



N.C. Center for Nonprofits

## North Carolina Election Law Changes: *What Nonprofits Need to Know for Nonpartisan Voter Education*

In August 2013, the N.C. General Assembly passed H.B. 589, the Voter Information Verification Act (VIVA), which makes several significant changes to North Carolina's election laws. In June 2015, the General Assembly passed a number of other election law changes, some aimed at revising VIVA provisions. Because nonprofits are among the most trusted institutions in their communities, it is important that they provide accurate, nonpartisan information to their staff, volunteers, and those they serve about the election process.

To help you to provide this information, the N.C. Center for Nonprofits has prepared this summary of the parts of VIVA that may affect civic engagement by 501(c)(3) nonprofits. **It is essential for 501(c)(3) nonprofits to be completely nonpartisan in all their civic engagement work, including voter education.**

### **Voter ID requirements**

#### **What has changed?**

Starting in 2016, voters will be required to present one of these government-issued photo IDs when voting:

1. A North Carolina driver's license, learner's permit, or provisional license that has been expired for four years or less;
2. A DMV ID card, also known as a North Carolina nonoperators identification card, that has been expired for four years or less;
3. An unexpired United States passport;
4. A United States military or veterans identification card (which may be expired for any number of years);
5. A tribal enrollment card issued by a federally-recognized tribe or a tribe recognized by the State that is unexpired, or if there is no expiration date, that has been issued no more than eight years prior; or
6. An out-of-state driver's license or nonoperators license, but only if an individual's voter registration date in the county is within 90 days of the date of an election.

In 2015, voters will be asked whether they have photo ID when they vote, but all registered voters will be permitted to vote regardless of whether they have valid photo IDs.

#### **What do nonprofits need to know?**

Starting in 2016, there will be some limited exceptions to the photo ID requirements that may apply to some people served by nonprofits. Specifically:

1. Voters over 70 years of age can present an expired ID, such as a driver's license or passport, as long as it hadn't expired on the voter's 70<sup>th</sup> birthday.
2. Voters who attest to having a sincerely-held religious objection to being photographed can present an alternative form of ID consistent with the federal Help America Vote Act (HAVA). Acceptable HAVA IDs include: a current utility bill; a bank statement; a government check; a paycheck; or another government document.

3. Voters who use curbside voting because they are unable to enter a voting site without physical assistance because of age or physical disability may also vote by showing a HAVA ID.
4. A voter who declares himself or herself the victim of a natural disaster within 60 days of an election and who lives in a county that has officially been declared a natural disaster area doesn't need to show photo ID when voting.

Under a new 2015 law, a voter who lacks photo ID due to "reasonable impediment" may complete a provisional ballot and sign a reasonable impediment declaration, which requires checking a box to indicate the impediment as well as presenting either:

1. The voter's voter registration card;
2. The voter's date of birth and last four Social Security Number digits; or
3. A copy of a current utility bill, bank statement, government check, paycheck, or other government document which shows the voter's name and address.

If the voter cannot provide the above identifying information, he or she can still submit a declaration, but must appear in person at the Board of Elections to submit that information within six days after the election, or within nine days after a presidential election, in order for the vote to be counted.

Examples of reasonable impediments that must be accepted for the purpose of reasonable impediment declarations include at least the following:

1. Lack of transportation;
2. Disability or illness;
3. Lack of birth certificate or other documents needed to obtain photo ID;
4. Work schedule;
5. Family responsibilities;
6. Lost or stolen ID;
7. Photo ID applied for but not received; or
8. "Other reasonable impairment", to be specified briefly in writing.

Starting in 2016, voters who have a photo ID but forget to bring it with them to vote can file a provisional ballot but must present a valid photo ID to the county board of elections within six days after the election (or within nine days after a presidential election). During the early voting period, a voter without ID may also request an absentee ballot, which they may fill out and submit later via the regular procedures (see "Absentee Voting" below for more information).

For more on voter ID requirements: see the resources from the N.C. State Board of Elections (<http://www.ncsbe.gov/ncsbe/Voter-Id>) or N.C. Center for Voter Education (<http://www.voteridnc.com>).

## **Free voter IDs**

### **What has changed?**

Beginning in 2014, North Carolinians who don't have a valid photo ID are eligible for a free ID from the Department of Motor Vehicles (DMV). To obtain this free ID, voters will need to present DMV with documents to prove identity and residency:

1. Two documents that prove the voter's age and identity (such as a birth certificate or a transcript);
2. A valid social security number; and
3. A document to prove the voter's North Carolina residency (such as a housing lease, mortgage statement, utility bill, or a letter from a homeless shelter).

Voters can also get free certified copies of their birth certificates or marriage licenses if these are needed to obtain a free ID. For more on free IDs: <http://www.ncdot.gov/dmv/driver/id/>.

### **What do nonprofits need to know?**

Nonprofits that serve people without photo IDs may choose to provide information about the process for obtaining free IDs. DMV typically mails photo IDs within 10 days of receiving applications, so voters will need to plan to apply for free IDs at least 10 days before Election Day.

VIVA requires the N.C. State Board of Elections to provide information about voter ID requirements and free ID opportunities and to work with nonprofits and other partners to identify voters – particularly seniors and people with disabilities – who don't have photo IDs and to assist them in obtaining valid photo IDs for voting.

DMV Examiners are required to ask all applicants for an ID, “do you want to register as an organ donor?” When you say “Yes” to donation at the DMV, a red heart is added to your ID card. The heart symbol indicates first-person, legally-binding consent to donate your organs and eyes at the time of your death. People of all ages and medical histories may register as donors. Many people served by nonprofits may be unfamiliar with organ donation and may not know how to answer the question about registering as an organ donor. More information is available at: [DonateLifeNC.org](http://DonateLifeNC.org). Donate Life NC can also provide educational materials and more information by contacting them at [info@donatelifenc.org](mailto:info@donatelifenc.org).

## **Same-day registration**

### **What has changed?**

Starting in 2014, North Carolina citizens will not be able to register to vote during the early voting period. A citizen must be registered to vote at least 25 days prior to an election. Registered voters can still update their name and/or address at early voting sites, as long as they still live in the same county. **Note: On October 1, 2014, a federal appellate court issued an injunction that would have restored same-day registration during the early voting period from October 23, 2014-November 1, 2014. The U.S. Supreme Court blocked this injunction, so same-day registration will not be available in the 2014 election.**

### **What do nonprofits need to know?**

In the past, many nonprofits have encouraged the people they serve to use same-day registration if they are registering to vote for the first time or if their name and/or address has changed since the last election. These nonprofits may choose to provide information to those they serve to alert them that:

- 1. The N.C. State Board of Elections recommends that first-time voters should register at least 25 days prior to an election (October 10, 2014) to ensure they are on the voting rolls.**
- 2. Voters who move within a county (or have changed their name since the last election) can still update their voter information during early voting.**
- 3. The N.C. State Board of Election also recommends that voters who have moved to a different county in North Carolina should register at their new address at least 25 days prior to an election (by October 10, 2014).**

## **Early voting**

### **What has changed?**

Starting in 2014, the early voting period will be shortened from 17 days to 10 days. Early voting will now start on the second Thursday before Election Day. However, the total number of hours of early voting in each county will remain unchanged. This may mean that early voting sites are open for longer hours. In some counties, there may also be more early voting sites.

### **What do nonprofits need to know?**

Many nonprofits have encouraged the people they serve to use early voting, particularly if it may be a challenge for them to get off work to vote on Election Day. These nonprofits may choose to provide additional information about changes in early voting dates, hours, and locations in their county.

## **Absentee voting**

### **What has changed?**

1. Voters must now request an absentee ballot by *only* using the State Absentee Ballot Request form on the Board of Elections website or at a polling place during the early voting period. A hand-written letter or notice is no longer accepted under other circumstances.
2. When completing the request form, the voter or near relative or legal guardian must provide the voter's date of birth and ID information. Previously, this information was not required.
3. The absentee ballot must be witnessed by at least *two* persons over the age of 18 or one person who is also a Notary Public. Previously, only one witness was required and was not required to be a notary.
4. The voted ballot is now due by 5:00 p.m. on Election Day. Previously, it was by 5:00 p.m. on the day *before* Election Day.
5. Absentee Ballots may now be returned to a one-stop early voting site during early voting. Previously, this was not permissible, especially if the one-stop site was an additional or alternative Board of Elections site.
6. There is a new absentee container-return envelope. Not only has the envelope changed to reflect the addition of the two witnesses and the notary witness, but there is also a required space for the person assisting the absentee voter, if applicable.

### **What do nonprofits need to know?**

1. Nonprofits may make copies of the request form.
2. Nonprofits may help or assist voters in completing the form, but only the voter or a near relative may sign the form.

## **Pre-registration of teenagers**

### **What has changed?**

As of September 1, 2013, 16- and 17-year-olds no longer have the option of pre-registering to vote when they get their driver's licenses.

### **What do nonprofits need to know?**

In the past, many teenagers registered to vote when they obtained their driver's licenses or in same-day registration during early voting. Nonprofits serving youth may need to make a special effort to remind them that these voter registration options are no longer available, so they'll need to register to vote at least 25 days before the first election after they are 18 years of age.

## **Voter registration drives**

### **What has changed?**

Starting in 2014, it's illegal to compensate for voter registration based on the number of forms submitted.

### **What do nonprofits need to know?**

Nonprofits that conduct voter registration drives should check their policies and contracts to ensure that they aren't using the number of voter registration forms submitted as a factor in setting compensation for staff, volunteers, or contractors. This should affect few nonprofits, since nonprofits active in nonpartisan civic engagement generally don't compensate based on the number of people registered to vote.

## Electronic signatures on voter registration forms

### What has changed?

Starting in 2014, voter registration forms will require “wet ink” signatures, rather than electronically captured signatures on applications generated by third-party computer programs.

### What do nonprofits need to know?

Some nonprofits use online or electronic voter registration forms or software. This is still permissible, but it’s essential that nonprofits: (1) print voter registration forms; (2) ensure that citizens registering to vote sign the forms; and (3) return the signed forms to appropriate county board of elections (or instruct the individuals registering the vote to submit the forms themselves).

## Out-of-precinct voting

### What has changed?

Starting in 2014, registered voters will not be able vote with a provisional ballot if they show up at the wrong polling place. **Note: On October 1, 2014, a federal appellate court issued an injunction that would allow individuals who show up at the wrong precinct on Election Day to complete a provisional ballot. The U.S. Supreme Court blocked this injunction, so out-of-precinct votes will not be counted in the 2014 election.**

### What do nonprofits need to know?

One of the simplest and most important ways nonprofits can get involved in nonpartisan voter registration is to provide accurate information about where to vote. Registered North Carolina voters can find their polling place at the N.C. State Board of Elections website: [http://www.ncsbe.gov/webapps/voter\\_search\\_public/](http://www.ncsbe.gov/webapps/voter_search_public/).

## Format of ballots

### What has changed?

VIVA changes the order in which parties appear on ballots and eliminates the option for straight-ticket voting, starting with elections in 2014.

### What do nonprofits need to know?

These changes don’t affect 501(c)(3) nonprofits. Under federal tax law, 501(c)(3) nonprofits can’t take a position on candidates or political parties. Nonprofits *can* take positions on ballot measures, such as state constitutional amendments or local referenda. The placement of these items at the end of ballots should remain unchanged.

## Campaign contributions

### What has changed?

VIVA increases the limits on allowable contributions to political campaigns and gives corporations more flexibility in making donations to political parties.

### What do nonprofits need to know?

These changes don’t affect 501(c)(3) nonprofits. Under federal law, 501(c)(3) nonprofits are prohibited from making any contributions to campaigns or political parties.

## Political raffles

### What has changed?

Starting in 2014, political candidates and political committees are allowed to conduct raffles.

**What do nonprofits need to know?**

State law already allowed 501(c)(3) nonprofits to conduct up to two raffles per year as fundraising events. However, 501(c)(3) nonprofits can't coordinate their raffles with those of political campaigns or committees. For more on nonprofit raffles: <https://www.ncnonprofits.org/resources/nc-charitable-raffle-law>.

For more information, contact David Heinen, Vice President for Public Policy and Advocacy ([dheinen@ncnonprofits.org](mailto:dheinen@ncnonprofits.org), 919-790-1555, ext. 111).