



# NORTH CAROLINA

## State Board of Elections

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**KIM WESTBROOK STRACH**  
Executive Director

### NUMBERED MEMO 2016-21

**TO:** County Boards of Elections  
**FROM:** Kim Strach, Executive Director  
**RE:** Voter Registration Processing and Election Observer Requirements  
**DATE:** October 19, 2016

This memorandum provides guidance to address questions regarding voter registration and election observer requirements. For additional information on observer conduct, see [Numbered Memo 2016-17](#) and [Tips for Observers and Runners](#).

#### Voter Registration Deadline

We have received many questions about voter registration processing in light of the extension of the voter registration deadline in 37 counties. I am certain that many of you spent your weekend processing voter registration applications that were received by Friday, October 14. And, due to the mail delays associated with Hurricane Matthew, it is likely most counties will be processing voter registration applications through today. For those 37 counties with the extended voter registration deadline, it may be impossible to process applications received today before voting begins tomorrow. Additionally, voter registrations will be timely in those 37 counties if postmarked by today. If the postmark is missing or illegible on forms received in those 37 counties, the forms must be received in your office by Monday, October 24.

The grid below is meant to highlight the differences between the 37 Matthew counties and those counties that did not have an extended voter registration deadline (Non-Matthew counties).

	Matthew Counties	Non-Matthew Counties
<b>Voter registration deadline</b>	<b>10/19/2016</b>	<b>10/14/2016</b>
<b>Source: received by mail with postmark date</b>	Postmark dated 10/19/2016 or earlier	Ignore postmark date if received by 10/19/2016 (if received after 10/19/16 it must be postmarked by 10/14/16)
<b>Source: received by mail with missing or illegible postmark date</b>	<b>Must be received by 10/24/2016</b>	Ignore postmark date through receipt by 10/19/2016

<b>Source: NVRA</b>  (includes received by mail from the agency)	10/19/2016 – signed or transaction date	10/14/2016 – signed or transaction date
<b>Source: In-person</b>	10/19/2016, close of business	10/14/2016, close of business
<b>Source: Fax or Email</b>	10/19/2016, close of business  Must receive originals for new registrations or party changes by 10/24/2016	10/14/2016, close of business  Must receive originals for new registrations or party changes by 10/19/2016

### Processing Voter Registration Applications

In many counties you will be processing new voter registrations after you have started early voting tomorrow. This will be in addition to the statutory requirement to process same day registrations within 48 hours of registration. If you are continuing to process voter registrations received timely in accordance with the grid above, please ensure that the data is being transferred in order for your OS site laptops to be up-to-date.

### Handling voters that present to vote before applications are processed

If a voter presents during the one-stop early voting period and advises the poll worker that they have submitted a registration application in compliance with the deadline, you should process this voter as a same day registration. However, if the voter does not possess proof of residence in order to complete an SDR process, allow the voter to vote a provisional ballot with the reason being “no record of registration” as on Election Day.

### Best Practice for ensuring compliance with HAVA

Voter registration applicants that don’t provide their driver’s license number or last four of their Social Security number must provide HAVA identification when voting for the first time. If voter registration applications have not been processed and the voter did not provide either of those identifications on their application, that voter will not be flagged as needing to show HAVA identification. Therefore, if you are not going to be able to process all of your voter registrations, please prioritize those applications that omit both a driver’s license number and last four of the Social Security number. This will allow these voters to be flagged in the poll book and they can be advised they need to provide HAVA identification prior to the county canvass.

## Submission of Observer Lists

The chair of each political party in the county may designate two observers to attend each voting place in a primary or general election. In addition, the party chair may designate 10 additional at-large observers who may attend any voting place in that county. G.S. § 163-45(a).

The party chair must provide a written, signed list of at-large observers to the county director of elections prior to 10:00 a.m. on the fifth day prior to any primary or general election. The party chair must submit a written, signed list of the observers appointed for each precinct to the chief judge of each precinct prior to 10:00 a.m. on the fifth day prior to any primary or general election; *the list may be delivered in care of the county director of elections if desired*. In addition, the party chair must submit two written, signed copies of the precinct-specific and at-large observer lists to the chair of the county board of elections prior to 10:00 a.m. on the fifth day prior to any primary or general election. Please note that the *writing* requirement does not rule-out electronic submission by facsimile or email. It is best practice to communicate with local party officials and coordinate the most optimal method by which the party may communicate its selections.

For observers at early voting sites, the list provided must designate which observers will be present on each day of early voting at each early voting site. It is insufficient for the party chair to merely provide a list of all who observers who might be present at any given site throughout the early voting period.

## Who May Serve as an Observer

Observers must be registered voters of the county in which the voting place is located and must possess good moral character. G.S. § 163-45(a). Although the statute does not explicitly prohibit someone who is serving as an election official from also being designated as a political party observer when they are not scheduled to work as an election official, an official who serves as a designed party observer, even at a site other than the one to which the official is assigned to serve, runs the risk of casting his or her impartiality in doubt. For that reason, it is strongly recommended that you advise election officials to consider carefully their oath and controlling state law and to make every effort to avoid the appearance of partiality. It is best practice to instruct your chief judges to check identification for those who appear at the polls claiming to be appointed observers.

## Number of Observers in the Voting Enclosure

No more than two precinct-specific observers from each political party may be in the voting enclosure at any time. Only one at-large observer from each political party may be in the voting enclosure at any time, even if no precinct-specific observers are present. All observers, whether precinct-specific or at-large, may be relieved after serving no less than four hours. G.S. § 163-45(a). This means that at least four hours must have passed since the observer began serving before a replacement observer can take over from the prior observer.

## **Observer Conduct**

Observers at the voting place are prohibited from wearing or distributing campaign material or making any political comments. Observers are also prohibited from impeding the voting process, speaking with voters and assistants, or interfering with the privacy of the voter. An observer may not photograph, video, or record a voter without the consent of the voter and the chief judge. Observers are permitted to make observations, take notes, and use personal electronic devices for a non-prohibited purpose as long as they are not disruptive to voters or elections officials.