Numbered Memo 2021-09

TO: County Boards of Elections  
FROM: Karen Brinson Bell, Executive Director  
RE: Corrections to Party Affiliation Based on Incomplete DMV Online Transactions  
DATE: December 8, 2021

This numbered memo explains an aspect of online DMV voter registration which could lead some registrants to accidentally fail to submit their registration form online, even though they have a printout of the registration form indicating it was submitted on a date certain. This has led some potential candidates to believe they have met the affiliation deadline for primary filing, while their SEIMS record does not show that they are eligible.

Pursuant to N.C.G.S. § 163-82.17(e), county directors or county chairs are permitted to administratively correct registration records where there was an error made in designating the party affiliation of any voter.

For any voters or candidates who present with these issues and have documents to prove that they attempted to register through DMV on a date certain, it would be appropriate for the county board to correct the registration record to reflect a party change as of the date of the DMV attempt.

Party Affiliation Errors Prompted by Online DMV Registration

When using DMV’s online voter registration system, a registrant enters his or her information into the system, and then the system produces a copy of the completed voter registration application form that the user can print out. This has led many registrants to erroneously believe that they have completed their registration application through DMV. In reality, however, the DMV system still requires the registrant to submit the registration form after the system has produced the printout copy. DMV does not log any incomplete attempts to submit a registration application, so the State Board has no way to identify these unsuccessful attempts.
Numerous registrants and potential candidates have presented with this issue across the state, and they have provided copies of the registration form printout that was produced by the DMV system. These printouts, which are completed copies of the DMV online registration application form (number 10 code), include a date- and timestamp in the signature line. An example of such a signature line appears below (with signature redacted):
This form demonstrates that the registrant attempted to submit their registration application at a date and time certain.

**CBE Authority to Correct Such Errors**

Under N.C.G.S. § 163-82.17(e), county directors and county chairs are permitted to administratively correct registration records where there is an error concerning party affiliation. The provision reads:

(e) Authority of County Board or Director to Make Correction. – If at any time the chairman or director of elections of the county board of elections is satisfied that an error has been made in designating the party affiliation of any voter on the registration records, then the chairman or director of elections of the county board of elections shall make the necessary correction after receiving from the voter a sworn statement as to the error and the correct status.

Following this statute, if a registrant provides (1) a “sworn statement as to the error and the correct status,” and (2) a copy of the DMV registration application printout showing a date and timestamp like in the example above, the county director or chair should permit an administrative change to the registrant’s party affiliation to reflect the date of the DMV attempt. Please make a note of the administrative change in VoterView, using the following language, or something similar: “Administrative correction to party affiliation, effective [INSERT DATE OF DMV ATTEMPT], due to documented attempt to change through DMV online that did not submit.”

This numbered memo addresses a limited and narrow circumstance that would permit an administrative change to a registrant’s party affiliation. The reason this error can be corrected under the statute is because the registrant can sufficiently document their attempt to change party affiliation on a specific date, and an administrative design is responsible for the registrant’s misunderstanding that they have completed their application. Absent proof of an error caused by administrative issues, county directors and county chairs generally should not permit such retroactive party changes under N.C.G.S. § 163-82.17(e).