



NORTH CAROLINA

State Board of Elections

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KIM WESTBROOK STRACH
Executive Director

NUMBERED MEMO 2016-22

TO: County Boards of Elections
FROM: Kim Strach, Executive Director
RE: URGENT: Court Order regarding DMV Transactions
DATE: November 1, 2016

A federal court has issued a temporary order requiring new provisional voting procedures when a voter affirms that the voter registered to vote or changed his or her address at the Division of Motor Vehicles (DMV). This memorandum gives effect to that order by implementing the processes below for Election Day 2016.

Overview: The court order requires that county boards treat as registered those voters for whom all the following apply:

- (1) the voters affirm that they either registered or changed their address at DMV, and
- (2) their DMV transaction occurred within a particular time frame, and
- (3) DMV cannot produce a signed declination form.

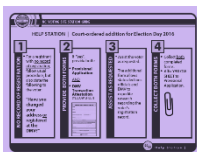
The State Board of Elections and the DMV will be handling the technical processes involved in determining eligibility under this order. However, the affirmation and the tight turnaround before canvass require that county boards (1) outfit precincts with materials that are being printed and overnighted (the “Purple Card” and “Yellow Sheet”), (2) retrieve and perform data entry for these particular provisional applications before all other provisional applications, and (3) approve the list of voters produced by this agency during a provisional meeting prior to canvass.

We understand these temporary requirements disrupt the regular procedures under state statutes, especially regarding registration and approval of provisional applications. Authority to mandate the procedures below, however, derives from the remedial power of the federal court and from federal statutes that require my office to ensure compliance with the National Voter Registration Act.

Please note that implementation must be uniform.

BEFORE ELECTION DAY

1. Help Station Instructions (“Purple Card”)



Beginning tomorrow, county boards will receive over-night shipments of printed instruction cards for each Help Station within the precinct. County officials must include one Purple Card with each precinct’s materials. Please contact your Help Station workers to notify them that they must review and follow the steps identified on the Purple Card when a voter does not appear on the poll book. A digital copy of the Purple Card is also enclosed.

2. DMV Transaction Attestation (“Yellow Sheet”)



Counties will also receive over-night shipments of Yellow Sheets equal to the number of provisional voters within your county during the 2012 presidential election. The Yellow Sheets must be available at the Help Station in each precinct. The Yellow Sheet must be used in addition to the regular Provisional Application. The Yellow Sheet is necessary because the Provisional Application (both in paper and electronic poll book software) do not allow the voter to attest that he or she changed his or her address at DMV. Please notify Help Station workers that the Yellow Sheet must be provided along with the Provisional Application. County officials must provide a means by which Help Station workers may affix the Yellow Sheet to the Provisional Application (paperclips should be sufficient). A digital copy of the Yellow Sheet is also enclosed.

THURSDAY (NOV.10)

3. Process Yellow Sheet Provisional Applications First

To allow DMV and the State Board to begin a very involved process of reviewing DMV and voter registration data, it is necessary that county boards prioritize data-entry and complete all processing of Yellow Sheet Provisional Applications by **6 p.m. on Thursday, November 10**. The Yellow Sheets were printed on yellow paper to make it easier for county officials to retrieve those Provisional Applications from the stack. However, county officials must also immediately process any Provisional Application that cites a DMV-related reason, even if there is no Yellow Sheet.

4. Processing in the SEIMS Provisional Module

All DMV-related provisional application materials (the Provisional Applications and the Yellow Sheets) must be data-entered into the SEIMS Provisional Module. Because we cannot modify SEIMS so close to Election Day, we are making use of the now-defunct “Reasonable Impediment” indicator box within the Provisional Module. County officials must input all DMV-related provisional applications into the Provisional Module, then click “Yes” in the “Reasonable Impediment” section, and select any of the “Reasonable Impediment Reason” options. (This is required in order for the information to be saved properly.) The State Board will use the Reasonable Impediment marker to flag those DMV-related provisional applications for its research efforts.

PROVISIONAL MEETING

5. Provisional Approvals

Counties must continue to conduct ordinary provisional research for Yellow Sheet provisional voters, as voters may have provided additional provisional reasons on the Provisional Application. This agency will provide a list of provisional voters whose ballots should be counted, either in whole or in part, based on the DMV and State Board review in compliance with the court order. We look forward to working with your county to ensure everything is prepared in advance of your board's provisional meeting and canvass.



HELP STATION | Court-ordered addition for Election Day 2016

1

NO RECORD OF REGISTRATION

- For a registrant with no record of registration, follow usual procedure, but also state the following to the voter:

"Have you registered to vote or changed your address at the DMV?"

2

PROVIDE BOTH FORMS

If "yes", provide both:

- **Provisional Application**
- AND
- **DMV Transaction Attestation (YELLOW SHEET)**

The image shows a 'DMV TRANSACTION ATTESTATION' form. It includes fields for Last Name, First Name, Middle Name, NC Driver's License/Identification Number, Social Security Number (LITN), and Date of Birth. Below these fields is an 'ATTESTATION' section with a statement: 'I ATTEST that I am casting a provisional ballot while voting in person on Election Day in accordance with Chapter 163 of the General Statutes, and I submitted a voter registration application at the updated residential address at the N.C. Division of Motor Vehicles.' There are also fields for Date, Signature, and a section for 'COMPLETED BY ELECTION OFFICIAL' with fields for Name and Position. The North Carolina State Seal is at the bottom.

3

ASSIST AS REQUESTED

- Assist the voter as requested.

The additional form allows state elections officials and DMV to expedite research regarding the voter's registration record.

4

COLLECT BOTH FORMS

- Collect both completed forms.
- Affix YELLOW SHEET to Provisional Application.



