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State Board of Elections

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ABSENTEE VOTING IN NORTH CAROLINA

An Explanation of North Carolina Absentee Voting Laws and the Federal Uniform and Overseas Citizens Absentee Voting Act (UOCAVA).

ABSENTEE VOTING IN NORTH CAROLINA

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CIVILIAN ABSENTEE VOTING

1.1 Who may request a mail-in absentee ballot?

Any North Carolina registered voter, or that voter's near relative or verifiable legal guardian may request a no-excuse absentee ballot. A near relative is a spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild.

G.S. §§ 163-226, -230.1

1.2 How to request an absentee ballot?

Absentee ballot requests must be written and signed by the voter (or a near relative) or must be on a form generated by the county board of elections for the voter. The request is valid as long as it contains the signature of the voter or a near relative and includes enough information to identify the voter. It is recommended that the request contain the following voter information:

- full name;
- residential address;
- date of birth;
- address to which the ballot should be mailed;
- election in which voter wishes to vote a mail-in absentee ballot; and
- partisan ballot choice (if election is a primary and voter is Unaffiliated).

If a near relative, the requestor must also include his or her name, address, and relationship to the voter. Near relatives may use the same letter to request an absentee ballot both for themselves and for any other eligible family member. It is permissible for a near relative to request a partisan ballot choice for a voter.

In lieu of a written request, the voter or near relative may also use an approved request form issued by a county board of elections.

Regardless of whether the request is a written request or on an approved request form, the request may be transmitted to a county board of elections by mail, an approved method of electronic transmission (including facsimile and emailing of a scanned document), or delivered in person.

G.S. § 163-230.2

1.3 Invalid Absentee Ballot Requests

County boards may not accept an absentee request that is generated on a form that has not been approved by the state or county board of elections. If the request does not meet the provisions of N.C.G.S. § 163-230.2, the county board of elections shall issue an approved absentee ballot request form to the voter or the voter's near relative.

G.S. § 163-230.2

1.4 Change of Address

A voter may indicate on an absentee request a change of address within the county. In order for the county board to process the address change, the voter must clearly state that he/she has moved and desires to update his/her address. If the voter's address change is unclear, then the county board must send a notice to the voter that provides information on how the voter can update his or her address. The notice must contain a voter registration update form. Regardless of whether the voter sends a signed written notice, a completed voter registration form, or some other valid method of updating his/her address, the information may be transmitted to the county board in person, by mail or electronically. Once the county board receives signed documentation of the voter's address change, the board must process the address change and then process the absentee ballot request and send the voter the appropriate ballot based on his/her new residential address.

Alternatively, the county board may treat the absentee request as a provisional absentee ballot request. Using

this method, the county board should send the voter the absentee balloting materials along with a blank voter registration form. The county board must advise the voter to complete the voter registration form and enclose the form in an envelope separate from the executed absentee balloting materials.

If the address change is reported after the expiration of an election's voter registration deadline, consider the address change an unreported move subject to the guidelines of G.S. § 163-82.15.

G.S. § 163-82.15

1.5 Absentee Deadlines

1.5.1 Absentee Requests

County Boards may accept absentee ballot requests through 5:00 p.m. on the Tuesday before the election. After that time, county boards may only accept those requests received from a voter or a near relative who represents that a voter is sick or is in some way incapacitated and cannot appear in person on Election Day to vote. [See Civilian Guidelines, Section 1.6.](#)

1.5.2 Executed Application & Ballot

The signed and witnessed absentee application and certificate and the voted ballot are due by 5:00 p.m. on the day before an election. In a statewide primary or general election or county bond election, if the ballot is postmarked by the day of the election and received by mail no later than 5:00 p.m., three days following the election, the ballot shall still be deemed timely received. This exception only applies to the elections listed.

G.S. § 163-231(b)

1.6 Requests due to Sickness or Disability (Late Requests)

After 5:00 p.m. on the Tuesday before the election and not later than 5:00 p.m. on the day before the election, if a voter is unable to appear in person on election day and vote due to that voter's illness or other physical disability,

then the voter, a legal guardian, or a near relative may present to a county board of elections in person and may make application to request an absentee ballot for the voter.

If the voter is the requestor and the one-stop absentee voting period has not ended, then the county board may offer the voter the opportunity to vote an in-person absentee ballot. Otherwise, the requestor must be personally given:

- the official ballot;
- a container-return envelope for the ballot; and
- an instruction sheet.

The executed application and ballot are due by 5:00 p.m. on the day before the election. Nevertheless, in a statewide primary or general election or county bond election, if the ballot is postmarked by the day of the election and received by mail no later than 5:00 p.m., three days following the election, the ballot shall be deemed timely received. This exception only applies to the elections listed.

G.S. §§ 163-230.1(a1); G.S. § 163-231(b)(ii)

1.7 Annual Request Due to Sickness or Physical Disability

If a voter has a sickness or physical disability that is expected to last the remainder of a calendar year, the voter may submit a request for an absentee ballot for all primaries and elections held in the county within the calendar year when the request is received. The voter may also use the application on the container-return envelope to make an annual request for an absentee ballot. In order to continue receiving absentee ballots, the voter must make this request annually.

G.S. § 163-226(a2)

1.8 Transmitting the Absentee Materials to the Voter

1.8.1 Ballot Availability

Absentee Ballots must be available for mailing and distribution according to the following schedule:

Election Type	Days
Statewide Primary	50
Statewide Second Primary	45
Statewide General (even-year)	60
County Bond Election	50
Other General Election	50
Municipal Elections	30

In the case of a second primary that does not include a federal contest, absentee materials must be sent to covered voters as soon as practicable, but must be transmitted electronically no later than three (3) business days, and by mail, no later than fifteen (15) days, from the date the appropriate board of elections orders the second primary.

G.S. § 163-229; G.S. § 163-258.9

1.8.2 Normal Requests

Upon the timely receipt of an acceptable absentee request, the county board of elections, within the time set out by law, shall mail the voter the appropriate ballot, the absentee application and certificate (absentee ballot container–return envelope) and absentee instructions.

1.8.3 Medical Requests

In the case of absentee requests for sickness or physical disability, the absentee materials may be hand-delivered to a voter, a legal guardian, or a near relative when the deadline for requesting absentee ballots has passed and the voter or near relative presents to the county board of elections and represents that the voter is sick or is incapacitated in some way that will prevent him or her from voting in person on election day. The deadline for such requests is 5:00 p.m. on the day before an election.

G.S. § 163-230.1

1.9 Voting and Returning the Absentee Ballot

The absentee voter must return his or her ballot in the container-return envelope that is provided by the county board of elections, by the ballot return deadline for the election. In order for the absentee application to be approved by the county board of elections, the voter and his or her witness must sign the application and certificate on the back of the absentee container-return envelope. The witness must also provide his or her full address on the application and certificate.

If the voter does not sign the certificate of absentee voter and/or fails to have the certificate witnessed, then the absentee application must be disapproved. The county board of elections should notify the voter of the deficiency. Since the voter has not returned a ballot that can be accepted, the voter would still be eligible to vote a regular ballot on election day (or an in-person absentee ballot during the one-stop early voting period).

G.S. § 163-230.1; G.S. § 163-231

1.10 Handling Improperly Executed Ballots

If an absentee voter does not return his or her ballot in a container-return envelope that has been properly executed by the voter and/or the witness, then the county board shall disapprove the absentee ballot application. The county board is encouraged to contact the voter and advise him/her of the deficiency.

G.S. § 163-230.1; G.S. § 163-231

1.11 Cancellation, Spoiling or Withdrawal of Absentee Ballots

If an absentee ballot has been issued to a voter, and the voter has executed and returned the ballot to the county board of elections, the ballot may not be returned to the voter for any reason. However, if the voter chooses not to

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vote the absentee ballot, or does not return it to the county board of elections, or that ballot was not approved by the county board of elections, the name of that voter will not appear on the certified list of executed absentee ballots. That voter would be eligible to present him/herself to the precinct officials on Election Day or at a one-stop absentee voting site, and, if qualified by residence, etc., vote on the voting equipment that day.

The voter does not need to return the previously issued absentee ballot before voting on Election Day (or at one-stop absentee voting site), nor should the voter be required to vote the previously issued absentee ballot.

If the voter *does* offer the absentee ballot to the precinct official, the absentee ballot should be spoiled and the voter processed as all other voters on Election Day (or at one-stop absentee voting sites).

G.S. § 163-233.1

1.12 Absentee Meetings

County boards of elections must conduct the following public absentee meetings for purposes of approving returned absentee ballot applications:

- The county board of elections must meet each Tuesday at 5:00 p.m., commencing with the third Tuesday before an election;
- The county board must meet at some time after 5:00 p.m. on the day before the election and no later than 10:00 a.m. on the day of the election for purposes of approving any remaining absentee ballots that were received by 5:00 p.m. on the day before the election.
- The county board must provide for an additional meeting following the day of the election and prior to the day of canvass to approve absentee applications that were received by mail after the deadline for receipt

of absentee ballots, pursuant to G.S. § 163-231(b)(ii) or (iii).

The county board shall publish in a newspaper circulated in the county at least 30 days prior to the election a notice if the county board changes the time of holding its absentee meetings or to provide for additional meetings.

G.S. § 163-230.1; G.S. § 163-234

1.13 Counting Absentee Ballots

In order to count absentee ballots, county boards of elections must meet at the following times:

- 5:00 p.m. on election day

County boards may begin counting military-overseas absentee ballots as early as 9:00 a.m. and all absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior to the election wherein the hour and place of counting absentee ballots shall be stated. The county board shall publish in a newspaper circulated in the county at least once a week for two weeks prior to the election, a copy of the resolution if the county board changes the time of the count.

- After 5:00 p.m. on the third day following an election and prior to Canvass

County boards shall provide for an additional absentee meeting to count the absentee ballots received by mail after the initial deadline for receipt of absentee ballots. The county board shall also make publication of this additional meeting in the appropriate newspaper, at least once a week for the two week period prior to election.

Prior to election day, for county boards that use optical scanning devices, the county boards of elections may adopt procedures to take preparatory steps for all

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approved ballots, to remove the ballot from the envelope and prepare the ballot for counting. County boards must follow the procedures below:

- Post a notice of the plans.
- Notify the Chair of each political party, the media, and anyone else who has asked to be notified of county board meetings.
- At least two members of the county board of elections must be present.
- The Board would first need to approve any absentee application before the envelope can be opened.
- Once approved, the container-return envelope shall be opened, the ballot removed, and then fed through the tabulator.
- The county board must keep a log and record:
 - Date;
 - Time;
 - Beginning count;
 - Ending count;
 - Initials or name of person feeding the ballots; and
 - Name of all persons present
- The county board must still check off each ballot in the absentee poll book.
- These ballots may not be totaled or the totals from the scanner may not be printed until Election Day, and no earlier than 5:00 p.m. (or 2:00 p.m. upon the adoption of a resolution).

G.S. § 163-234

1.14 Certified Lists

County boards of elections must prepare a list of all approved civilian and UOCAVA absentee ballots that will be counted and that were received by 5:00 p.m. on the day before the election. At the end of each list, the chairman of the board of elections must sign or execute a *Civilian Certificate of Oath* (or *Military-Overseas Certificate of Oath*, if UOCAVA). No later than 10:00 a.m. on Election

Day, the chair of the county board of elections must distribute the civilian and military-overseas lists of executed absentee ballots with accompanying certificates of oath as follows:

- Retain one copy in the office for public inspection
- Deposit one copy in the mail for first-class delivery to the State Board of Elections
- Deliver two copies to each precinct
- Upon request, provide a copy to the chairman of each recognized political party

Upon receiving the Certified Absentee lists at the polling sites, the Chief Judge must post one copy in the voting place and retain one copy for challenges. The chief judge shall also call the name of each person recorded on the list and enter an “A” in the polling list or electronic poll book.

County boards must also provide a supplemental list for absentee ballots that are deemed timely that were received after 5:00 p.m. on the day before Election Day. For civilian absentee ballots cast in a statewide primary or general election or county bond election, ballots postmarked by Election Day and mailed are timely if received between the period commencing after 5:00 p.m. on the day before Election Day and ending at 5:00 p.m. on the third day following Election Day. (Additional time is not provided for municipal elections.) The supplemental certified lists must be updated each day until the deadline for receipt of these mailed ballots and distributed as follows:

- Post one copy of the most recent version of each list in the county board office each day
- Upon request, provide a copy to the chairman of each recognized political party
- Deposit the final copy along with a signed or executed Supplemental Certificate of Oath as first-class mail to the State Board of Elections no later than 10:00 a.m. of the next business day following the deadline for receipt of these mailed ballots.

G.S. § 163-232.1; G.S. § 163-258.21

1.15 Absentee Abstracts

County boards must prepare absentee abstracts. Once the absentee ballots that were approved and submitted by 5:00 p.m. on the day before the election are counted, the results of each contest must be tallied and entered onto an *Absentee Abstract*. The abstract must be signed by the members of the board in attendance and the original must be mailed immediately to the State Board of Elections.

In addition, once the additional civilian and military-overseas ballots that were received after 5:00 p.m. on the day before Election Day and deemed timely are approved and counted, the results of each contest must be tallied and entered on a *Supplemental Absentee Abstract*. The supplemental abstract must be signed by the members of the board in attendance and the original must be mailed immediately to the State Board of Elections.

G.S. § 163-234(6); G.S. § 163-234(10)

1.16 Provisional Absentee Ballots

If an individual is a first time voter in a jurisdiction and is required to present identification in order to vote, and if the individual chooses to vote by mail-in absentee, the county board shall issue the voter an absentee balloting package that includes a notice of the requirement that the voter must provide proper identification before his or her absentee application may be approved. The county board must treat the issuance of the absentee balloting materials as a provisional official ballot. The county board must instruct the voter to tender proof of identification in an envelope that is separate from the container-return envelope of the absentee ballot.

If an individual has requested an absentee ballot in a jurisdiction, and the individual has a pending incomplete voter registration application, then the county board shall issue the voter an absentee balloting package that includes a notice of the requirement that the voter must provide the missing registration element before his or her

application may be approved. The county board must treat the issuance of the absentee balloting materials as a provisional official ballot. The county board must instruct the voter to tender a form that provides the missing required element in an envelope that is separate from the container-return envelope of the absentee ballot.

In some instances, county boards of elections may need to issue provisional ballots by mail in the event of receiving absentee requests from voters who appear to have unreported moves or from individuals with pending incomplete voter registration applications in the Incomplete Queue. If time permits, county boards should first send absentee incomplete notices to these absentee requestors.

G.S. §§ 163-166.11; 163-166.12

1.17 Challenges

The absentee ballot of any voter may be challenged on the day of the election beginning no earlier than noon and ending no later than 5:00 p.m. Absentee ballots may also be challenged by the chief judge at the time of closing of the polls as provided by G.S. § 163-232 and 163-251(b).

G.S. §§ 163-89; 163-227.2(h)

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2 UOCAVA ABSENTEE VOTING

2.1 Who Qualifies?

Eligible residents of the State of North Carolina who are absent from the county of his or her residence due to uniformed service or by nature of living outside of the United States are eligible to register to vote and request an absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as it is applied under the Uniform Military and Overseas Voters Act (UMOVA). North Carolina law (G.S. § 163-258.2, Article 21A) defines a covered voter as the following:

- A uniformed-service voter (including a qualified dependent) or an overseas voter who is registered to vote in this State.
- A uniformed-service voter (including a qualified dependent) whose voting residence is in this State and who otherwise satisfies this State's voter eligibility requirements.
- An overseas voter who, before leaving the United States, was last eligible to vote in this State
- An overseas voter who, before leaving the United States, would have been last eligible to vote in this State had the voter then been of voting age.
- An overseas voter who was born outside the United States and the last place where a parent or legal guardian of the voter was eligible to vote was in a North Carolina jurisdiction before leaving the United States and the voter has not previously registered to vote in any other state.

G.S. § 163-258.2

2.2 Who Does Not Qualify?

Non-residents of this state may not register to vote and request an absentee ballot in this state under UOCAVA. Also, individuals who are not “absent” from their county of residence do not qualify under UOCAVA.

2.3 Elections Covered

UOCAVA voters are eligible for the following elections:

- Primary, general, or special election for federal or State office
- State ballot measures
- Primary, general, or runoff election for local government office or a local ballot measure if absentee voting is allowed in the election

Any military-overseas ballot, including the Federal write-in absentee ballot (FWAB), is valid for all contests in any covered elections.

G.S. § 163-258.2; G.S. § 163-258.3

2.4 Registering to Vote

In addition to a regular voter registration application, covered UOCAVA voters may use the following forms to register to vote:

- Federal Postcard Application (FPCA);
- Federal write-in absentee ballot (FWAB).

Neither the FPCA nor FWAB are required to be notarized or witnessed. Covered voters may submit voter registration documents by mail or electronic transmission. The voter’s signature is required. When processing a voter registration application from a covered UOCAVA voter, ID validation and mail verification is not required.

Covered voters have until 5:00 p.m. on the day before the election to register to vote for any covered election. Covered voters may apply for voter registration via mail or electronic transmission, including by fax or email.

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G.S. § 163-258.6

In registering to vote, the residential voting address for the UOCAVA registrant shall be the address of the last place of residence for the voter in North Carolina; or for U.S. citizens who were born outside of the United States and claim residence in North Carolina due to a parent or legal guardian last residing in North Carolina, the last place of residence of the parent or legal guardian. If the last known voting address cannot be determined, the county board shall place the voter in the precinct of the county board office.

G.S. § 163-258.5

2.5 Requesting a Ballot

In order to receive a ballot, or to submit a ballot, a covered UOCAVA voter must first apply for or request a military-overseas ballot. Covered UOCAVA voters may use the following forms to request or apply for an absentee ballot:

- Federal Postcard Application (FPCA)
- the Federal Write-in Absentee Ballot (FWAB), or
- the State's Absentee Ballot Request form

These forms may be submitted to a county board of elections by mail or by electronic transmission. The forms are not required to be notarized or witnessed. The voter's signature is required. Requests from UOCAVA voters are good only for the calendar year in which the requests were received. Covered voters may request a military-overseas ballot via mail or electronic transmission, including by fax or email.

Covered voters have until 5:00 p.m. on the day before the election to request an absentee ballot for any covered election.

Upon receipt of an application for an absentee ballot under Chapter 163, Article 21A, it shall be determined at the county level whether the applicant is qualified to vote. A list shall be made of the applications approved and

disapproved (which list shall be open to inspection by election officials and the public) and an absentee ballot shall be forwarded to each person whose application is approved.

When the county board receives an application request by electronic transmission from a covered UOCAVA voter, and that voter requests that the ballot be sent to him/her electronically, the county board shall verify the voter's eligibility to vote. If the voter is eligible to vote, the county board shall send the ballot to the voter as soon as practicable by electronic transmission using the electronic mail or fax number supplied by the voter for that purpose, or the fax number specified by the Department of Defense's Federal Voting Assistance Program. If the voter is not eligible to vote in the State or county, notice of non-eligibility shall be provided to the voter by fax or email as soon as practicable after the receipt of the request. All transmission statements shall be retained with the corresponding voter's records.

G.S. § 163-258.7

2.6 Processing Registrations & Requests

Requests for registration and absentee ballots by covered UOCAVA voters may be submitted at any time during the calendar year prior to the day of the election. Thus, UOCAVA voters have until 5:00 p.m. on the day before an election to register to vote and/or request an absentee ballot. There is an exception for second primaries; there is no voter registration between the first primary and the second primary. Covered UOCAVA voters may request a ballot for a second primary, but they may not initially register to vote between the first primary and the second primary.

When absentee requests are received, the county board of elections must record the request in the official log of absentee voters.

The log must include the following information:

- Date of the request.

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- Name of voter for whom application and ballots are being requested.
- Number of assigned voter's application when issued.
- Precinct in which voter is registered.
- Full North Carolina residential address.
- Address to which ballots are to be mailed.
- Forwarding address for the voter.
- Request type.
- Request subtype.
- Request method.
- Send method.

2.6.1 Existing NC Voters

Covered UOCAVA voters who are already registered may use the state absentee ballot request form, the FPCA, or the FWAB to request an absentee ballot. County Boards of Elections may issue the state's absentee ballot request form to the voter, a near relative, or a qualified legal guardian; however, in order for the voter to qualify under UOCAVA, the form must be returned with the voter's signature only. Otherwise, the voter will not be eligible under UOCAVA, and will receive a ballot under the statutory guidelines of Chapter 163, Article 20 (civilian absentee voting.)

If the applicant is a registered NC voter, the FPCA, FWAB or the State's absentee ballot request form may be used to update the voter's name or address, but the voter's status may not be changed to *temporary registrant*.

2.6.2 Temporary Registrants

If the applicant is not already a registered NC voter, covered voters using a FPCA or FWAB to register will be registered as a temporary registrant. Temporary registrants' voter registration in this state will expire at the end of each calendar year, unless the voter submits a new FPCA or FWAB the following year, or extends their voter registration and absentee voting requests through subsequent years using an approved extension method.

G.S. § 163-258.22; see also 163-258.21

2.6.3 Change of Status

Individuals who no longer qualify under UOCAVA will not be entitled to vote a military-overseas ballot.

G.S. § 163-258.22

2.6.4 Tracking UOCAVA Registrations & Requests

UOCAVA registrations documents must be processed with the following source codes:

- 96 FWAB
- 97 FPCA
- 06 State Request Form (mailed)
- 07 State Request Form (in-person)

UOCAVA absentee requests documents must be processed with a "Request Type" and a "Request Subtype."

- Request Type:
 - Military
 - Overseas
- Request Subtype:
 - FPCA
 - FWAB
 - State Form

G.S. § 163-258.7

2.7 Incomplete Requests

UOCAVA applications for voter registration and/or requesting an absentee ballot must include the following information:

- Full North Carolina residence address
- Absentee address of the voter (where the voter is currently stationed or living overseas)
- Voter's date of birth
- Voter's signature
- Voter's Indication of UOCAVA eligibility
- Mailing address, email address, or fax number, as applicable to voter's preferred method of transmitting absentee materials.

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If a FPCA, FWAB or the state absentee request form is missing required information or the information provided does not permit the county to register the voter and/or process the absentee request, the county shall not process the registration and/or absentee request. The covered voter shall be notified by the county board of elections and given the opportunity to correct the deficiency.

A voter's mistake or omission of a nonessential requirement in a UOCAVA document may not invalidate the document if the county board of elections can determine that the individual is a covered voter.

UOCAVA Applications for voter registration or requests for absentee ballots are incomplete for the following reasons:

- Application/Request form is missing the voter's name or date of birth
- Application/Request Form is not signed by covered voter;
- Applicant is not covered voter under UOCAVA;
- Applicant did not provide a full North Carolina residential address
- Application is missing the required information to transmit the balloting materials according to the preference of the voter.

If an application or request form is incomplete, the county board of elections shall contact the UOCAVA voter using the most expedient means provided by the applicant. If the applicant cannot be contacted or fails to properly amend the request/application, then the application shall be denied. The county board must notify the applicant of the denial. County boards of elections shall make every attempt to contact voters and provide them with the necessary information for successfully obtaining an absentee ballot.

2.7.1 Voter does not appear to be absent:

If the applicant does not provide an address on the FPCA that indicates that the applicant is *absent* from his or her

home county, as is required to qualify under UOCAVA, then the following rules shall be applied:

- If the applicant is already a NC registered voter, the county board shall consider the FPCA a civilian request for an absentee ballot.
- If the applicant is not a current registered voter in NC, then the county board shall immediately contact the applicant to determine whether he or she is indeed *absent* from his or her home county.

See 42 USC § 1973ff-6.

2.8 Scope of UOCAVA Registrations and Requests

The FPCA, FWAB or the State's absentee ballot request form, is a valid absentee request with respect to all elections in which the UOCAVA voter is entitled to vote within the calendar year that the request was received. UOCAVA voters may extend their absentee ballot request for all elections held through December 31 of the year following the calendar year of the date of the initial request. Space for this extension request is provided on the *Affirmation of Military-Overseas Voter*. When UOCAVA voters request an extension of their absentee request, county boards shall record the voter's preference in the statewide database system. These voters will continue to receive eligible ballots for an additional year.

G.S. § 163-258.8; G.S. § 163-258.15

2.9 Transmitting Absentee Materials

County Boards of Elections must transmit absentee balloting materials according to the preference of the UOCAVA voter. Covered UOCAVA voters may choose to receive their balloting materials by (1) Mail; (2) Fax; (3) Email; or (4) Internet Delivery (if available). The county board staff shall record the date of transmission and select the applicable method of transmission of the blank ballot in the statewide voter registration database system.

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If the UOCAVA voter has submitted a FWAB, the county is not required to send the voter a regular ballot; however, the county must send all future ballots for which the voter is eligible to the voter, according to the method preferred by the UOCAVA voter.

When transmitting absentee balloting materials to UOCAVA voters, the county board must send the voter the following documents in a single package:

- the official ballots the voter is entitled to vote;
- a container-return envelope for the ballots, printed in accordance with G.S. § 163-229 (if materials are mailed to the voter); and
- a balloting instructions packet.

2.9.1 Balloting Instructions Packet

The balloting instructions packet shall include the following documents:

- *Absentee Ballot Transmission Cover Page*
- *Military-Overseas Absentee Voting Instructions*
- *Affirmation of Military-Overseas Voter*

The *Affirmation of Military-Overseas Voter* (also located on the UOCAVA container-return envelope) shall contain space for a UOCAVA voter to provide his or her email address and to ask that the voter's request for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the request.

- *Electronic Transmittal/Waiver Form*

The Electronic Transmittal/Waiver Form shall contain the following statement: "*I understand that by using electronic*

transmission to return my marked ballot, I am voluntarily waiving a portion of the secrecy of my ballot to the extent necessary to process my ballot, but expect that my vote will be held as confidential as possible." This must be followed by the voter's signature and date of signature.

- Postage-Paid Envelope Template

G.S. §§ 163-258.13, -258.15

2.9.2 Mail Delivery

If the absentee ballot and other absentee voting materials are mailed to the applicant, the container return envelope sent with the ballot and other materials shall be addressed to the election director of the county in which the voter is domiciled and registered.

2.9.3 Fax Delivery

When transmitting balloting materials to covered UOCAVA voters by fax, county board staff must fax each page of the ballot, and the balloting instructions packet approved by the state board of elections (see 2.7.1). When faxing the ballot, county board staff is encouraged to fax an 8 ½ X 11 version of the ballot.

The instructions sent to the voter will include a description of the procedures that a voter returning the ballot must follow. The instructions will also inform the voter that if the voter follows these instructions, the ballot will be counted, unless it is sent in violation of Chapter 163 of the General Statutes, Articles 20 or 21A, or is otherwise ineligible. The instructions will also inform the voter that the voter assumes the risk of faulty electronic transmissions.

2.9.4 Email Delivery

When transmitting balloting materials to covered UOCAVA voters by email, county board staff must email each page of the ballot, and the balloting instructions packet approved by the State Board of Elections ([see 2.9.1](#)). When emailing the ballot, county boards are encouraged to take the following steps:

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- Send a test email to the voter to acknowledge their request. Use the email address provided by the voter on the FPCA or state absentee ballot request form. Advise the voter that the balloting materials will be emailed once materials are available (60, 50 or 30 days prior to the election. Explain in the email that the voter will need access to a printer to print his/her balloting materials. Also explain that if the voter wants to return the balloting materials by email, he/she will also need access to a scanner. Finally, ask the voter to confirm his or her receipt of the email;
- If the transmission is unsuccessful, make an attempt to contact the voter using an alternative method in order to obtain a valid email address. If attempts to contact the voter continue to prove unsuccessful, when absentee materials are available, the county board must mail the balloting materials to the voter;
- If the transmission is successful, when absentee materials are available, county board shall prepare all absentee materials as a single or multiple pdf document(s) and attach the document(s) to an email using the email address provided by the UOCAVA voter.

The instructions sent to the voter will include a description of the procedures that a voter returning the ballot must follow. The instructions will also inform the voter that if the voter follows these instructions, the ballot will be counted, unless it is sent in violation of Chapter 163 of the General Statutes, Articles 20 or 21A, or is otherwise ineligible. The instructions will also inform the voter that the voter assumes the risk of faulty electronic transmissions.

2.9.5 Internet Delivery

Electronic ballots are available to any individual eligible under UOCAVA to use the federal write-in absentee ballot

(FWAB). These electronically generated FWABs are available on the State Board of Elections' website. Based on the entry of their valid North Carolina voting address, covered voters may generate a FWAB with eligible contests automatically listed on the ballot. The electronic FWAB cannot be marked online, but instead, once the ballot is generated, voters must print the ballot, mark it, sign the voter's affirmation, and then transmit the ballot to their county board of elections by mail, fax or email.

2.9.6 Availability of Ballots

County Boards of Elections must submit ballots to covered voters with standing requests no later than 60 days prior to general elections; 50 days prior to primary elections and any other election (except municipal elections); 45 days prior to second primaries (if federal contest on ballot); and 30 days for all municipal elections. If the request for an absentee ballot is received after the county board of elections has already begun distributing absentee ballots, the county board must transmit the ballot to the requestor no later than two business days after the request is received.

In the case of a second primary that does not include a federal contest, absentee materials must be sent to covered voters as soon as practicable, but must be transmitted electronically no later than three (3) business days, and by mail, no later than fifteen (15) days, from the date the appropriate board of elections orders the second primary.

G.S. § 163-258.9

2.10 Casting & Returning the Ballot

Ballots should be marked by the voter according to the instructions contained in the absentee balloting packet. No witness signature is required for military and overseas citizens absentee voting.

Voted ballots must be returned to the county board of elections along with the signed affirmation (printed on the container-return envelope or contained in the UOCAVA

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instructions packet) by the UOCAVA ballot return deadline. The law provides that UOCAVA ballots must be received by the appropriate county board of elections no later than the close of the polls, or the covered voter shall submit the ballot no later than 12:01 A.M., at the place where the voter completes the ballot, on the date of the election.

2.10.1 UOCAVA Ballot Return Deadline

The deadline for returning UOCAVA absentee ballots is by the close of polls on Election Day. If the ballot is not received by this day and time, it will be valid only if the UOCAVA voter submitted the ballot for mailing or electronic transmission no later than 12:01 a.m. on Election Day (this day and time are based on the geographical location of where the voter completes the ballot) and the ballot is delivered to the board of elections by 5:00 p.m. on the business day before the county canvass.

For electronically transmitted ballots, county boards may consider the transmission date and time on the faxed or emailed transmission to determine if the ballot was submitted for transmission by 12:01 a.m. on Election Day. If a county board has clear evidence that a ballot was not timely submitted, then they may disapprove the application; otherwise, if there is no evidence or information that the ballot was not timely submitted, then a county board must err on the side of the voter and approve any application that arrives by 5:00 p.m. on the business day before the county canvass.

G.S. § 163-258.10, -258.12; G.S. § 163-231(b)(iii)

2.11 Processing Returned Ballots

The county board staff must record the date of receipt of the ballot, the method in which the ballot was received from the voter, whether the returned ballot is a federal write-in absentee ballot (FWAB), and the return status of the ballot in the statewide database system.

A county board of elections may not accept multiple transmissions of a voted ballot or any other voting material submitted by the voter. The earliest date and timed version of a voted ballot or any other voting material received by the board of elections will be accepted. All other versions of a voted ballot or any other voting material will be rejected, except in the following circumstances:

- an incomplete fax or email transmission occurs and the county board requests from the voter a new complete fax or email transmission and/or the original voted ballot;
- the county board receives the regular absentee ballot issued to the voter, after first receiving the voter's back-up ballot (federal write-in absentee ballot).

If the returned ballot was electronically transmitted, the board of elections shall remove the ballot portion of the transmission from the portion that identifies the voter; place the ballot portion in a container-return envelope of the type used for absentee ballots returned by mail; seal the envelope; and maintain the voted ballot and envelope in a secure location for county board of elections consideration.

The county board shall take all necessary precautions to preserve the security of the ballot materials and specifically shall ensure that the vote cast by a voter using electronic transmission is not revealed, except to the extent necessary by law or judicial determination. Upon the completion of all inspections of an electronically transmitted ballot required by law, the board or any employee thereof acting under its direction shall promptly separate the waiver from the faxed ballot. Any person handling an electronically transmitted ballot shall not identify the votes cast by any voter, except upon judicial determination.

For ballots that are electronically submitted, regardless of whether they are an electronic copy of regular ballot or a federal write-in ballot, a county board is not permitted to transfer the votes on the ballot to a regular paper ballot

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for ease of tallying the voter's marked votes. All approved absentee ballots returned electronically shall be hand-counted.

2.11.1 Handling Incomplete Ballots

If a UOCAVA voter returns a ballot and fails to return or sign the *Affirmation of Military-Overseas Voter*, the ballot shall be disapproved, unless the voter corrects the deficiency. Upon receiving a returned military-overseas ballot without an executed affirmation, the county board of elections shall notify the voter of the deficiency by email, if an email address is available, or shall make all other reasonable attempts to contact the voter in the most expeditious manner available. The voter has until the absentee ballot return deadline to provide the county with his or her signed affirmation.

2.11.2 Handling Undeliverable Mailings

If an absentee ballot sent to a UOCAVA voter is returned by the postal system as undeliverable, the county board of elections shall notify the voter of the insufficient mailing address by email, if an email address is available, or shall make all other reasonable attempts to contact the voter in the most expeditious manner available. Upon receiving a valid address for the voter, the county board shall cancel the undeliverable ballot, and issue the voter a new ballot. The new ballot may be transmitted to the voter according to the preference of the voter, including electronic delivery. Alternatively, the voter has the option of voting a back-up ballot, the federal write-in absentee ballot (FWAB). Regardless, the voter has until the absentee ballot return deadline to return a properly executed ballot.

If the county board of elections is unable to make contact with a voter after having a ballot sent by mail returned as undeliverable, following the conclusion of the election in which the undeliverable ballot was mailed, the county board of elections may cancel the UOCAVA voter's absentee ballot request. No further ballots for that voter need to be issued to the voter for the duration of the calendar year, unless the voter submits a new absentee request with a valid address.

2.12 Handling Federal Write-in Absentee Ballots (FWAB)

2.12.1 FWAB Availability

FWABs are available on various websites, including the State Board of Elections' website (www.NCSBE.gov) or the Federal Voting Assistance Program's website (www.FVAP.gov). The form is also available at military installations or U.S. embassies. On the State Board of Elections' website, there is functionality that allows covered voters to enter their address and have a ballot generate with contest information specific to the voters' election jurisdictions. These voters must then print the electronic FWAB, mark their ballot selections, sign the voter's declaration, and then transmit the ballot via mail or electronic transmission.

2.12.2 New Registrations & FWABs

If a covered voter is not an existing registered voter in North Carolina, the FWAB may be used as a source of new registration. Individuals using a FWAB to register to vote will be registered as *temporary registrants*. In order to be valid for a given election, the form must be received no later than 5:00 p.m. on the day before the election. If a FWAB is received later than this day and time for individuals who are not yet registered, then the FWAB, as a ballot, must be disapproved. The voter should be registered thereafter, but will only be eligible to vote in future elections within the calendar year in which the FWAB was received. The voter registration and absentee ballot requests for temporary registrants will expire on December 31st of the calendar year in which the request was received.

If the FWAB is timely, then in addition to a source of voter registration, the county board should also process the FWAB as a valid request for an absentee ballot and record a ballot return date for the voted ballot and the fact that the ballot returned is a FWAB (select the FWAB checkbox in the statewide database system).

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2.12.3 Registered NC Voters & FWABs

If a covered voter is an existing North Carolina voter, the FWAB may be used as a valid request for an absentee ballot. The FWAB may also be used as source of voter registration updates. In order to be valid for a given election, the form must be received no later than 5:00 p.m. on the day before the election. If a FWAB is received later than this day and time for individuals who had not previously requested an absentee ballot for a given election, then the FWAB, as a ballot, must be disapproved. The voter's request to received military-overseas ballots should be processed, but the voter will only be eligible to vote in future elections within the calendar year in which the FWAB was received.

If the FWAB is timely, the county board should process the FWAB as a valid request for an absentee ballot and record a ballot return date for the voted ballot and the fact that the ballot returned is a FWAB (select the FWAB checkbox in the statewide database system). The absentee ballot request will expire on December 31st of the calendar year in which the request was received.

2.12.4 FWAB as Back-up Ballot

If a covered voter returns a FWAB to a county board of elections and the voter has already requested and been issued a ballot for a given election, then the FWAB shall be considered a back-up ballot. The county board must record the ballot return date and the fact that the ballot returned is a FWAB. If the voter subsequently returns the regular ballot, the county board shall alter the ballot return date to the date of the return of the regular absentee ballot and deselect the FWAB checkbox in the statewide database system.

2.12.5 Counting FWABs

When counting or tallying federal write-in absentee ballots, regardless of whether they are received by mail or electronically, a county board is not permitted to transfer the votes on the ballot to a regular paper ballot for ease of tallying the voter's marked votes. All approved FWABs shall be hand-counted.

2.13 Request for Email Address

The county board of elections must request an email address from each covered voter who submits a FWAB. The email address received from UOCAVA voters is not subject to public record disclosure and should only be used for official communication with the voter. The county board's request must describe the purpose for which the email address shall be used and must include a statement that any other use or disclosure of the email address is prohibited. County boards may not disclose UOCAVA email addresses to candidates, political parties, or any other third party.

The county board's email request must permit the covered voter to request that the voter's application or request for a military-overseas ballot, whether by FPCA, FWAB, or the state absentee form, be considered a standing request to continue to receive eligible ballots for all elections held through December 31 of the year following the calendar year of the date in which the initial request was received.

For voters who are issued a regular ballot, the request for an email address is located on the *Affirmation of Military-Overseas Voter*. If a voter returns a federal write-in absentee ballot, the county board must send the voter an *Electronic Mail Address Request* to request their email address.

2.14 Publication of Election Notices

County boards must prepare an Election Notice which lists all of the ballot measures and federal, State, and local offices that, as of that date, will be on the ballot on the date of the election. The Election Notice must be available to covered voters desiring to use the Federal write-in absentee ballot (FWAB) to vote. Covered voters may request that the Election Notice be sent to them by regular mail or electronically. The Election Notice must be prepared no later than 100 days prior to each regularly scheduled election, or as soon as practicable for an election that is not regularly scheduled. In the event of a

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second primary, the Election Notice must be prepared by the day after the applicable board of elections orders a second primary.

2.15 Absentee Meetings, Counting Absentee Ballots, and Challenges

See Civilian Absentee guidelines.

G.S. § 163-258.21

2.16 Registering and Voting on Election Day

Uniformed service voters are entitled to register and vote at any time at the county board of elections office, including the day of an election, or at a one-stop absentee voting site, if they were absent from their county of residence on the voter registration deadline and the absence was due to military service.

G.S. §§ 163-258.23 - 24