

# 2015 Municipal Elections

## A Candidate's Guide



## Important Dates

<b>Filing Period for Municipal Contests</b>	
Candidate Filing Period Begins	Monday, July 6, 2015, 8:00 a.m.
Last Day to Withdraw as a Candidate	Tuesday, July 14, 2015, 5:00 p.m.
Candidate Filing Period Ends	Friday, July 17, 2015, 12:00 p.m.
<b>September Partisan Primary Contests</b>	
Absentee Voting by Mail Begins	Friday, August 14, 2015
Voter Registration Deadline	Friday, August 21, 2015, 5:00 p.m.
One-stop Voting Begins	Thursday, September 3, 2015
Last Day to Request an Absentee Ballot by Mail	Tuesday, September 8, 2015, 5:00 p.m.
One-stop Voting Ends	Saturday, September 12, 2015, 1:00 p.m.
Last Day to Return an Absentee Ballot by Mail	Tuesday, September 15, 2015
<b>Primary Election Day</b>	<b>Tuesday, September 15, 2015, 6:30 a.m.</b>
County Canvass	Tuesday, September 22, 2015, 11:00 a.m.
Last Day to File an Election Protest*	Thursday, September 24, 2015, 5:00 p.m.
<b>2<sup>nd</sup> Primary Election Day (if needed)</b>	<b>Tuesday, October 6, 2015, 6:30 a.m.</b>
<b>October Municipal Contests</b>	
Absentee Voting by Mail Begins	Friday, September 4, 2015
Voter Registration Deadline	Friday, September 11, 2015, 5:00 p.m.
One-stop Voting Begins	Thursday, September 24, 2015
Last Day to Request an Absentee Ballot by Mail	Tuesday, September 29, 2015, 5:00 p.m.
One-stop Voting Ends	Saturday, October 3, 2015, 1:00 p.m.
Last Day to Return an Absentee Ballot by Mail	Tuesday, October 6, 2015
<b>Election Day</b>	<b>Tuesday, October 6, 2015, 6:30 a.m.</b>
County Canvass	Tuesday, October 13, 2015, 11:00 a.m.
Last Day to File an Election Protest*	Thursday, October 15, 2015, 5:00 p.m.
<b>Election Runoff (if needed)</b>	<b>Tuesday, November 3, 2015 6:30 a.m.</b>
<b>November Municipal Contests</b>	
Absentee Voting by Mail Begins	Friday, October 2, 2015
Voter Registration Deadline	Friday, October 9, 2015, 5:00 p.m.
One-stop Voting Begins	Thursday, October 22, 2015
Last Day to Request an Absentee Ballot by Mail	Tuesday, October 27, 2015, 5:00 p.m.
One-stop Voting Ends	Saturday, October 31, 2015, 1:00 p.m.
Last Day to Return an Absentee Ballot by Mail	Tuesday, November 3, 2015
<b>Election Day</b>	<b>Tuesday, November 3, 2015 6:30 a.m.</b>
County Canvass Day	Tuesday, November 10, 2015, 11:00 a.m.
Last Day to File an Election Protest*	Thursday, November 12, 2015, 5:00 p.m.

\* If the election protest concerns the ballot count or election equipment, the protest must be received before the County Canvass. All election protests must be submitted on the official protest forms.

## Summary of Recent Election Law Changes

### One-stop Voting

One-stop early voting will now begin on the second Thursday prior to the date of an election instead of the third Thursday prior to the date of the election.

### Photo ID

Voters will not be required to show a photo in order to vote during the 2015 Municipal Elections. When presenting to vote, a voter simply needs to state his or her current name and current address. As long as his or her name is on the list of registered voters in the precinct, he or she will be given a regular ballot and permitted to vote. Voters who present to vote in person (during one-stop early voting or on Election Day) this year will be given instructions that starting in 2016, voters will be *required* to show a photo ID when voting in person. Voters will be provided with a list of photo ID that is acceptable for purposes of voting in this state and will be asked if they have one or more of these forms of ID. If a voter indicates that he or she does not have a photo ID that will be acceptable for purposes of voting, then the voter will be asked to sign an *Acknowledgment of No Photo ID*. These voters will be given instructions on how they can obtain a no-fee photo ID from the North Carolina DMV.

### Provisional Voting

Whenever a voter is offered a provisional ballot, the election official issuing the ballot will now mark in writing or other means on the ballot that it is a provisional ballot. If a provisional ballot is incorrectly placed into the voting equipment at the voting site, any ballot that is marked as a provisional ballot will be retrieved.

### Absentee Voting Summary

Any North Carolina registered voter who is qualified to vote in an election can request and receive a mail-in absentee ballot for any municipal election in which absentee voting is allowed. Not all municipalities permit absentee voting. If absentee voting is not allowed, then there will be no early voting (also known as one-stop absentee voting) for the municipal election. No special circumstance or excuse is needed to receive and vote a mail-in absentee ballot. An absentee ballot must be requested for each election in which a non-military or overseas voter desires to vote a mail-in absentee ballot.

#### How to Request an Absentee Ballot

To receive a mail-in absentee ballot for an election, a voter or the voter's near relative (spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild) or legal guardian must use the *State Absentee Ballot Request Form* to request the ballot. Request forms are available on the State Board of Elections' website, at the State Board of Elections' office, and at county boards of elections' offices. The form may be reproduced. A signed and completed *State Absentee Ballot Request Form* must be received by the county board of elections' office no later than 5:00 p.m. on the last Tuesday prior to the date of the election for which the ballot is being requested. The form may be mailed, faxed, e-mailed or delivered in person. A request form must be received for each primary or election that a voter desires to vote a by-mail absentee ballot.

For your convenience, a *State Absentee Ballot Request Form* is included at the back of this guide. You may make copies of this form.

#### Completing the State Absentee Ballot Request Form

The *State Absentee Ballot Request Form* may only be signed by the voter or a near relative or legal guardian of the voter. When completing the form, the voter or the requestor must sign and provide the voter's name, residential address, date of birth, and an identification number for the voter (NC DMV driver license number, NC DMV identification card number, or the last four digits of the voter's Social Security number.) If an identification number is not provided on the form, then the requestor must submit one of the documents listed below along with the completed request form:

- A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

If a person other than the voter (a near relative or legal guardian) makes the request, then the requestor must also provide his or her name and residential address on the request form. If requesting a ballot for a partisan primary, and the voter is registered *Unaffiliated*, the voter or requestor should indicate the ballot preference for the voter (which party's primary in which the voter wishes to participate). Finally, the voter or requestor must provide the address where the absentee balloting materials are to be mailed, if different than the voter's residential address. If a registered North Carolina voter (including eligible dependents) is absent due to military service or is currently living overseas, then only the actual voter should complete the *State Absentee Ballot Request Form* in order to afford special voting rights to the voter. More information for military and overseas voters is available on the State Board of Elections website.

#### Receiving the Ballot

If a valid request is received, the county board of elections will mail the voter absentee balloting materials to the address provided on the request form when absentee ballots are available. Absentee ballots are available:

## A Candidate's Guide to the 2015 Municipal Election Period

- 30 days prior to the date of an election for a Municipal Contest.
- 50 days prior to the date of an election for County Bond Contests or other non-municipal contests.

The absentee balloting materials will consist of:

- a blank official absentee ballot;
- absentee voting instructions; and
- the *Absentee Application and Certificate* found on the back of the return ballot-container envelope.

### Voting an Absentee Ballot

In the presence of two witnesses (or one witness if the witness is a Notary Public), the voter should mark the ballot, or cause it to be marked according to his or her instructions. Once the ballot is marked, the voter or a person assisting the voter must seal the ballot in the container-return envelope and must then complete the *Absentee Application and Certificate* on the back of the ballot container-return envelope. The voter's two witnesses must complete and sign the envelope in the space designated as *Witnesses' Certification* (or *Alternative Notary-Witness Certification*, if using a Notary Public as the witness). If someone assisted the voter, the assister must sign and date the certificate as well.

Please note that It is not lawful for a candidate to serve as one of the witnesses to a voter's absentee ballot, unless the voter is the candidate's near relative.

#### GS § 163-237

(b1) Candidate Witnessing Absentee Ballots of Nonrelative Made Class 2 Misdemeanor. - A person is guilty of a Class 2 misdemeanor if that person acts as a witness under G.S. 163-231(a) in any primary or election in which the person is a candidate for nomination or election, unless the voter is the candidate's near relative as defined in G.S. 163-230.1(f).

Also, it is not permissible for a candidate to take possession of a ballot for purposes of returning the ballot to the board of elections.

#### GS § 163-226.3

(6) For any person to take into that person's possession for delivery to a voter or for return to a county board of elections the absentee ballot of any voter, provided, however, that this prohibition shall not apply to a voter's near relative or the voter's verifiable legal guardian

### Returning the Voted Ballot

Once the *Absentee Application and Certificate* is fully executed with all relevant signatures, the voted ballot (contained inside of the container-return envelope) must be returned to the County Board of Elections no later than 5:00 p.m. on the date of the election. The envelope may be mailed or delivered in person. **Only the voter or the voter's near relative may take possession of the absentee ballot for purposes of returning the ballot to the board of elections.**

Ballots received AFTER 5:00 p.m. on Election Day will be timely ONLY if they are received by mail and bear a postmark that is dated on or before the date of the election and are received no later than 5:00 p.m. on the third day following the election.

Please contact your county board of elections for additional information on absentee voting.

### Absentee Voting Felony Statute

Candidates and their campaign are encouraged to familiarize themselves with unlawful acts related to absentee voting.

#### § 163-226.3. Certain acts declared felonies.

- (a) Any person who shall, in connection with absentee voting in any election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class I felony. It shall be unlawful:
- (1) For any person except the voter's near relative or the voter's verifiable legal guardian to assist the voter to vote an absentee ballot when the voter is voting an absentee ballot other than under the procedure described in G.S. 163-227.2; provided that if there is not a near relative or legal guardian available to assist the voter, the voter may request some other person to give assistance;
  - (2) For any person to assist a voter to vote an absentee ballot under the absentee voting procedure authorized by G.S. 163-227.2 except as provided in that section;
  - (3) For a voter who votes an absentee ballot under the procedures authorized by G.S. 163-227.2 to vote that voter's absentee ballot outside of the voting booth or private room provided to the voter for that purpose in or adjacent to the office of the county board of elections or at the additional site provided by G.S. 163-227.2(f1), or to receive assistance except as provided in G.S. 163-227.2;
  - (4) For any owner, manager, director, employee, or other person, other than the voter's near relative or verifiable legal guardian, to (i) make a written request pursuant to G.S. 163-230.1 or (ii) sign an application or certificate as a witness, on behalf of a registered voter, who is a patient in any hospital, clinic, nursing home or rest home in this State or for any owner, manager, director, employee, or other person other than the voter's near relative or verifiable legal guardian, to mark the voter's absentee ballot or assist such a voter in marking an absentee ballot. This subdivision does not apply to members, employees, or volunteers of the county board of elections, if those members, employees, or volunteers are working as part of a bipartisan team trained and authorized by the county board of elections to assist voters with absentee ballots. Each county board of elections shall train and authorize such teams, pursuant to procedures which shall be adopted by the State Board of Elections. If neither the voter's near relative nor a verifiable legal guardian is available to assist the voter, and a bipartisan team is not available to assist the voter within seven calendar days of a telephonic request to the county board of elections, the voter may obtain such assistance from any person other than (i) an owner, manager, director, employee of the hospital, clinic, nursing home, or rest home in which the voter is a patient or resident; (ii) an individual who holds any elective office under the United States, this State, or any political subdivision of this State; (iii) an individual who is a candidate for nomination or election to such office; or (iv) an individual who holds any office in a State, congressional district, county, or precinct political party or organization, or who is a campaign manager or treasurer for any candidate or political party; provided that a delegate to a convention shall not be considered a party office. None of the persons listed in (i) through (iv) of this subdivision may sign the application or certificate as a witness for the patient.
  - (5) Repealed by Session Laws 1987, c. 583, s. 8.
  - (6) For any person to take into that person's possession for delivery to a voter or for return to a county board of elections the absentee ballot of any voter, provided, however, that this prohibition shall not apply to a voter's near relative or the voter's verifiable legal guardian;
  - (7) Except as provided in subsections (1), (2), (3) and (4) of this section, G.S. 163-231(a), and G.S. 163-227.2(e), for any voter to permit another person to assist the voter in marking that voter's absentee ballot, to be in the voter's presence when a voter votes an absentee ballot, or to observe the voter mark that voter's absentee ballot.
- (b) The State Board of Elections or a county board of elections, upon receipt of a sworn affidavit from any qualified voter of the State or the county, as the case may be, attesting to first-person knowledge of any violation of subsection (a) of this section, shall transmit that affidavit to the appropriate district attorney, who shall investigate and prosecute any person violating subsection (a).

### What to Expect at One-stop Voting Sites and Polling Places

#### Voter ID Education

At any municipal election this year, any registered voter *may* present photo identification to the elections officials at the voting place but *may not be required* to do so. Each voter presenting in person will be notified that photo identification will be needed to vote beginning in 2016 and will be asked if he or she has one of the forms of photo identification appropriate for voting. If the voter indicates he or she does not have one of the types of photo identification appropriate for voting, the voter will be asked to sign an acknowledgment of the photo identification requirement and be given a list of types of photo identification appropriate for voting and information on how to obtain those types of photo identification. The list of names of those voters who signed an acknowledgment is a public record.

Under long-standing federal and state law, certain first-time voters may be asked to show identification if they did not provide identification information when they initially registered to vote in the county. These first-time voters may show either a current and valid photo identification *or* a copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

#### Voter Challenges

On the day of a primary or election, any registered voter of the same *county* has the right to challenge the right to vote of any registered voter who presents to vote. Election Day challenges are no longer limited to voters who reside in the same *precinct*. (Challenges of absentee voting, including voters at one-stop early voting sites, still may only be made by a voter of the same precinct as the challenged voter.)

#### No Electioneering Near the Front Entrance to a Voting Site

No electioneering may occur within the area immediately outside of the front entrance of a voting place. This area will be marked by signage to designate the area of the "buffer zone," which is typically **50 feet** from the front entrance but in any case must be **at least 25 feet** from the front entrance. Persons may not engage in electioneering in this restricted area. If a political sign is placed in this restricted area, it will be removed. If the voting site is located on private property, additional limitations on electioneering activities on the property may apply. Every voting site will offer curbside voting in a designated area, to allow voters with disabilities to cast their vote in a vehicle. All persons on the property for the purposes of electioneering must respect the privacy of curbside voters, even if the vehicle is located outside of the "buffer zone." For more information about the area in which electioneering is restricted for a specific voting site, contact your local County Board of Elections office.

#### Issues or Complaints at Voting Sites

Any issue or complaint relating to a voting site should first be brought to the attention of the polling place's Chief Judge (or, in the case of a one-stop early voting site, staff or manager of the voting site). If the issue cannot be resolved by the election official at the voting site, contact the local County Board of Elections office.

[INSERT COUNTY-SPECIFIC ABSENTEE BALLOT REQUEST FORM HERE]