Numbered Memo 2020-03

TO: County Boards of Elections  
FROM: Karen Brinson Bell, Executive Director  
RE: Absentee Ballot Request Form Requirements  
DATE: January 15, 2020

The purpose of this Numbered Memo is to further explain the new legal requirements for absentee ballot request forms established pursuant to Session Law 2019-239, as well as how those requirements affect county boards of elections’ acceptance of prior versions of absentee ballot request forms. For a detailed explanation of all provisions of the new law, please see General Counsel Katelyn Love’s email sent on November 7, 2019.

Content of Absentee Ballot Request Form

Pursuant to Section 1.3(a) of Session Law 2019-239, a valid absentee ballot request form must contain all of the following information:

- The name and address of the voter
- The name and address of the voter’s near relative or verifiable legal guardian if that individual is making the request
- The address where the voter wants the application and ballots mailed, if different from the voter’s residence address
- One of the following:
  - DMV drivers license number (including learner’s permit or provisional license number)
  - DMV nonoperators special identification card number
  - Last four digits of the SSN
- The voter’s date of birth
- The signature of the voter, or the signature of the voter’s near relative or verifiable legal guardian if that individual is making the request on behalf of the voter
• A clear indicator of the date of the election for which the request is submitted (except for annual calendar year requests for sickness or disability expected to last the remainder of the calendar year).

• If due to blindness, disability, or inability to read or write, the voter receives assistance completing the request form from someone other than the voter’s near relative or verifiable legal guardian, the assistor’s name and address. The inability to read or write includes the inability to do so because the voter cannot read or write English.

The sections highlighted above were added by Session Law 2019-239.

Return of Absentee Ballot Request Form

The absentee request form is valid only if returned by one of the following:

• The voter
• The voter’s near relative or verifiable legal guardian
• A multipartisan assistance team (MAT)
• The United States Postal Service
• Designated delivery service (DHL, FedEx, or UPS)

Because the law now specifies who may return an absentee ballot and by which methods an absentee ballot may be returned, **the law no longer allows absentee ballot request forms to be submitted via fax or email.**

Frequently Asked Questions

Q: A voter sent in an absentee ballot request form prior to January 1, 2020, and it met all the requirements under the previous law. Is that absentee request valid?

A: Yes. Any voter who submitted a valid request for absentee ballots prior to January 1, 2020, must still be issued an absentee application and ballots. See Section 1.3.(e) of Session Law 2019-239.

Q: A voter sent in an absentee ballot request form after January 1, 2020, and the request is not on the new form. Is the request valid?

A: No, beginning on January 1, 2020, voters are required to use the new form. The law now requires that any assistance the voter receives from someone other than their near relative or legal guardian be disclosed on the absentee request form. Because the old form does not contain a space
to provide this information, a county board of elections would not be able to determine whether this requirement had been complied with on the old form.

The new law allows a voter to receive assistance from someone other than the voter’s near relative or legal guardian in a limited set of circumstances. The voter must be blind, disabled, or unable to read and write, the voter’s near relative or legal guardian must be unavailable, and the voter must request assistance from another person; if those things happen, another person may provide assistance but this must be disclosed on the form.

Q: What should the county board do if a 2020 State Absentee Ballot Request Form was submitted via email or fax?

A: The county board of elections should notify the voter via email, mail, or telephone that the absentee ballot request is not valid. For those requests received by email, counties can respond to those emails with a standard template indicating that the request is not valid and must be returned by mail or in person. Sample language is as follows:

“Important Notice: The ____ County Board of Elections is not able to process your absentee ballot request form. Further action is required from you or you will not receive an absentee ballot.

State law now requires that all absentee ballot request forms be submitted by mail or delivered in person, effective January 1, 2020. You must re-submit your absentee ballot request via mail, designated delivery service (DHL, FedEx, or UPS), or in person. The new request form, along with detailed instructions including important deadlines, can be found here.

Your vote is very important to us, and we want to make sure you receive your ballot. Please complete the form referenced above and mail or deliver it to the ____ County Board of Elections:

Mailing Address: ________________________________

Physical Address: ________________________________

Thank you,

_____ County Board of Elections

Phone Number”
Q: What should the county board do if the county board receives an absentee ballot request form via mail or in person that is not valid under State law?

A: In SEIMS, the county board should choose the “Invalid/incomplete Request” option and use the attached letter template to send a letter to the voter. If there is not time to mail the letter to the voter, the county board should contact the voter by telephone or email. State Board staff is working to add the attached letter as a template in SEIMS.

Q: Can a county board of elections pre-populate an absentee ballot request form for a voter, either because the original request form submitted by the voter was incomplete or not valid, or because a Multipartisan Assistance Team is planning to visit the facility where the voter resides?

A: No, the county board of elections can no longer pre-populate absentee ballot request forms for any reason. The new law is clear that only the persons specified in the law can assist a voter in completing the form. For a voter not residing in a facility, the voter must need assistance due to blindness, disability, or inability to read or write, and the voter must make the request for assistance. If the voter’s near relative or legal guardian is not available to assist, any other person may provide assistance, and the person must disclose their name and address on the request form. For residents or patients of a facility, a MAT member, not the county board of elections, may assist with completing the request form.

Q: What should the county board of elections do if it receives request forms from individuals who are not permitted under the law to return those forms? Should the county board accept those forms?

A: A request form is not valid unless it is returned by the voter, the voter’s near relative or legal guardian, a MAT member, the US postal service, or a designated delivery service. If it receives an invalid request, the county board should inform the voter and provide them with a blank absentee request form.

Q: Can a nursing home, hospital, or other facility mail in absentee ballot request forms completed by its residents or patients?

A: No, only those persons who are permitted by law to return an absentee ballot request form may do so. Facilities are expressly prohibited from assisting voters with making absentee requests pursuant to G.S. 163-226.3(a)(4). A MAT is permitted to return the request forms for these voters.
Template Letter for Invalid Absentee Ballot Requests

________ County Board of Elections

Address

Phone Number

**Important Notice:** The ______ County Board of Elections is not able to process your absentee ballot request form. Further action is required from you or you will not receive an absentee ballot.

Dear [Voter]:

Our office has received an absentee ballot request form from you, but it is not valid, either because it was returned by someone not authorized under the law, or it lacks some of the requirements under State law. State law has changed and now includes new requirements for absentee ballot request forms.

Please see the enclosed absentee ballot request form for you to complete and return to the county board of elections. The enclosed instructions provide detailed information on who can assist in completing the request form, how the request form must be returned to the _____ County Board of Elections and by which methods, and the deadline for returning the form.

If you have any questions, please call our office at [phone number]. Your vote is very important to us, and we want to make sure you receive your ballot.

Sincerely,

Name

Title

_______ County Board of Elections