

Disclaimer:

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

Questions Involving Access to the Ballot:

- 1. It is after 6:30 a.m. and the polling place is not open.**
 - Where available, we will contact the Legal Command Center in the voter's area immediately so that a mobile field attorney can go to the Precinct. An attorney will contact the County election officials to report the problem.
 - If the polling place is open at 6:30 a.m., but the voting machines have not arrived, advise your call center captain. Voters should be permitted to vote by backup paper ballots or by provisional ballots.
 - Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

- 2. It is 7:30 p.m. and my Precinct is closed or closing and they will not let me vote.**
 - Advise your Call Center Captain who will contact the Legal Command Center so that a mobile field attorney can be assigned to go to the Precinct immediately. An attorney will contact the County election official to report the problem.
 - Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

- 3. There are equipment problems at my Precinct and I cannot vote. What should I do?**
 - Encourage the voter to ask to vote by a backup paper ballot or by provisional ballot. Advise your Call Center Captain who will call the Legal Command Center immediately so that an attorney can go to the Precinct to check on the problem. An attorney will also contact the County election officials to report the problem.
 - Where there is no Legal Command Center, call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

Identification and Provisional Ballots:

1. I do not have any identification with me. Can I vote?

- If the voter registered in person, no additional identification is required at the polling place.
- However, if the voter is a first-time voter who either registered by mail without providing any identification or registered through a voter registration drive, the voter will have to show one of the acceptable forms of identification. If the voter does not have proper identification, s/he may have to vote by provisional ballot. If possible, a voter should be encouraged to go and get an ID and NOT cast a provisional ballot. Identification may be either a current and valid photo ID, or a document showing the current name and address of the voter, such as a current utility bill, a bank statement, a government check, or a paycheck.

2. I am a registered voter who is not on the rolls at my Precinct. Can I vote?

- Confirm that the voter is qualified to vote (i.e., meets the age, criminal status and durational residency requirements found on page 4 of the manual) and that the voter registered in time to vote in this election (last date for this election is October 10, 2008). Next, using the online poll locator tool, make sure the voter is at the correct polling place.
- If the voter has registered on time, is eligible and is in the correct polling place, direct the voter to ask the poll worker to call the county clerk and confirm their registration. If the voter still is not on the rolls, let them know that the voter can vote provisionally. This is a LAST resort as provisional ballots will only be counted if the county clerk can later verify the voter's registration status before the election is certified.

3. Poll workers are turning voters away if they do not have photo ID.

- Advise your call center captain and we will call the Legal Command Center immediately to report the problem. An attorney will be dispatched to the polling place. Encourage the voter to go back inside the polling place and demand the right to vote by a REGULAR ballot (unless the voter is required to present identification as set forth above and does not have one of the acceptable non-photo ID alternatives, in which case he or she can vote by provisional ballot).
- Where there is no Legal Command Center, we will call the Office of the Board of Elections for that County. If there is an on-call attorney in that jurisdiction, we will advise the attorney of the problem.

4. I have been offered a provisional ballot. What should I do?

- Provisional ballots are a LAST resort. Ask the election officials to explain the reason why you have been offered a provisional ballot. Call a Commander to explain the situation and request guidance.
- An individual found eligible to cast a provisional official ballot may do so as follows:
 - a. The individual may cast a provisional official ballot at that voting place upon executing a written affirmation before an election official at the voting place, stating that the individual is a registered voter in the jurisdiction in which the individual seeks to vote and is eligible to vote in that election.

b. At the time the individual casts the provisional official ballot, the election officials must provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted. The State Board of Elections or the county Board of Elections has established a system for so informing a provisional voter. One can check the status of his/her provisional vote on the web at <http://www.sboe.state.nc.us>.

c. The county Board of Elections must count the individual's provisional official ballot for all ballot items on which it determines that the individual was eligible under State or federal law to vote.

Where to Vote:

1. Where do I vote (for voters who have not moved)?

- You can look up polling locations at www.vote411.org
- You can look up voter information at <http://www.sboe.state.nc.us/VoterLookup.aspx>
- Additional polling place locators are available at your desktop.

2. I have moved within the same PRECINCT and have not updated my address for voter registration purposes. Where should I vote?

- If the voter has moved within the same precinct, the voter should go to the appropriate polling place for that precinct. If the voter registration list still lists the voter's old address, the voter will be asked to update their registration by oral or written affirmation of the change. If the updated address is within the precinct, the voter must be permitted to vote.

3. I have moved to a different Precinct within the same COUNTY and I have not updated my address for voter registration purposes. Where should I vote?

- The voter should go to the new polling location that corresponds to his or her new address or to the county board of elections and affirm the change of address orally or in writing before a precinct official. Alternatively, if the person prefers, the voter may vote at a central location in the county to be chosen by the county board. If the voter appears at the old precinct, precinct officials there should send the voter to the new precinct or direct the voter to the central location. However, if the voter has moved but has lived in the new precinct for less than 30 days, then the voter must vote in his or her old precinct. In any event, a voter who has moved between precincts within the same county may cast a provisional ballot.

4. I have moved from one County to another and have not updated my address for voter registration purposes. Where should I vote?

- Any registered voter who moves from one county to another county within the state must re-register in the new county or residence according to the registration procedures. A voter that does not re-register may not vote and may not cast a provisional ballot. If the voter moves between counties less than 30 days prior to an election, the voter must vote in his or her old county.

Assistance at the polls:

I. I am physically disabled and need assistance; will my polling place be accessible?

- North Carolina law requires that each polling place be accessible to persons with disabilities, and any disabled or elderly voter assigned to an inaccessible polling place will be assigned to an accessible polling place upon advance request of such voter. A disabled voter may also request a transfer to an accessible polling place on Election Day if the voter goes to the polling place for the precinct at which the voter is registered and announces at curbside his/her request to be transferred to an accessible polling place.
- In addition, elderly or disabled voters who are unable to enter the voting enclosure to vote in person without physical assistance must also be allowed to vote either in the vehicle that brought them to the polling place or in the immediate proximity of the voting place.

2. I am blind, physically disabled, illiterate or cannot read English and require assistance at the polls in order to vote. Can I get assistance at the polls?

- A voter requiring assistance at the polls for any of the reasons stated above can request permission from the chief judge to have assistance, stating the reasons. If the chief judge decides that assistance is appropriate, the person rendering the assistance will be permitted to enter the voting booth with the voter being assisted.
- Elderly and disabled voters are entitled to assistance with entering and exiting the voting booth and in preparing ballots from (i) a spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by the voter; or (ii) any other person, other than the voter's employer, an agent of that employer or an officer or agent of the voter's union. The person rendering assistance, however, must not seek to persuade or induce any voter to cast any vote in any particular manner, make or keep any memorandum of anything which occurs within the voting booth, or reveal to any person how the assisted voter marked ballots unless called to testify in a judicial proceeding for a violation of election laws.
- If a poll worker refuses to allow a disabled or language minority voter to bring a person of their choice into the voting booth, call the Legal Command Center or, where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem
- Section 208 of the Voting Rights Act also applies to North Carolina. Under Section 208, any voter who requires assistance to vote by reason of blindness, disability, or inability to read or write may be given assistance by a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union.

Miscellaneous Issues:

I. I have been approached by candidates or others at the polls.

- No person may hinder access, harass others, distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity in the voting place or in a buffer zone which has been prescribed by the County Board of Elections around the voting place. The buffer zone shall in no event be more than 50 feet or less than 25 feet from the door

to the entrance of the voting place. The County Board of Elections is required to provide an area adjacent to the buffer zone for each voting place in which persons or groups of persons may distribute campaign literature, place political advertising, solicit votes, or otherwise engage in election-related activity.

- If a person is violating these provisions, contact the Legal Command Center to report the problem, let them know the extent of the problem and work with them to assess if calling an election official is necessary.
- Where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.

2. What if I requested an absentee ballot but I want to vote in person on Election Day?

- As long as the voter has NOT already submitted the absentee ballot, and is otherwise qualified, they should be allowed to vote in person by REGULAR ballot

3. There are people at the polls trying to intimidate voters.

- Call the Legal Command Center immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Legal Command Center so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. After hanging up with the caller, call back the Legal Command Center and fill the attorneys there in on the details. Also, alert the call center manager.
- Where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem. Again, be sure to alert the call center manager.

4. I have a felony conviction. Can I vote?

- A resident of North Carolina who has been convicted of a felony temporarily loses citizenship rights, including the right to vote. The right to vote is automatically restored upon completion of all terms of the sentence, including parole, probation and restitution. However, a voter must re-register in order to be put back on the voting rolls.

5. I am a college student. Can I vote where I go to school?

- A college student may vote using the student's North Carolina school residence address if the student is physically present for the purpose of attending school and has no intent to return to the student's former home after graduation. The student need not also intend to stay in the college community beyond graduation to establish domicile.
- Students are held to the SAME eligibility requirements as any other voter in the jurisdiction. If a student has been turned away at the polls, ascertain if they have fulfilled all of the registration requirements (age, criminal status, durational residency requirements) and that they have registered on time for this election. If so, contact the Legal Command Center to dispatch an attorney to the location and contact the appropriate election official. Where there is no Legal Command Center, call the election superintendent's office for that county. If there is an on-call attorney in that jurisdiction, advise the attorney of the problem.

