

WATAUGA COUNTY BOARD OF ELECTIONS

County Courthouse ♦ 842 West King Street Boone, North Carolina 28607

County Board of Elections

The Watauga County Board of Elections will meet Tuesday, July 22, 2025 at Noon in the County Courthouse located at 842 West King Street, Boone, NC 28607. This meeting is open to the public.

Join Zoom Meeting

<https://us02web.zoom.us/j/89154842792?pwd=zhAQFR8bSsLTDbjbPZtqjldfi0Qgaz.1>

Meeting ID: 891 5484 2792

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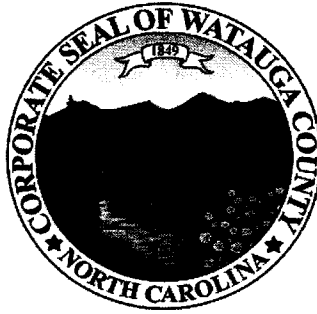
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July 22, 2025

AGENDA

1. CALL TO ORDER
2. PLEDGE
3. SWEARING IN OF BOARD MEMBERS
4. ELECTION OF SECRETARY
5. NEW REGISTRATIONS AND STATISTICS
6. DIRECTOR'S UPDATE
7. RECOGNITION OF OUTGOING BOARD MEMBERS
8. DIRECTOR'S DUTIES
9. MONTHLY MEETING SCHEDULE
10. PUBLIC COMMENT
11. ADJOURNMENT



WATAUGA COUNTY BOARD OF ELECTIONS

County Courthouse ♦ 842 West King Street Boone, North Carolina 28607

The Watauga County Board of Elections met on Tuesday, July 22, 2025, at 12:00 p.m. in the Watauga County Courthouse located at 842 West King Street, Boone, NC 28607. Board Members in attendance were Chairperson Eric Eller; Member Leta Council and new Members Pamela Cline and Terry Cirone. Member Elaine Rothenberg was absent. Also attending: Elections Director Matt Snyder and Deputy Director Donna Houck.

1. CALL TO ORDER

Elections Director Matt Snyder called the meeting to order.

2. PLEDGE

All present pledged allegiance to the United States flag.

3. Member Leta Council made a motion to amend the agenda to add Recognition of Outgoing Members. Member Cline seconded the motion. The motion was approved unanimously.

4. SWEARING IN OF BOARD MEMBERS

The Watauga Clerk of Court Charles Haynes swore in returning Members Eric Eller (Chairman), Leta Council and new Members Pamela Cline and Terry Cirone.

5. ELECTION OF SECRETARY

Leta Council made a motion to have Terry Cirone be Secretary for the Board which was seconded by Pamela Cline. The motion was approved unanimously.

6. NEW REGISTRATIONS AND STATISTICS

There were one hundred eighty-eight (188) new registrations from June 10, 2025 to July 22, 2025. There are 43,412 active/inactive voters in Watauga County. There are 36,954 active voters. There was no discussion concerning the report.

Member Council made a motion to accept the report, pending review and the motion was seconded by Member Cline. The motion was approved unanimously.

7. DIRECTOR'S UPDATE

- Staff and Board members will be attending the State BOE Conference in Wilmington July 27-29, 2025
- Registration Repair project- to be completed by August
- 180 Active List - 133 Inactive List
- Early Voting Plan is due August 8. Members discussed an appropriate meeting time for the Board to meet and review the Plan. Member Council made a motion to have the meeting on August 5th at 5:00 pm. Member Cline seconded the motion. The motion was approved unanimously.
- Precinct Judge Party Submissions due by August 14
- Precinct Judge Appointments August 19 Meeting (5pm)
- Equipment Update: submitted paperwork for payment
- Storage Update: beginning mold mitigation on Thursday
- 2025 changes for overseas photo ID requirements

8. RECOGNITION OF OUTGOING BOARD MEMBERS

Outgoing board members Matt Walpole and Michael Behrent were formally recognized and presented with certificates of appreciation. Watauga County Director of Elections Director Matt Snyder praised their contributions during several challenging election cycles, including the COVID-19 pandemic, contentious presidential elections and Hurricane Helene.

9. DIRECTOR'S DUTIES

Director of Election Matt Snyder provided the Board Members with a copy of "Duties of Director of Board of Elections" which lists the Director's Duties. There was no discussion of the requirements. Member Council made a motion to accept the requirements, and the motion was seconded by Member Cline. The motion was approved unanimously.

10. MONTHLY MEETING SCHEDULE

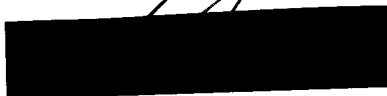
The BOE currently meets on the 2nd Tuesday of every month. No meeting changes were discussed. The BOE will meet on August 12th, 2025. Member Council made a motion to accept the meeting schedule which was seconded by Member Cline. The motion was approved unanimously.

11. PUBLIC COMMENT

The meeting was then opened for public comments. Two of the speakers welcomed the new board members. One member requested the Board Members introduce themselves, which they did. Additionally, several audience members held signs promoting continued access to the Appalachian State University voting site, and slogans such as "Voting Access for All" and "We're Watching."

12. ADJOURNMENT

Chairman Eller made a motion to adjourn the meeting and was seconded by Member Council. The motion was approved unanimously.



Eric Eller, Chair



Pam Cline, Member



Elaine Rothenberg, Member



Terry Cirone, Secretary



Leta Council, Member




Matthew Snyder, Director

WATAUGA COUNTY BOARD OF ELECTIONS

BOARD MEMBER OATH OF OFFICE


"I, Leta Councill, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the Watauga County Board of Elections to the best of my knowledge and ability, according to law; so help me God."


Signature

Leta Councill
Printed Name

Sworn and Subscribed before me


This the 22nd day of July, 2025


Charles M. Haynes
Clerk of Superior Court

WATAUGA COUNTY BOARD OF ELECTIONS

BOARD MEMBER OATH OF OFFICE


"I, Terry Cirone, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the Watauga County Board of Elections to the best of my knowledge and ability, according to law; so help me God."


Signature

Terry Cirone
Printed Name

Sworn and Subscribed before me

This the 22nd day of July, 2025


Charles M. Haynes
Clerk of Superior Court

WATAUGA COUNTY BOARD OF ELECTIONS

BOARD MEMBER OATH OF OFFICE

"I, Pam Cline, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the Watauga County Board of Elections to the best of my knowledge and ability, according to law; so help me God."



Signature

Pamela H. Cline

Printed Name

Sworn and Subscribed before me

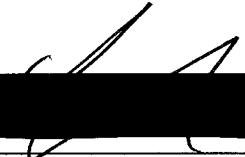

This the 22nd day of July, 2025


Charles M. Haynes
Clerk of Superior Court

WATAUGA COUNTY BOARD OF ELECTIONS

BOARD MEMBER OATH OF OFFICE

"I, Eric Eller, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States; and that I will well and truly execute the duties of the office of member of the Watauga County Board of Elections to the best of my knowledge and ability, according to law; so help me God."

Signature

Eric F. Eller

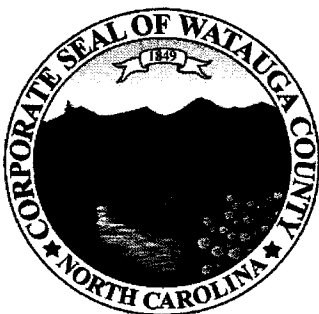
Printed Name

Sworn and Subscribed before me

This the 22nd day of July, 2025



Charles M. Haynes
Clerk of Superior Court



WATAUGA COUNTY BOARD OF ELECTIONS

Courthouse ♦ 842 West King Street Boone, North Carolina 28607

DUTIES OF DIRECTOR OF BOARD OF ELECTIONS

Under the supervision of the chairman and members of the Watauga County Board of Elections and in conforming to the Board's Rules as provided for in the General Statutes,

the Director of the Watauga County Board of Elections shall and will:


- 1. Upon approval of an implementation plan by the Board, be responsible for coordination of the county responsibilities under the National Voter Registration Act.**
- 2. Direct the daily work in the office, direct all personnel employed by The Watauga County Board of Elections and direct the Community Service Workers.**
- 3. Maintain Board records, prepare all documents of the Board, attend to routine correspondence of the Board, and keep the Board members informed of all matters.**
- 4. Maintain contact with precinct officials, keep precinct officials informed of changes in the laws, be responsible for training (along with the Board) in conducting of elections, and supply precinct officials with election materials.**
- 5. Perform administrative duties related to the permanent registration system such as keeping in up-to-date condition the books, adding all new registrations, making transfers, cancellations, and party changes. Remove names of deceased persons and persons who no longer reside in the county. Remove persons who have committed felonies.**
- 6. With Board approval, prepare ballots for voting equipment, make sure programming is done for the election machinery. Supervise, the storage maintenance and delivery to the polls of all equipment.**
- 7. Under the Chairman's supervision, issue absentee ballot applications and absentee ballots and keep records of the same.**
- 8. Assist the Board in canvassing the returns of all Primaries and Elections.**
- 9. Receive notification of candidacy for elective office, receive fees for the same and keep a record thereof.**
- 10. According to Watauga County Board of Elections guidelines, accept requests for precinct list of registered voters.**

11. **Maintain contact with county departments and municipalities concerning election matters. Under the Chairman's supervision, prepare the budget in a timely manner.**
12. **Forward all State Board of Elections memoranda to all municipalities within Watauga County as required by Law, within (7) days of receipt of such memoranda.**
13. **Accept campaign reports from candidates and political committees. Supervise auditing of such reports.**
14. **Attend Directors meetings, state sponsored seminars, federal seminars (when feasible) and computer election workshops, as approved by the Board.**
15. **Assist the Chairman in the preparation of an agenda for the Board's meetings, distribute agenda packets to Board members upon finalization by the Chairman and prepare a draft of minutes from such meetings for review and submission by the Secretary to the Board.**
16. **Under the Board's supervision, provide assistance in the hiring and firing of one-stop employees and office employees.**
17. **The Director, along with the chairman of the county board of elections, shall conduct an instructional meeting prior to each election for every chief judge and judge of election.**
18. **Shall not become involved in party politics or express public opinion on a candidate or issue.**
19. **The Director shall not become involved in discussion or debate of political or discretionary decisions of the Board regarding the location or number of polling places or early voting sites and hours, except to the extent necessary to advise the Board whether such location would be in violation of State or Federal law, or other administrative rule of the State Board of Elections.**
20. **The Director shall remain neutral in all quasi-judicial or policy making duties and authority of the Watauga County Board of Elections.**
21. **The Director is to carry out the policies set forth by the State Board of Elections and The Watauga County Board of Elections.**
22. **Maintain all records as required by the Public Records Laws of the State of North Carolina, as well as copies of all correspondence, emails, or other records and logs as directed by the Chairman.**
23. **Maintains a record of hours worked satisfactory to the Watauga County Manager and the Chairman of the Board.**
24. **Maintain, and ensure that all office staff of the board, including the Director, maintain logs of all telephone calls and visitors to the Board of Elections office, recording whether the call was incoming or outgoing, the time of the call or visit, and the date of the call or visit.**
25. **Follow State Law for the retention of records, ballots, etc. Keep inventory of records, ballots, and other documents that are destroyed.**
26. **Ensure that public access behind the counter at the Board of Elections office is restricted to employees and staff of the Board of Elections.**
27. **The Director shall at all times conduct himself/herself in a manner which will uphold the integrity and decorum of the election process, and shall, both**

personally and professionally, act in a manner which would further the confidence of the public in the election process.

28. In order to provide full accountability and integrity to the election process, the Director shall ensure that from the beginning of One-Stop Absentee Voting until the completion of Canvass no employee of the Board of Elections shall be present at the Board of Elections Office outside normal business hours unless accompanied by at least one other employee of the Board of Elections. This regulation shall apply to the Director, full-time staff members, part-time staff members, and temporary employees of the Watauga County Board of Elections. Normal business hours are defined as Monday through Friday, 8:00 am until 5:00 pm.
29. Have transported, examine and test 100% of the voting machines programmed for each primary or election within adequate time for the County Board members to examine and test.
30. Perform such other duties as may be assigned by the Board.

Adopted this the 22nd day of July, 2025



Eric Eller Chairman,
Watauga County Board of Elections

Watauga County Board of Elections Public Comment Sign-up Sheet

(PLEASE PRINT)

Date: July 22, 2025

Name: Chris Behrenk

Address: 214 ADAMS LN

Telephone or E-Mail: [REDACTED]

Subject Matter: ??

Name: Mary N. O'Brien

Address: 154 Silverstone Farms Rd. Ultras

Telephone or E-Mail: [REDACTED]

Subject Matter:

Name: Sondra Edwards

Address: 1028 Hopewell Church Rd.

Telephone or E-Mail: [REDACTED]

Subject Matter:

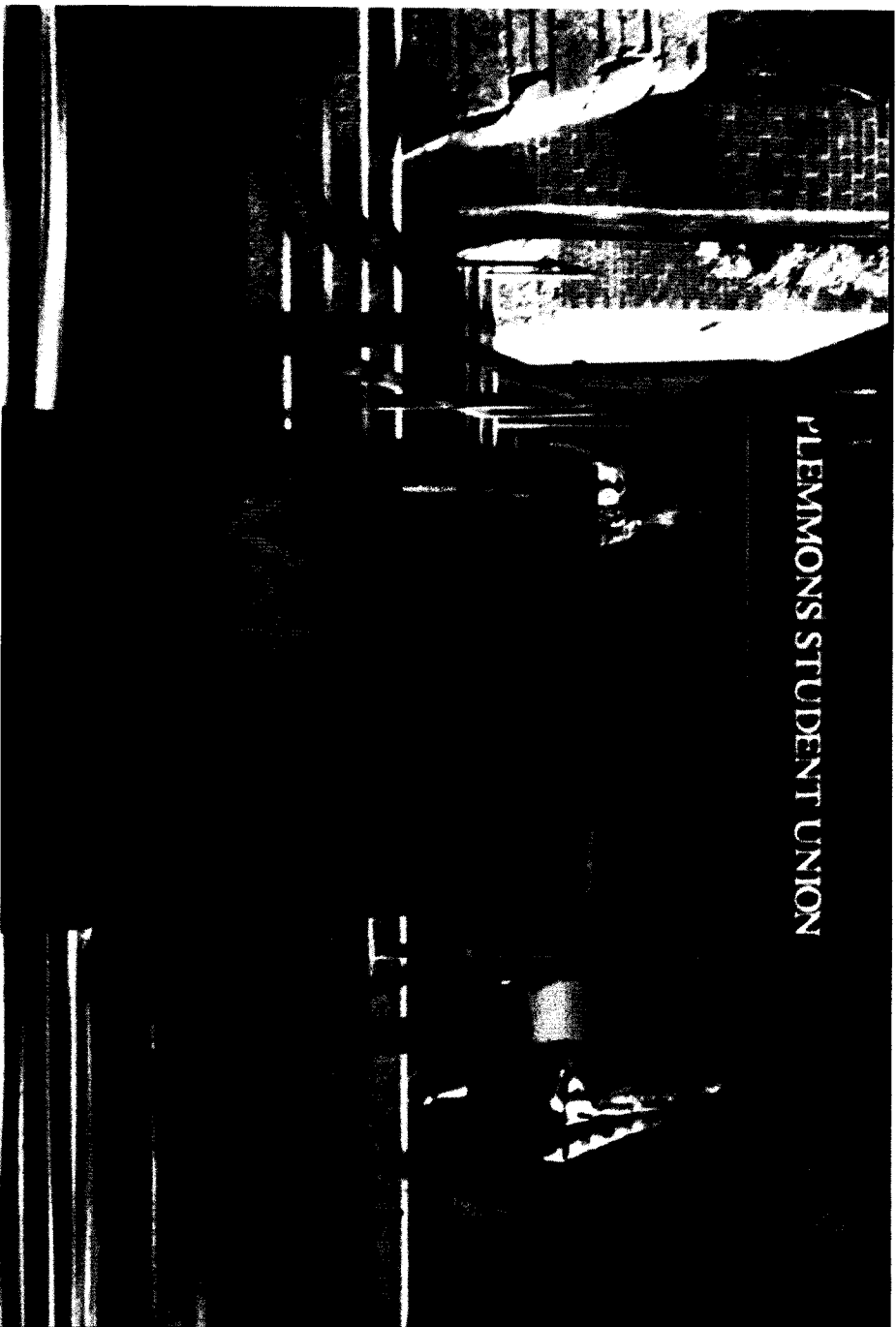
Name:

Address:

Telephone or E-Mail:

Subject Matter:

KEEP PLEMONS



[Image via hcpres]

IndivisibleHighCountry

Grand Hayes
Barron, NC

WE WANT

FAIR

ELECTION

MAPS!

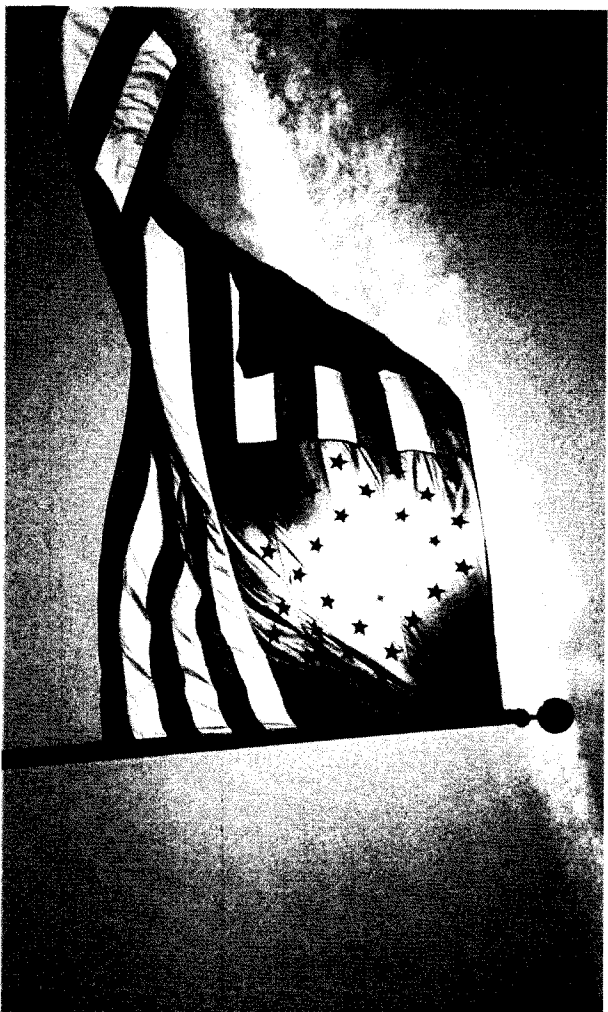
IndivisibleHighCountry

71%

**WATAUGA VOTERS
WANT FAIR
ELECTION MAPS**

IndivisibleHighCountry

DON'T CRUSH



VOTER'S RIGHTS!

IndivisibleHighCountry

Memorandum

TO: County Boards of Elections

FROM: Sam Hayes, Executive Director

RE: “Registration Repair” Project: Reviewing Records of Registered Voters for HAVA-Required Information and Making Necessary Corrections

DATE: July 17, 2025

This Memo explains the procedures for the county boards and their staff to review the records of registered voters who are identified as potentially missing HAVA-required identification information, and for correcting any such records, as may be required. It also discusses how to handle military and overseas-citizen ballot applications where the registrant is missing this information. The State Board voted to direct the county boards to carry out these tasks at a meeting on June 24, 2025.¹

This is the first step in the State Board’s “Registration Repair” project. Further guidance will be provided at a later date with regard to State Board mailings to voters missing HAVA-required identification information, and how to process in-person voters missing this information.

The county boards’ review and correction of registration records as detailed in this memo must be completed by August 15, 2025.

1. Background

In early 2024, the State Board issued a new voter registration application form that corrected a flaw in the prior form.² The prior form suggested that an applicant was not required to include on their registration form their driver’s license number; or, if they lack one, the last four digits of their social security number; or, if they lack both, an indication that they do not have these numbers. This information is required by the federal Help America Vote Act (HAVA) and is referred to as “HAVA-required information” in this memo.³

The county boards were also instructed in early 2024 that a voter registration form missing this information could not be processed until the voter provided the information. The State Board did

¹ The full outline of the plan approved by the State Board is available here: https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/2025-06-24/Hayes_Plan%20to%20Collect%20Incomplete%20Registration%20Information_Web_06242025.potx.pdf.

² See Order, N.C. State Bd. of Elections, *IN RE: HAVA COMPLAINT* (Dec. 6, 2023).

³ 52 U.S.C. § 21083(a)(5)(A)(i)–(ii).

not, however, instruct the county boards to seek any such missing information from North Carolinians who were already registered voters on the rolls.

In April 2025, the North Carolina Supreme Court concluded that the State Board was required to attempt to collect this information under state law.⁴ Following this decision, the North Carolina Court of Appeals issued an order to the State Board directing the Board to seek any missing HAVA-required information from existing registered voters before they may be allowed to vote a regular ballot in a future election.⁵ The court drew this conclusion by relying on N.C.G.S. § 163-82.4(f), which includes the requirement of a new voter to provide “any required item on the voter registration form” “by 12:00 P.M. on the third business day after the election” for their vote to count, and requires provisional voting when the required information has not been provided by the time of voting.

To comply with these decisions, the State Board has authorized a “Registration Repair” plan to contact voters identified by the State Board as potentially missing HAVA-required information. This will be accomplished by a series of statewide mailings, which are expected to begin in the coming weeks.

In the meantime, the State Board has also directed the county boards to review records in the registration database for voters identified as potentially missing HAVA-required information, and to correct the records where that information was provided by the voter but not entered by the county or where records show that the voter registered before HAVA took effect on January 1, 2004. This memo addresses how the county boards and their staffs should carry out that effort.

2. Data Review and Correction by County Boards

After the State Board identifies records of registrations that are apparently missing the HAVA-required information,⁶ State Board staff will distribute to the county boards a list of records for individual review.

⁴ *Griffin v. N.C. State Bd. of Elections*, 913 S.E.2d 894, 896 (Apr. 11, 2025).

⁵ Certification of Judgment, *Griffin v. N.C. State Bd. of Elections*, No. 25-181, p. 1 (N.C. Ct. App. April 16, 2025) (“The North Carolina State Board of Elections and the county boards of election remain statutorily mandated to review, correct, update, and maintain the roll of lawfully registered voters. N.C. Gen. Stat. §§ 163-82.4(f); 163-2.14 [sic] (2023).”).

⁶ The State Board’s process looks for any active or inactive voter registrations with a registration date on or after January 1, 2004, that lacks both DL and SSN. Then, State Board IT staff remove from this list any records where our databases contain the HAVA-required information for the voter. This includes voters for whom any record associated with the voter’s NCID (1) contains a DL/SSN that validated, (2) shows the voter presented HAVA ID after their DL/SSN did not validate or the voter indicated they lacked both numbers, (3) shows the voter originally registered prior to 2004, or (4) shows the voter registered using and FPCA or FWAB and either supplied DL/SSN or indicated they lacked both numbers.

The county board staff shall review all scanned documents in the VoterScan and VoterView records for each registrant on the list to determine if the HAVA-required information was provided and not entered into the database, or if the voter first registered before 1/1/04 and has been continuously registered.

A manual review of these records by the county boards is required, because there may be items in a voter's record containing the HAVA-required information, even though it has not been entered into the voter registration database. Or, there may be records showing the voter registered prior to HAVA and is therefore exempt from its registration requirements. The county boards shall make any necessary corrections to the registration records, as explained below.

For any record corrections in VoterScan, county boards must use the document type "County Administrative Correction." State Board IT staff created this special document type for this project. It allows a county to update a registration record without interrupting any list maintenance or mail verification processes. This means that records of "active" and "inactive" voters will be updated using this document type, and the voters' list maintenance statuses will not be affected.

2.1 Located DL/SSNs

If the county finds a DL/SSN in the records, the county shall enter that value in VoterScan, using the "County Administrative Correction" document type, and proceed through the validation of the DL/SSN.

- *Validation failures.* If the number fails validation, the system is not programmed to flag them as "HAVA ID Required" because the voter is an existing voter; the system is only programmed to add this flag when the voter is a new registrant. To account for this, State Board IT staff will run a database script, after this county board review phase is complete, to ensure that such voters have the "HAVA ID Required" flag applied to their records, if they have not already provided HAVA ID in the past.

2.2 Located "I do not have" Checkboxes

If the county finds a form with the "I do not have" DL/SSN checkbox marked, and finds no DL/SSN in any other records, county staff shall make a note in the list of "active" records that this particular voter checked the checkbox. Currently, it is not possible to update an existing voter's record in VoterScan with the checkbox. However, with the July SEIMS release (expected at the end of July), VoterScan will permit this action. Until then, the counties shall keep a record of all registrants who need to have this checkbox marked in their records for when this feature becomes available later this month.

When this feature is available at the end of July, county staff will need to perform a data entry to the voter's VoterScan record using the "County Administrative Correction" document type, and

check the "No Identification # to Provide" checkbox with a note explaining, "No ID to provide checkbox added based on review of voter's record."

2.3 Located Registration Prior to 2004

If the county determines that the voter originally registered in the county before 1/1/04 and has been continuously registered, the county shall correct the registration date on the record to reflect the true date of the voter's first registration.

3. Verifying DL/SSN Was Provided for Each UOCAVA Ballot Requester

To address military and overseas-citizen absentee ballot requesters (also known as "UOCAVA" voters) who have failed to supply the HAVA-required registration information, the list supplied by the State Board for the county review as explained in Section 2 of this memo will also denote whether a registrant is a UOCAVA ballot requester (FPCA/FWAB). After conducting the steps in Section 2 and confirming the registrants who have not supplied the information required to complete their registration, the county boards shall do the following with respect to FPCA/FWAB requesters who have not supplied the required information:

- Spoil the voter's UOCAVA ballot request in VoterView, which is the method available in SEIMS to put this request on hold while the information is requested. The county board shall then send the "ID Letter (UOCAVA)," which is appended to this memo, via U.S. mail and email (if provided). This will notify the voter that they must provide DL or SSN, or explain that they lack both, to complete their registration before their ballot request may be processed.

* * *

Upon completion of this review period, State Board staff will survey the counties to confirm that each county has completed this review.

[COUNTY] COUNTY BOARD OF ELECTIONS

[MAILING ADDRESS]

[CITY/STATE/ZIP]

Phone: [Phone Number] • Fax: [Fax Number] • [Email Address]

[DATE]

TO: [Applicant Name]
[Applicant Mailing Address]
[Applicant Mailing City, State, ZIP]

RE: **REQUEST FOR IDENTIFICATION
INFORMATION**

Federal law (the Help America Vote Act of 2002 ("HAVA")) requires first-time registrants to provide certain identity information to the board of elections when registering to vote. When you registered to vote in this county using the form for military and overseas citizens, you did not provide this information on your form.

Before you can receive your ballot or have your ballot counted (if you already submitted it), you must provide our office with either your North Carolina Driver license number or your North Carolina Identification Card Number issued by the DMV, or if you do not have one, the last four digits of your social security number. If you do not have any of these identification numbers, you must confirm that by checking the appropriate box below.

You may submit the form below by mail, fax, or email, using the contact information at the top of this letter.

If our office does not receive this information by 5 pm on the day before election day, you will not be able to submit a ballot for military or overseas citizens.

FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.

Provide your identification information below:

- ☐ NC Driver's License Number _____
- ☐ NCDMV Identification Card Number _____
- ☐ Last four digits of Social Security Number _____
- ☐ I do not have an NC driver's license/DMV ID card number or social security number.

Signature

Date



NORTH CAROLINA

STATE BOARD OF ELECTIONS

P.O. Box 27255
Raleigh, NC 27611
(866) 522-4723
www.ncsbe.gov

Numbered Memo 2025-01

TO: County Boards of Elections
FROM: Sam Hayes, Executive Director¹
RE: Changes to Voting for Military and Overseas Voters
DATE: July 21, 2025

This numbered memo provides guidance on certain changes to the legal requirements and processes for military and overseas voters, as well as the administrative procedures for counties processing absentee ballot requests and ballots from military and overseas voters.

1. Background

Military voters and citizens living abroad, referred to as “covered voters,” may register to vote and request a ballot through processes provided by a federal law known as the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), 52 U.S.C. §§ 20301 – 20311. UOCAVA is implemented in state law through Article 21A of Chapter 163 of the General Statutes. In North Carolina, a “covered voter” is an individual who is qualified to vote and either (1) a member of the military, or a spouse or dependent of the member of the military; or (2) a citizen of the United States who is outside the United States.²

State law provides that covered voters can use what are known as the Federal Postcard Application (FPCA) or Federal Write-in Absentee Ballot (FWAB) for different parts of the voting process.³ The FPCA can be used to register and request a ballot, and the FWAB can be used to register to vote, request a ballot, and submit a ballot. The State Board’s

¹ This memo was approved by a vote of the State Board on July 21, 2025.

² N.C.G.S. § 163-258.2. North Carolina law does not require that a covered voter, when that voter is a member of the military or spouse or dependent, be located outside of the United States to use the processes in Article 21A for registering and voting. A military voter may use these voting procedures even if they are located in North Carolina.

³ N.C.G.S. § 163-258.6(a) and (b). The FPCA is available at <https://www.fvap.gov/uploads/FVAP/Forms/fpca.pdf>. The FWAB is available at <https://www.fvap.gov/uploads/FVAP/Forms/fwab.pdf>.

Military/Overseas Voter Services-Return Portal (“the Portal”) provides an electronic equivalent of the FPCA.

On April 11, 2025, the Supreme Court of North Carolina issued a decision in an election protest brought by a judicial candidate which addressed certain eligibility and voting requirements for covered voters. The court decided that (1) covered voters are required to comply with the photo ID requirement when submitting their ballot for state and local contests, and (2) voters who have never resided in North Carolina are not eligible to vote in state and local contests. The impact of these new rules is discussed below.

2. Photo ID Requirement

Generally, when a covered voter requests an absentee ballot, the UOCAVA procedures in Article 21A apply to that ballot request, unless the covered voter specifically chooses to vote by absentee ballot using the regular civilian procedures in Article 20.⁴ Under the court’s decision, all covered voters must comply with the photo ID requirement in N.C.G.S. § 163-230.1 for state and local contests, even if voting under the UOCAVA procedures of Article 21A.⁵ Therefore, **starting with the 2025 municipal elections, covered voters must submit either an acceptable photocopy of a photo ID or a completed Photo ID Exception Form with their ballot, in order for their votes in state and local contests to count.**

Covered voters who request a ballot via an FPCA or the Portal will be provided with instructions in their UOCAVA ballot packet on how to comply with the photo ID requirement, along with a blank Photo ID Exception Form. This is the same process county boards already follow for domestic civilian voters who request an absentee ballot. The instructions in the Federal Voting Assistance Program’s Voter Assistance Guide are also being updated so that covered voters are made aware of this requirement when submitting an FWAB.

2.1 Staff Review for Photo ID Documentation Deficiencies

Covered voters using the Portal to electronically return their ballot will upload an image of their acceptable photo ID or complete a Photo ID Exception Form in the Portal. If the voter submits their ballot by mail, email, or fax, then they must include a photocopy of their photo ID or the

⁴ See N.C.G.S. § 163-258.7(f) (“This Article does not preclude a covered voter from voting an absentee ballot under Article 20 of this Chapter.”).

⁵ This decision also means that 08 NCAC 17 .0109(d), which stated covered voters are not required to comply with a photo ID requirement, is unenforceable.

Photo ID Exception Form provided in their ballot packet. If the voter uses an FWAB as their ballot, they will either need to include a photocopy of their photo ID or contact their county board of elections to request a Photo ID Exception Form to include with their ballot.

When a county board receives a UOCAVA ballot or an FWAB, staff must confirm that photo ID documentation is included and review it for acceptability under G.S. § 163-230.1 and 08 NCAC 17 .0109, just as staff does now for civilian absentee voters. Staff shall follow the guidance in Numbered Memo 2021-03 regarding photo ID documentation deficiencies. If staff identify a deficiency, the county board shall proceed with the voter notification and cure process outlined in that Numbered Memo. The covered voter may then submit their cure documentation by email, by mail or commercial carrier, in person, or by fax. The Portal is not designed to accept cure documentation by itself.

2.2 Cure Deadline

If the ballot has a photo ID deficiency, then the voter must cure their photo ID deficiency by 12:00 P.M. on the third business day after the election to have their votes counted in state and local contests, because that is the cure deadline established in the absentee photo ID statute.⁶ **If a covered voter with a photo ID deficiency fails to cure the deficiency by the cure deadline, then the county board shall not count the covered voter's votes in any state or local contests,⁷ but shall count their votes in any federal contests on their ballot.**

If a timely transmitted ballot is received after the cure deadline but before the delivery deadline, then the county board is not required to proceed with the notice and cure process because the cure deadline has already passed.

3. Overseas Citizens Who Have Never Resided in North Carolina

A provision of Article 21A allows certain citizens who were born outside of the United States and have never resided in the United States to qualify as a covered voter and use a parent's

⁶ N.C.G.S. § 163-230.1(e1).

⁷ N.C.G.S. § 163-234(1) ("An absentee ballot returned in an executed container-return envelope containing a deficiency listed in G.S. 163-230.1(e) shall be counted if documentation curing the deficiency is timely received by the county board in accordance with the requirements of G.S. 163-230.1(e).").

voting residence as their own to register to vote and request a ballot. These voters must meet the following requirements in the statute:⁸

- Except for residency, they are eligible to register and vote in North Carolina.
- The last place their parent or legal guardian lived before leaving the United States is within North Carolina.
- They have not previously registered to vote in any other state.

These voters indicate they are a covered voter under this provision by checking the fourth checkbox on the FPCA or FWAB that states “I am a U.S. citizen living outside the country, I have never lived in the United States.”

Due to the recent court decision, these voters may only vote in federal contests; they are not eligible to vote in state or local contests in North Carolina.

3.1 Notice to “Never Resided” Voters

When a county board receives an FPCA or FWAB, staff shall review the form to determine whether the fourth checkbox is checked. If it is, the county board shall send a written notice to the voter explaining that they will only be able to vote for federal contests due to having never resided in the state. This will require a manual review of all FPCAs and FWABs.

The written notice shall be sent as follows:

- If the FPCA or FWAB is received prior to the start of the absentee period for covered voters and there are federal contests in the election subject to the ballot request, then the written notice shall be sent with the voter’s ballot packet at the start of the absentee period.⁹
- If the FPCA or FWAB is received during the absentee period for covered voters and there are federal contests in the election subject to the ballot request, then the written notice shall be sent with the voter’s ballot packet within two business days of receipt of the request.¹⁰

⁸ N.C.G.S. § 163-258.2.(1)e.

⁹ The absentee period is set by N.C.G.S. § 163-258.9(a).

¹⁰ The ballot packet is required to be transmitted to the voter within two business days pursuant to N.C.G.S. § 163-258.9(c).

- If there are no federal contests in the election subject to the ballot request, meaning the voter will not be sent a ballot packet, then the written notice shall be sent to the voter by regular mail and email, if the requester has provided an email address, within two business days of receipt of the FPCA or FWAB. For ballot requests that are already pending for the 2025 municipal elections, including those that are standing requests under N.C.G.S. § 163-258.15(b), county board staff shall, no later than two business days before the start of the absentee period for the earliest election in the county, review the FPCA or FWAB used to make the request, determine whether the fourth checkbox was checked, and if so, send the written notice.

If the requester responds to the notice that they made a mistake in checking the box and should have checked one of the other boxes, then they can correct that mistake by submitting a new request, which will permit all contests on the ballot to be counted. As with other absentee cures, the deadline for a corrected UOCAVA ballot request to affirm the voter has resided in North Carolina is 12 noon on the third business day after election day,¹¹ so long as the voter's *original* request which they are correcting was received by the UOCAVA request deadline of 5 p.m. on the day before the election.¹² If no such cure is received by the deadline, only federal contests on the ballot shall be counted.

In an election with no federal contests, where an FPCA requester checked the nonresident checkbox (so they have not yet received a ballot), and the voter submitted a corrected FPCA to show they have resided in North Carolina but it arrives after 7:30 pm on election day, it is too late to transmit the ballot, and the request must be denied.

3.2 Counting Votes by “Never Resided” Voters

When ballots are received from these voters, the county board shall only count the ballot selections for federal contests and shall ignore any selections on the ballot for state or local contests. The county board shall follow the Partial Count Procedures in Section 4.10.1 of Numbered Memo 2023-04 to duplicate the voter's votes in eligible contests to ensure that the county board counts only those votes in the contests in which the voter is eligible to have their votes counted.

¹¹ N.C.G.S. § 163-230.1(e1).

¹² N.C.G.S. § 163-258.8.