

TESTIMONY of REPRESENTATIVE TIM MOORE
NORTH CAROLINA HOUSE of REPRESENTATIVES

COMMITTEE on HOUSE ADMINISTRATION
U.S. HOUSE of REPRESENTATIVES
WASHINGTON, D.C.

On [House Bill 2457](#) To amend the National Voter Registration Act of 1993 to require States to permit individuals to register to vote in an election for Federal office on the date of the election.

FRIDAY, NOVEMBER 9, 2007

Thank you, Madam Chair and members of the committee for allowing me to offer my perspective on House Bill 2457 and *same-day voter registration*. As a US citizen, it is a great honor to offer my observations before this body. As a former co-chair of the North Carolina House Committee on Election Law and Campaign Finance Reform it was within my capacity as a state representative serving Cleveland County, NC to offer a minority party opinion on same day voter registration.

Our General Assembly passed legislation creating same-day voter registration this past legislative session with the enactment of House Bill 91. I opposed the measure in our legislature and offered reasonable amendments to this legislation, and although the bill passed, I remain opposed to same-day voter registration, even if it is based on the best of intentions.

Support for same-day voter registration is based on the very noble intention of increasing participation by more of our citizens in the very serious civic responsibility of voting in fair and free elections, but I don't think any member of this committee or this Congress would disagree that the issue of voter confidence is as important as voter participation.

Whether or not same-day voter registration actually increases overall voter participation is still disputed, but most would agree that voter confidence in a fair, free and honest election process would certainly increase overall voter participation.

While easing the enrollment of new voters might increase overall participation, same-day voter registration, is certainly putting the cart before the horse.

Same-day voter registration has the real potential to decrease confidence in the integrity of the electoral process, and in turn, may actually decrease the level of confidence in our respective legislative bodies.

If our goal is to simply increase turnout, I suppose we could place a cardboard box on every street corner for a couple of days and invite everyone to simply drop off a

ballot at their convenience. I suspect we might see a 400 percent increase in voter participation right away, as this would certainly make it easier to vote and probably increase participation, but concern about voter fraud would be more than evident.

On the other hand, if we were obsessed only about the integrity of the election, I suppose we might go to the ridiculous extreme of requiring a DNA sample before voting, or require a home visit by election officials and five sworn witnesses to assure voters are residents of the district where they cast a ballot.

Such absurd examples show there must be a balance between insuring reasonable confidence in the election process and ease of voting. It is my assessment as a state legislator that same-day voter registration in North Carolina tips the balance in a dangerous way, inviting fraud and potentially lowering expectations and confidence in elections, and in turn, confidence in those who are duly elected.

As the committee considers this bill, I want to reiterate my objections to similar legislation enacted in North Carolina. North Carolina's House Bill 91 permits citizens to register at "one-stop" voting sites operating to facilitate "no-excuse early voting," from the third Thursday before an election until the Saturday immediately prior to Election Day.

Before House Bill 91 became law, voters were required to register at least 25 days before Election Day. The time between registration and Election Day afforded the local Elections Board enough time to verify the physical address and eligibility of newly registered voters. Without this time there is concern that Boards cannot fully ensure eligibility. House Bill 91 requires minimal proof of ID, but items as simple as a utility bill are easy to fabricate and nearly impossible to verify.

It is true that same-day voter registration ballots are given the status of Provisional Ballots, but in North Carolina, Provisional Ballots are essentially counted as absentee ballots in official counts.

To register and vote at the early voting period on the same day in North Carolina requires less identification than needed for airline travel. How could this measure possibly increase voter confidence, when under this new law, it is harder to cash a check at the grocery store than it is to register and vote?

It is my understanding that a significant number of the ballots of our military citizen's serving overseas, were deemed ineligible because they were not returned to North Carolina in time due to logistical problems with the mail in and out of a war zone. Finding a solution to this problem is one way Congress could improve voter participation and instill greater confidence in the electoral process.

North Carolina is experiencing phenomenal population growth. Some estimates say as many as 450,000 of those are illegal foreign nationals. The same day registration proposals make it more possible for ineligible persons to cast a ballot. It is argued by

some that voter confidence is the primary reason for lower participation, and not the difficulty of voting. Put simply, voters expect their votes to count and for only legitimate ballots to be counted.

For those North Carolinians already registered and presumably verified, our law not only lacks identification requirements for early voters, it also lacks identification requirements for those voting on Election Day.

When it became apparent that our same-day voter registration legislation would pass, I introduced an amendment requiring photo ID for same-day voter registration. It was ultimately defeated along partisan lines and opposed by the Democratic leadership of both Houses of our General Assembly. My intent was to moderate the legislation and to set-up safeguards for the integrity of electoral process.

Before and during debate the state House was shown examples of voter fraud, where registered voters were turned away from the ballot box because records showed they had already voted. This occurred almost certainly because another individual had misrepresented themselves and voted in their place. Because there are no photo ID requirements in place, legitimate voters were already being disenfranchised due to voter fraud.

Even if the number of such examples is only proportionally low, to any such disenfranchised voter, the confidence in the election process is forever tainted with suspicion.

While researching this issue in other states, it appeared more appropriate to require photo identification prior to registration. Without digressing into discussion of photo identification by itself, I feel it is worth mentioning in light of the booming trade of identity theft. It seems more appropriate to increase and not decrease the security component for voting.

It is argued voter fraud is no higher in states with same-day voter registration. But to ignore voter fraud, is to ignore the reality that identity crime remains very difficult to prove.

The anecdotal evidence in North Carolina is, when fraud occurs, rarely is there enough evidence to prosecute, and with voter fraud there is no way to invalidate fraudulent votes.

I believe that the disenfranchised citizens who have their votes stolen, due to our same-day voter registration will take from that experience a perception that the people elected to represent them and the electoral system are illegitimate.

Finally, I would like to stress to the committee that despite my worries about what I have likened to a dangerous experiment with same-day voter registration in North Carolina, the issue addressed by House bill 2457 does still rightly belong to the States.

In this case it would be best not to enact H.R. 2457. This appears to be one example where a state's interest in regulating the administrative functions of voter registration would best protect the most basic of civil rights. As a state legislator who has demonstrated a commitment to improving the actual and the perceived integrity of North Carolina's election process, we all can benefit from the differing experiences presented by forty nine other examples there for all of us to discover what works.

With relatively few states enacting same-day voter registration, there should be no rush by Congress to impose such an experiment on every state. With such vast numbers of Americans concerned with confidence in government, securing the right to vote ought to be of higher priority than opening the door wider for those already engaged in actual fraud or where the election process is already perceived as tainted by fraud. Nor should this committee and this House fix what is not broken in those states who have more strident voter registration requirements.

Trusting this committee is concerned with the actual integrity and the perception of legitimacy of American elections, I respectfully ask that you not enact House Bill 2457.

Thank you, Madam Chair and members of the committee for allowing me this opportunity.

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Addendum:

(6.) History of the Enactment of House Bill 91 - Session Law 2007-253

2007 General Assembly of North Carolina, Information Services Division - July 20, 2007

(9.) Bill Analysis- House Bill 91, Ratified Edition

William R. Gilkeson, Staff Attorney & Erika Churchill, Research Division
2007 General Assembly of North Carolina - July 12, 2007

(11.) Text of House Bill - Session Law 2007-253

2007 General Assembly of North Carolina, Information Services Division - July 20, 2007

***(14.) Chapter 162-82 - General Statutes of the State of North Carolina
As Prior to Amendment by House Bill 91, Session Law 253***

2007 General Assembly of North Carolina, Information Services Division, *with caveats* - Nov. 8, 2007

House Bill 91 / S.L. 2007-253 (= S195)
2007-2008Session
North Carolina General Assembly

Registration and Voting at One-Stop Sites.

Text	Fiscal Note	Status: [R] Ch. SL 2007-253 on 07/20/2007
Filed [PDF]	-	Sponsors
Edition 1 [PDF]	-	
Edition 2 [PDF]	-	
Edition 3 [PDF]	-	
Edition 4 [PDF]	-	
Ratified [PDF]	-	
SL2007-253 [PDF]	-	
		Primary: Ross ; Holliman ; Parmon ; Tolson ;
		Co: Adams ; Alexander ; Allen ; Bell ; Blue ; Bordsen ; Bryant ; Carney ; Church ; Coates ; Coleman ; Cunningham ; Dickson ; Earle ; England ; Faison ; Farmer-Butterfield ; Fisher ; Gibson ; Glazier ; Goforth ; Goodwin ; Haire ; Hall ; J. Harrell ; Harrison ; Insko ; Jeffus ; Jones ; Love ; Lucas ; Luebke ; Martin ; McLawhorn ; Michaux ; Mobley ; Owens ; Pierce ; Rapp ; Saunders ; Spear ; Sutton ; Tarleton ; Tucker ; Underhill ; Wainwright ; E. Warren ; R. Warren ; Weiss ; Wilkins ; Womble ; Wray ; Yongue ;
		Attributes: Public; Text has changed;

<u>Vote History</u>											
Date	Subject	RCS #	Aye	No	N/V	Exc.	Abs.	Exc.	Vote	Total	Result
03/28/2007 4:25PM	A1 Moore\Second Reading	[H] - 98	51	62	2		5		0	113	FAILED
03/28/2007 4:33PM	A2 Boylan\Second Reading	[H] - 99	52	61	2		5		0	113	FAILED
03/28/2007 4:41PM	Second Reading	[H] - 100	68	45	2		5		0	113	PASSED
03/29/2007 2:26PM	A3 Blust\Third Reading	[H] - 106	48	63	2		7		0	111	FAILED
03/29/2007 2:53PM	A4 Allred\Third Reading	[H] - 107	48	63	2		7		0	111	FAILED
03/29/2007 2:54PM	Third Reading	[H] - 108	66	45	2		7		0	111	PASSED
06/20/2007 3:40PM	Amendment 1\Motion 1\To Table	[S] - 597	29	19	0		2		0	48	PASSED
06/20/2007 3:49PM	Motion 2\Prev Question	[S] - 598	29	19	0		2		0	48	PASSED
06/20/2007 3:52PM	Amendment 2	[S] - 599	39	9	0		2		0	48	PASSED
06/20/2007 3:52PM	Second Reading	[S] - 600	33	15	0		2		0	48	PASSED
06/26/2007 4:10PM	M11 Not Concur	[H] - 811	74	41	3		2		0	115	PASSED
07/11/2007 3:46PM	C Rpt Adopt	[H] - 900	69	47	1		3		0	116	PASSED
07/11/2007 4:52PM	Conference Rpt\Motion 7\To Adopt	[S] - 780	34	15	0		1		0	49	PASSED
<i>Continued</i>											

History Continues	
Date	Action

02/07/2007	[H] Filed
02/08/2007	[H] Passed 1st Reading
02/08/2007	[H] Ref To Com On Rules, Calendar, and Operations of the House
02/14/2007	[H] Withdrawn From Comm
02/14/2007	[H] Re-ref Com On Election Law and Campaign Finance Reform
03/22/2007	[HA] Reptd Fav Com Substitute
03/22/2007	[H] Cal Pursuant Rule 36(b)
03/27/2007	[H] Placed On Cal For 3/28/2007
03/28/2007	[H] Amend Failed 1
03/28/2007	[H] Amend Failed 2
03/28/2007	[H] Passed 2nd Reading
03/29/2007	[H] Amend Failed 3
03/29/2007	[H] Amend Failed 4
03/29/2007	[H] Passed 3rd Reading
04/02/2007	[S] Rec From House
04/02/2007	[S] Ref To Com On Select Committee on Government and Election Reform
06/04/2007	[S] Reptd Fav Com Substitute
06/04/2007	[SA] Com Substitute Adopted
06/05/2007	[S] Withdrawn From Cal
06/05/2007	[S] Placed On Cal For 6/6/2007
06/06/2007	[S] Withdrawn From Cal
06/06/2007	[S] Placed On Cal For 6/12/2007
06/12/2007	[S] Withdrawn From Cal
06/12/2007	[S] Placed On Cal For 6/20/2007
06/18/2007	[S] Withdrawn From Cal
06/18/2007	[S] Re-ref Com On Select Committee on Government and Election Reform
06/19/2007	[S] Reptd Fav
06/20/2007	[S] Amend Tabled 1
06/20/2007	[SA] Amend Adopted 2
06/20/2007	[S] Passed 2nd & 3rd Reading
06/20/2007	[S] Engrossed
06/25/2007	[H] Rec To Concur S Com Sub
06/25/2007	[H] Cal Pursuant Rule 36(b)
06/25/2007	[H] Placed On Cal For 6/26/2007
06/26/2007	[H] Failed Concur in S Com Sub
06/26/2007	[H] Conf Com Appointed
06/27/2007	[S] Conf Com Appointed
07/10/2007	[S] Conf Com Reported
07/10/2007	[S] Placed On Cal For 7/11/2007
07/10/2007	[H] Conf Com Reported
07/10/2007	[H] Placed On Cal For 7/11/2007
07/11/2007	[HA] Conf Report Adopted
07/11/2007	[SA] Conf Report Adopted
07/12/2007	[H] Ratified
07/12/2007	[H] Pres. To Gov. 7/12/2007
07/20/2007	[H] Signed By Gov. 7/20/2007
07/20/2007	[R] Ch. SL 2007-253

Note: a bill listed on this website is not law until passed by the House and the Senate, ratified, and, if required, signed by the Governor.

ABBREVIATIONS KEY

- **H** = House Action
- **S** = Senate Action
- **R** = Ratified
- **HF** = Failed in the House
- **SF** = Failed in the Senate
- **HA** = Adopted in the House
- **SA** = Adopted in the Senate

Bill Analysis- House Bill 91, Ratified Edition

William R. Gilkeson, Staff Attorney & Erika Churchill, Research Division
2007 General Assembly of North Carolina - July 12, 2007

SUMMARY: The ratified version of House Bill 91 would create a process to allow individuals to register in person and vote during the early voting period.

[As introduced, this bill was identical to S195, as introduced by Sen. Shaw, which is currently in Senate Select Committee on Government and Election Reform.]

CURRENT LAW: Generally, NC voters may not vote in an election unless they have registered 25 days before election day. G.S. 163-82.6 (c). Current exceptions are:

- For those persons who have become qualified after the deadline by naturalization or restoration to citizenship after serving a felony sentence, they may register on election day only. G.S. 163-82.6.
- For those persons who may register and vote by absentee ballot because of their overseas or military status, they may register at any time prior to the election. Article 21 of Chapter 163.

One-stop absentee voting, popularly called "early voting," begins on the third Thursday before an election and ends the Saturday before the election. One-stop begins six days after the standard close of registration. G.S. 163-227.2

BILL ANALYSIS:

Section 1. Creates a process to allow any person who is qualified to vote to register in person and vote at a one-stop site after the general close of voter registration in G.S. 163-82.6. In order to register and vote, the person would have to do both of the following:

- Complete the standard voter registration form, including the attestation that they are a U.S. citizen and reside at the address given. That attestation is signed under penalty of a Class I felony.
- Provide "proof of residence," which could be one of several valid documents that had the person's name and current residence address: a NC drivers license, a photo I.D. from a government agency, a utility bill, bank statement, paycheck, government check, or other government document. (This is similar to the list of I.D.s that satisfy the Help America Vote Act federal I.D. requirement for certain first-time voters, except that HAVA list allows any valid photo I.D., while the bill allows only a government-issued one. Also, the HAVA photo I.D. does not require a residence address.)

Once registered at the one-stop site, the person is entitled to vote then, or later at another one-stop site. The person will vote a retrievable ballot, just as other one-stop voters.

Within 2 business days after the person has registered at the one-stop site, the board of elections must proceed to verify the person's identity and address. The person's one-stop ballot must be counted unless the board determines that the applicant is not qualified to vote.

A person already registered may update information on that person's voter records at the one-stop site during the one-stop voting period, except that that person cannot change party registration before a partisan primary.

Sections 2 and 3. Make conforming changes.

Section 4. Requires the State Board of Elections to monitor the implementation of the act, and to report to the Joint Legislative Commission on Governmental Operations no later than March 1, 2009, on its findings regarding expanding the process to include same-day registration and voting on election day.

EFFECTIVE DATE: Sections 1 through 3 of the bill become effective with regard to registration and voting in primaries or elections as follows:

- If preclearance under Section 5 of the Voting Rights Act comes before September 1, 2007, they become effective for registration and voting for any primary or election on or after October 9, 2007.
- If preclearance comes during the month of September 2007, they become effective for registration and voting for any primary or election on or after November 6, 2007.
- If preclearance comes on or after October 1, 2007, they become effective for registration and voting in any primary or election held on or after the 60th day after preclearance comes.

The idea is to begin one-stop registration for this year's municipal primaries and elections if preclearance comes soon enough for orderly implementation, but not if the timing of preclearance would cause confusion. The remainder of the act is effective when it becomes law.

BACKGROUND: Eight states allow voter registration on election day. Those states are: Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming. (One state, North Dakota, does not have voter registration.) At least some of the states that allow registration on election day also allow it to be done in person during the period after the deadline for mail-in registration and election day. NC would apparently be the first state to allow in-person registration during the early voting period but not on election day.

(Erika Churchill substantially contributed to this summary.)

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-253
HOUSE BILL 91**

**AN ACT TO PROVIDE FOR IN-PERSON REGISTRATION AND VOTING AT
ONE-STOP ABSENTEE VOTING SITES.**

The General Assembly of North Carolina enacts:

SECTION 1. Article 7A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-82.6A. In-person registration and voting at one-stop sites.

(a) Who May Register in Person. – In accordance with the provisions in this section, an individual who is qualified to register to vote may register in person and then vote at a one-stop voting site in the person's county of residence during the period for one-stop voting provided under G.S. 163-227.2. For purposes of this section, a one-stop voting site includes the county board of elections office, if that office is used for one-stop voting.

(b) Both Attestation and Proof of Residence Required. – To register and vote under this section, the person shall do both of the following:

- (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including the attestation requirement of G.S. 163-82.4(b) that the person meets each eligibility requirement. Such attestation is signed under penalty of a Class I felony under G.S. 163-275(13); and
- (2) Provide proof of residence by presenting any of the following valid documents that show the person's current name and current residence address: a North Carolina drivers license, a photo identification from a government agency, or any of the documents listed in G.S. 163-166.12(a)(2). The State Board of Elections may designate additional documents or methods that suffice and shall prescribe procedures for establishing proof of residence.

(c) Voting With Retrieval Ballot. – A person who registers under this section shall vote a retrieval absentee ballot as provided in G.S. 163-227.2 immediately after

registering. If a person declines to vote immediately, the registration shall be processed, and the person may later vote at a one-stop voting site under this section in the same election.

(d) Verification of Registration; Counting of Ballot. – Within two business days of the person's registration under this section, the county board of elections in conjunction with the State Board of Elections shall verify the North Carolina drivers license or Social Security number in accordance with G.S. 163-82.12, update the statewide registration database and search for possible duplicate registrations, and proceed under G.S. 163-82.7 to verify the person's address. The person's vote shall be counted unless the county board determines that the applicant is not qualified to vote in accordance with the provisions of this Chapter.

(e) Change of Registration at One-Stop Voting Site. – A person who is already registered to vote in the county may update the information in the registration record in accordance with procedures prescribed by the State Board of Elections, but an individual's party affiliation may not be changed during the one-stop voting period before any first or second partisan primary in which the individual is eligible to vote."

SECTION 2. G.S. 163-82.6(c) reads as rewritten:

"(c) Registration Deadlines for an Election. – In order to be valid for an election, except as provided in G.S. 163-82.6A, the form:

- (1) If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the election,
- (2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, must be received by the county board of elections by a time established by that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the election,
- (3) If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the election, except as provided in subsection (d) of this section."

SECTION 3. G.S. 163-227.2(a) reads as rewritten:

"(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an application for absentee ballots, complete the application, and vote under the provisions of this ~~section~~-section and of G.S. 163-82.6A, as applicable."

SECTION 4. The State Board of Elections shall monitor the implementation of this act and determine the feasibility and timetable for expanding same-day registration and voting to all voting places on Election Day. The State Board shall report its findings no later than March 1, 2009, to the Joint Legislative Commission on Governmental Operations of the General Assembly.

SECTION 5. Sections 1, 2, and 3 of this act become effective as follows:

- (1) If preclearance under Section 5 of the Voting Rights Act of 1965 is obtained before September 1, 2007, those sections are effective with regard to registration and voting for any primary or election held on or after October 9, 2007.
- (2) If preclearance is obtained during September 2007, those sections are effective with regard to registration and voting for any primary or election held on or after November 6, 2007.
- (3) If preclearance is obtained on or after October 1, 2007, those sections are effective with regard to registration and voting for any primary or election held on or after the 60th day after preclearance is obtained.

The remainder of this act is effective when it becomes law. The State Board of Elections may adopt any necessary procedures to implement this act at any time after this act becomes law.

In the General Assembly read three times and ratified this the 12th day of July, 2007.

s/ Charlie S. Dannelly
Deputy President Pro Tempore of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 10:41 a.m. this 20th day of July, 2007

**Chapter 162-82 - General Statutes of the State of North Carolina
As Prior to Amendment by House Bill 91, Session Law 2007-3**

2007 General Assembly of North Carolina, Information Services Division - July 20, 2007

§ 163-82.6. Acceptance of application forms.

(a) **How the Form May Be Submitted.** – The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission, transmission of a scanned document, or in person. The applicant may delegate the submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.

(b) **Signature.** – The form shall be valid only if signed by the applicant. An electronically captured image of the signature of a voter on an electronic voter registration form offered by a State agency shall be considered a valid signature for all purposes for which a signature on a paper voter registration form is used.

(c) **Registration Deadlines for an Election.** – In order to be valid for an election, the form:

- (1) If submitted by mail, must be postmarked at least 25 days before the election, except that any mailed application on which the postmark is missing or unclear is validly submitted if received in the mail not later than 20 days before the election,
- (2) If submitted in person, by facsimile transmission, or by transmission of a scanned document, must be received by the county board of elections by a time established by that board, but no earlier than 5:00 P.M., on the twenty-fifth day before the election,
- (3) If submitted through a delegatee who violates the duty set forth in subsection (a) of this section, must be signed by the applicant and given to the delegatee not later than 25 days before the election, except as provided in subsection (d) of this section.

(c1) If the application is submitted by facsimile transmission or transmission of a scanned document, a permanent copy of the completed, signed form shall be delivered to the county board no later than 20 days before the election.

(d) Instances When Person May Register and Vote on Election Day. – If a person has become qualified to register and vote between the twenty-fifth day before an election and election day, then that person may apply to register on election day by submitting an application form described in G.S. 163-82.3(a) or (b) to:

- (1) A member of the county board of elections;
- (2) The county director of elections; or
- (3) The chief judge or a judge of the precinct in which the person is eligible to vote,

and, if the application is approved, that person may vote the same day. The official in subdivisions (1) through (3) of this subsection to whom the application is submitted shall decide whether the applicant is eligible to vote. The applicant shall present to the official written or documentary evidence that the applicant is the person he represents himself to be. The official, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to that official as to the applicant's qualifications. If the official determines that the person is eligible, the person shall be permitted to vote in the election and the county board shall add the person's name to the list of registered voters. If the official denies the application, the person shall be permitted to vote a challenged ballot under the provisions of G.S. 163-88.1, and may appeal the denial to the full county board of elections. The State Board of Elections shall promulgate rules for the county boards of elections to follow in hearing appeals for denial of election day applications to register. No person shall be permitted to register on the day of a second primary unless he shall have become qualified to register and vote between the date of the first primary and the date of the succeeding second primary.

(e) For purposes of subsection (d) of this section, persons who "become qualified to register and vote" during a time period:

- (1) Include those who during that time period are naturalized as citizens of the United States or who are restored to citizenship after a conviction of a felony; but
- (2) Do not include persons who reach the age of 18 during that time period, if those persons were eligible to register while 17 years old during an earlier period. (1901, c. 89, ss. 18, 21; Rev., ss. 4322, 4323; C.S., ss. 5946, 5947; 1923, c. 111, s. 3; 1933, c. 165, s. 5; 1947, c. 475; 1953, c. 843; 1955, c. 800; 1957, c. 784, ss., 3, 4; 1961, c. 382; 1963, c. 303, ss. 1, 2; 1967, c. 761, s. 3; c. 775, s. 1; 1969, c. 750, ss. 1, 2; 1977, c. 626, s. 1; 1979, c. 539, s. 5; c. 766, s., 2; 1981, c. 33, s. 2; 1981 (Reg. Sess., 1982), c. 1265, s. 6; 1983, c. 553; 1985, c. 260, s. 1; 1991, c. 363, s. 1; 1991 (Reg. Sess., 1992), c. 1032, s. 1; 1991 (Reg. Sess., 1992), c. 1044, s. 18(a); 1993, c. 74, s. 1; 1993 (Reg. Sess., 1994), c. 762, s. 2; 1995, c. 243, s. 1; 1997-456, s. 27; 1999-426, s. 1(a), (b); 2001-315, s. 1; 2001-319, s. 6(a); 2003-226, s. 4; 2004-127, s. 9(a).

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