



NORTH CAROLINA

State Board of Elections

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Executive Director

NUMBERED MEMO 2016-25

TO: County Boards of Elections
FROM: Kim Westbrook Strach, Executive Director
RE: Voter Signatures & Provisional Supplementation
DATE: November 16, 2016

Voter Signatures

The State Board of Elections was informed that certain counties have received public records requests to view absentee ballot request forms and/or absentee ballot return envelopes. It is and has been the interpretation of this agency that G.S. §§ 132-1.2(4), 163-82.10(a), and 163-230.2(a1) prohibit a county from producing copies of any absentee ballot request form or absentee ballot return envelope, unless the voter signature and any confidential information are redacted. Un-redacted forms may be viewed by the public, though no copy, photo, or tracing may be made. Witness or notary information need not be redacted. Absentee ballot return envelopes contain an identifier that is linked to the ballot, so this identifier must also be redacted from public view to protect the secrecy of the ballot.

Counties must take care to ensure that no original document is left unsupervised by county election officials. If members of the public wish to view absentee ballot requests or return envelopes, a member of your staff should be present to ensure the integrity of the forms.

Absentee ballot request forms and all absentee ballot return envelopes are “public records” under North Carolina’s Public Records Act. *See* G.S. § 132-1(a). Access to public records must be made at the earliest opportunity, taking into consideration statutory obligations and priorities. Transparency is essential to the administration of elections, and we encourage you to make records available securely at the earliest possible point.

Provisional Supplementation

Corrective information may be delivered by mail, email, facsimile, commercial carrier, or private carrier (including attorneys, campaign staff, relatives, etc.). County boards must approve provisional applications if the corrective information is provided to the county by 5:00 p.m. on Thursday, Nov. 17.

County boards must update the SEIMS Provisional Module to reflect any additional information submitted indicating that a provisional voter registered to vote or changed her address at the Division of Motor Vehicles. This means the provisional voter must be flagged using the “reasonable impediment” indicator described in [Numbered Memo 2016-22](#).

Previously Removed Voters

As provided by statute in G.S. § 163-82.14(d)(3) and [Numbered Memo 2016-10](#), it is essential that you review and follow the guidance below:

A voter who has had no contact with the county board over a period of time and whose mail has been returned undeliverable, may have been removed as part of a previous list maintenance action. If the voter has in fact maintained continuous residence in the county, and there is no evidence to the contrary (e.g., move-within-state, move-out-of-county) the voter is considered to be eligible. **The county board of elections shall count the voter's provisional ballot.** GS § 163-82.14(d)(3).

You should not require these voters to submit additional documentation—these registrations must be reactivated as a matter of law.