter registration application. The voter registration application is a two-sided form. The back of the form includes the National Voter Registration Act Statement setting forth a client's rights under NVRA. Thus, even if the client declines voter registration services during the in-person visit, the client may take the form home and review his rights at his own leisure. If the client later desires to register to vote or update any information on his existing voter record, he or she can return the application to the agency or mail it to the state board of elections.

In summary, the previously used NVRA Preference form is simply being replaced with the more comprehensive voter registration application form.

The New North Carolina Voter Registration Application

To recap, the North Carolina voter registration application has been modified to include all of the NVRA statements that were previously included on a separate NVRA Agency Preference Form. The NVRA statements are part of the instructions on the back of the form.

To be clear, the new policy for North Carolina's NVRA Program is to **always present a voter registration application** to a covered client. The client may complete the form in the agency at the time of his visit or take the form home and possibly use it later.

With this change, an agency should not merely place the form in a packet of agency materials. While it is fine to do so, the agency must still provide the extended service of personally asking the client the NVRA question in order to afford the client all of the NVRA services required by law. In-person transactions at agency offices still require direct engagement with the services client.

The version of the voter registration form that agencies should now use is **version092016**.

Spanish-Language Form

If an applicant is unable to read English, there is a [Spanish-language](#) version of the NC Voter Registration Application.

Give Correct Form Type

Not only must the agency use the new version of the voter registration application, but the agency should also be sure to use the correct form based on agency type.

- Public assistance agencies must use **Form 01**
- Disability Services agencies must use **Form 02**
- Unemployment Services agencies must use **Form 03**

The form number is in the upper right corner of the voter registration application.

Completing the Form

The required elements on a voter registration form include:

- Indication of U.S. citizenship (**Section 1**)
- Full name (**Section 2**)
- Date of Birth (**Section 3**)
- Residential Address (**Section 4**)

- Signature (**bottom of the form**)

Provide Assistance to the Applicant

Although agency staff are prohibited from influencing an applicant to choose a specific party affiliation, the applicant may receive assistance in completing the form. Agencies should review the form for completeness of the *required elements* on the application. If an applicant is uncertain as to his qualifications to vote, the applicant should be referred to the board of elections. If a services applicant is known not to be U.S. citizen, do not offer voter registration services to the applicant. If the agency is uncertain as to a client's citizenship status, the client must be informed of the qualifications to vote and be offered voter registration services accordingly.

Transmit Completed Forms to Board of Elections

Agencies must still transmit completed applications to their appropriate county board of elections within **five days** of when the agency receives the application.

When Transactions Occur by Phone or Mail (“Remote” Transactions)

Services via Mail

If the services client returned an application for services by mail and *accepted* voter registration services in writing on the application, mail the applicant a voter registration application. Record the communication on the **NVRA Remote Transaction Sheet**.

Services via Phone Communication

If speaking to a services client via phone, ask the client over the phone the NVRA Question. If the client *accepts* voter registration services verbally, mail the applicant a voter registration application. Record the communication on the **NVRA Remote Transaction Sheet**.

NVRA Remote Transaction Sheet

The **NVRA Remote Transaction Sheet** is used to record a communication with a services client who has *accepted* voter registration services remotely, either by phone, mail or by some other method other than in-person. The transaction only needs to be recorded when a client says “Yes” to the NVRA Question.

NVRA Agency Administrative Duties

The last section of this online NVRA training resource will review the administrative duties associated with offering of voter registration services. Certainly, completed voter registration applications must be transmitted (as required by the NVRA) to the appropriate county board of elections within **5 business days** of receipt by the agency. To send the applications to the board of elections, NVRA agencies are asked to use an NVRA Agency Transmittal Sheet.

Agency Transmittal Form

The [Agency Transmittal Form](#) will permit the county board of elections to know which agency source (01, 02, 03) and type (DSS, WIC, Blind Services, etc.) is submitting the form.

The **Agency Transmittal Form** should also document the number of completed voter registration applications and a summary of the number of transactions recorded on the **NVRA Remote Transaction Sheet** during a certain period. Agencies are not required to send the actual Remote Transaction Sheets. These should be retained by a NVRA Agency for its own record-keeping purposes according to the records retention schedule, which is two federal election cycles.

NVRA Agency Resources

The State Board of Elections has a dedicated link on its website to assist NVRA agencies. To locate the link, visit www.NCSBE.gov and scroll to the bottom of the page and locate the "[NVRA Agencies](#)" link. The NVRA landing page provides access to various resources for NVRA agencies (general information concerning the NVRA, agency forms, NVRA data and statistics).

For questions concerning the North Carolina NVRA Program, contact the State Board of Elections at NVRA@ncsbe.gov.