



STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

Mailing Address:
P.O. BOX 27255
RALEIGH, NC 27611-7255
(919) 733-7173
FAX (919) 715-0135

Dear Citizens of Bald Head Island:

In response to your request for clarification of North Carolina's voting laws regarding residency for voting purposes, perhaps it is best to outline how an individual seeking to vote in any of North Carolina's jurisdictions becomes eligible.

Currently in NC a registered voter must meet ALL of the following qualifications:

- A citizen of the US either by birth or legal naturalization,
- 18 years of age or will be by date of the next general election (a person may pre-register to vote at age 16),
- A resident of NC and the precinct for at least thirty (30) days prior to date of next election, and
- Has not been convicted of a felony, or if so, has had citizenship rights restored.

Other points of interest regarding voter registration should be noted:

- Property ownership is not a required qualification to register and or vote. This requirement was removed by the US Constitution as early as the 1870s with the addition of the 15th Amendment.
- Payment of taxes is not a required qualification to register and/or vote.
- Registration in multiple places is not permitted under any circumstances.
- Moving to a temporary location does not translate into residency for voting purposes. 163-57(3)
- Once a citizen exercises the right to vote in a new location, that action indicates the intent to gain residency for voting purposes. 163-57(6)

How does the information presented above affect the recent issues occurring in Bald Head Island? Simply put, any voter who meets the requirements to register and vote may do so. However, voters with multiple abodes must determine which place they consider to be their residency for voting purposes. Temporary relocation to a vacation home or rental property does not satisfy the residency requirement for registration unless that voter is prepared to declare that address as his or her primary residence. This requires cancellation of the original registration. It is the responsibility of the voter to notify the original board of elections of the move and the NC Voter registration form provides for this.

As required by State and Federal law, NC maintains a statewide voter registration database. Data entry and routine tasks are performed in each of the 100 counties through the local boards of elections. Regular maintenance of the voter rolls is conducted through the following approved methods:

- Monthly reports from the Department of Health and Human Services and the Clerks of Court are provided to county boards to remove voters who have died or been convicted of a felony.
- Deaths may also be reported to the local board of elections by a near relative.
- Voters may request, in writing, to be removed from the voter list.
- If a voter, while in the act of registering, indicates a previous voting residency, that information is sent to the appropriate agency for processing.
- NC currently participates in the National Change of Address Program (NCOA) sponsored by the US Postal Service. Notification in a change of address prompts a mailing to the voter asking them to confirm the change.


In addition, every odd year, county boards of elections are required to conduct the List Maintenance program by April 15th. This program, established by the National Voter Registration Act (NVRA) identifies voters who have had no contact with the local board of elections for a period of two federal elections. These voters are mailed information about their registration. If the card is returned undeliverable, the voter will become inactive. A second phase of the program identifies any inactive voters who have had no further contact with the local board of election for an additional two federal elections. These voters are removed from the voting list. Contact with the local board of elections is not limited to voting in an election.

Any voter may be challenged by another voter on the right to register, remain registered, and vote. The challenge must be made in writing and presented to the appropriate board of elections. The burden of proof is on the challenger. The board will hold a preliminary hearing to determine if there is enough evidence presented to call a full hearing. At which time, the challenged voter may also present any evidence he or she feels refutes the claims of the challenger. The board of elections may call witnesses and subpoena any records necessary to assist with their decision on the challenge. The process can be lengthy and may delve into very personal information.

More information regarding voter registration, residency requirements, and the challenge process may be found on our website, <http://www.sboe.state.nc.us/content.aspx?id=120>, and in the NC General Statutes, also available in a searchable format on our website.

Thank you for your cooperation and interest in this matter. You can be assured that the integrity of our voter database and all NC elections is our main goal.

Sincerely,



Gary O. Bartlett
Executive Director