

Are there really 112 year old voters on the State's Voter Rolls?

Over the past several days, the State Board of Elections has answered numerous inquiries concerning alarming reports that there are 112 years old on the voter rolls and many of them have already voted in the 2012 General Election. Are these reports accurate? No. The facts are that prior to the National Voter Registration Act of 1993 (NVRA), there was no requirement in North Carolina law for a voter registration applicant to provide his or her date of birth. After the enactment of NVRA, North Carolina law was changed to require voter registration applicants to provide their full date of birth. Prior to this change a mere 20 years ago, while most registered voters had provided their date of birth, many had not. Since these "legacy" registered voters registered prior to the new requirement, our county boards of elections do not have these voters' accurate date of birth. Instead, these voters were given a "legacy" birth date. The most common legacy birth date is 01/01/1900, hence the reason why certain voters appear to be at least 112 years old. This default date was chosen so these "legacy" voters would be obvious within the database to allow the county boards to take measures to ascertain these voters' correct birth date.

Over the past 19 years, the State Board of Elections and the county boards of elections have taken steps to reduce the number of "legacy" dates of birth in our system. For example:

- The State Board of Elections has crosschecked voter records against the DMV customer records.
- County Boards have updated legacy records as they receive voter changes and updates.
- Since a voter's age is listed on the voter lists on Election Day, if a voter or a precinct official notices a age discrepancy, the voter is given the opportunity to correct this information.
- Some county Boards have attempted to contact legacy voters to ask for their correct birth day.

In addition, many of these voters are being removed due to general or systematic list maintenance (cancellation of registration due to death, moving from the county, or inactivity).

Again, these voters are not 112 years old, they are simply "legacy" voters from whom we do not have their correct date of birth.

Are Same Day Registrants Truly Qualified to Vote?

In a blog on the Civitas Institute's website, blogger, Sue Myrick, examines the same-day registration process. In her blog, Ms. Myrick, inaccurately asserts that "Same Day Registration results in treating voters differently and has ultimately created yet a new class of voters – a class whose residency and qualifications to voter are not properly verified." Ms. Myrick, who is a former employee of the Wake County Board of Elections, is wrong.

During one-stop absentee voting, persons who are not registered, may register to vote and vote during the one-stop absentee voting period of an election. Like all voter registration applicants, these same day registrants must complete and sign a voter registration form attesting to their eligibility to vote. Also, like all voter registration applicants, the county board of elections will attempt to verify the applicants' driver license or Social Security number, search for possible duplicate registrations, and proceed to verify the registrants' address. The county board must start this verification process within two business days of the applicants' same day registration. However, same day registrants, unlike other registrants who register by mail or some other source, must provide actual proof of their residence at the time of their same day registration at a one-stop site. As clarified below, the county boards of elections will attempt to verify the address of these same day registrants. On its face, same day registration does not result in the registration of voters who are any less qualified or eligible to vote than any other method of voter registration.

Clarification on the Mail Verification Process

- Under state and federal law, new voter registration applicants, including same day registrants, are mailed a verification mailing – a voter card -- to verify their address.
- By law, the voter card is sent as a non-forwardable mailing. If the card is returned undeliverable, then the county must make a second attempt to verify the address. Essentially, a second verification mailing is sent to the registrant.
- If the second card is also returned as undeliverable, then the registrant's voter registration must be *denied* – unless, the voter has already voted.
- If a voter has already voted, then the registrant's voter registration cannot be *denied*. The voter must be sent an address confirmation mailing. The voter has 30 days to respond to a confirmation mailing. If a voter does not respond to a confirmation mailing, then he or she will be made *inactive* in the voter registration system.
- Thus, same day registrants who fail the mail verification process are made *inactive* pursuant to the law. See G.S. § 163-82.7(g).
- In 2008, there were 2,667 same day registrants that failed the mail verification process. These registrants were sent address confirmation mailings and if they did not return the mailing, they were appropriately made *inactive*.

2008 General versus 2010 General Election

- The 2008 General Election was the first general election in which same day registration was permissible.
- There were 103,535 same-day registrations during 2008 General Election.
- 2,667 of these registrations failed the mail verification process (2.58%).
- In 2008, several counties failed to start sending the verification mailing within two business days as required by law. Since people move, there was more of a chance that individuals had moved by the time some counties sent the registrants their verification mailing.
- 691 of the 2,667 same day registrations from 2008 that failed the mail verification process (over ¼ of the total) were in Wake County. Wake County did not send out the verification cards for the

2008 General Election until early 2009. Incidentally, on information and belief, Sue Myrick, the Civitas blogger was employed with the Wake County Board of Elections during 2008 and this was one of her job responsibilities. Comparatively, Mecklenburg County, a county with a similar number of registered voters as Wake, had only 149 same day registrants that failed the mail verification process in 2008. Mecklenburg County was more compliant with the requirement to mail the verification cards for its same day registrants within two business days.

- In 2010, counties generally were more compliant with the two business day requirement.
- There were 21,986 same-day registrations during the 2010 General Election
- 153 of these registrations failed the mail verification process (0.75%)

State Board of Election's Documented Position on the Mail Verification Issue

Following the 2008 General Election, the State Board of Elections prepared a report for the N.C. General Assembly wherein this agency suggested that the General Assembly enact legislation to address same-day registrants who legally register to vote during one-stop and who subsequently move within 30 days of an election, or shortly thereafter, before the mail verification process can be completed (especially college students and active military families). In our report, this agency found that some same day registrations failed the mail verification process.

County boards received verification mailings that were returned as undeliverable after the election had been canvassed and certified. In essence, county boards found that there was not enough time between the end of one-stop voting (and SDRs) and the canvass date to ensure that verification mailings completed the mail verification process percent of registrations were subsequently denied due to the inability of the county boards to verify the applicant's address through the mail.

North Carolina State Board of Elections: Report on Same-day Registration (March 2009), page 5.

The report went on to identify the various factors that may have complicated the mail verification process (postal errors, administrative errors, lack of a valid mailing address due to homelessness, or voters moves). In 2008, college and university students and military personnel were two of the main groups of same-day registrants with returned verification mailings. These individuals were residents at their address at the time of their same-day registration, and were thus qualified to vote, but subsequently moved from their place of residence. We found that undeliverable verification mailings were not caused by the nature of same day registration. Rather, the issue is more so due to the transient nature of people – people move. Even voters who registered by mail within the last few weeks of an election's voter registration deadline, but subsequently move, may fail the mail verification process. Again, this agency encouraged the General Assembly to amend the same day registration laws to provide county boards of elections guidance on processing same day registrations that are legally permissible at the time of the registration, but cannot be verified through the mail because the applicant moved.

In addition, the mail verification process for same day registrants in 2008 in a few counties was delayed because these counties failed to start the mail verification process within two business days as required by law. These counties waited until late December or even early 2009 before they mailed the initial verification card. In 2010, counties were more complaint with the law.

Additional Analysis of Civitas' Survey Results

Ms. Myrick also questions the validity of all new voter registration applications that failed the mail verification process in the May 2012 Primary. Again, if a registrant fails the mail verification process prior to voting, then the voter registration application will be *denied*. If the mail verification process completes after the voter has voted, then the applicant will be sent an address confirmation mailing, and will be made *inactive*. Since Civitas is questioning all new registrants during a certain time period, and not just same day registrants, their report did not indicate how many of the 531 voters (out of 17,531 March and April registrants) actually voted in the May 2012 Primary and how many are actually still registered. It is possible that some of these registrants may have been *denied*. Also, it is not clear in Ms. Myrick's "probe" whether these surveys were mailed to these registrants' correct mailing address.