NUMBERED MEMO 2014-05

TO: County Boards of Elections  
FROM: Kim Strach, Executive Director  
RE: Handling Unreported Moves and Out of Precinct Voters  
DATE: April 3, 2014

This memorandum serves to provide clarification on the proper procedures for handling voters with unreported moves on Election Day. On Election Day, voters with unreported moves shall be permitted to vote at their new precinct, old precinct, or a central location, in accordance with state and federal law. Notwithstanding GS § 163-166.11(5), which does not apply to voters with an unreported move, if a voter has moved from an address in one precinct to an address in another precinct within the same county more than 30 days before an election but failed to notify the county board of the change of address before the voter registration deadline:

[T]he county board shall permit that person to vote in that election. The county board shall permit the registrant . . . to vote at the registrant's new precinct, upon the registrant's written affirmation of the new address, or, if the registrant prefers, at a central location in the county to be chosen by the county board. If the registrant appears at the old precinct, the precinct officials there shall send the registrant to the new precinct or, if the registrant prefers, to the central location, according to rules which shall be prescribed by the State Board of Elections. At the new precinct, the registrant shall be processed by a precinct transfer assistant, according to rules which shall be prescribed by the State Board of Elections. Any voter subject to this subsection may instead vote a provisional ballot according to the provisions of G.S. 163-166.11.

GS § 163-82.15(e) (Emphasis added). Further, the National Voter Registration Act of 1993 (NVRA) at 42 U.S.C. 1973gg-6(e) states:

A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar’s jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—
(i) shall be permitted to correct the voting records and vote at the registrant’s former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar’s jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or (II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

Emphasis added.

To comply with these laws, county boards of elections are instructed to establish a central location that can be used as a transfer precinct for voters who moved from an address in one precinct to an address in a second precinct and did not notify the board of elections of the change in address. The central location must have access to the list of registered voters in the county. At the central location, voters must be permitted to change their address with the board of elections and then be allowed to vote their proper ballot on the voting equipment. For counties that have not established a central location as of the date of this memorandum, the county may issue the voter their proper ballot as an official provisional ballot. Thereafter, by the next Election involving a contest for federal office, county boards of elections must establish a central location to handle these precinct transfers. The location of a central precinct is at the discretion of the county board of elections and may be the county board office.

If a voter with an unreported move presents to his or her former precinct and chooses not to be transferred to his or her proper precinct or a central location, and the voter is instead issued an official provisional ballot, the ballot may only be counted for those contests for which the voter is eligible to vote.

These provisions also apply to voters who were previously removed due to list maintenance (failure to respond to a confirmation mailing and were made inactive and then remained inactive for two federal election periods.) As long as the previously removed voter gives oral or written affirmation that he or she has not moved out of the county, but has maintained continuous residence within the county, the voter may be permitted to vote a provisional ballot at his or her old precinct, new precinct or a central location established by the county board of elections. See G.S. § 163-82.15 (f) and 42 U.S.C. 1973gg-6(e).

Any instruction previously given to county boards of elections by staff of the State Board of Elections on this matter that is contrary to this memorandum are now void.