

## WHO MAY VOTE?

North Carolina has some of the most inclusive voting laws in the nation. Age (a minimum) and whether a person is currently serving out the terms of a felony conviction are really the only legal restrictions to voting. People under guardianship or adjudicated incompetent are generally still eligible to vote.

To register to vote, you must be:

1. A U.S. citizen; and
2. At least 18 years old by the day of the General Election; and
3. A resident of the precinct, ward, or other election district in which a person wants to vote for at least 30 days prior to the day of the election.
4. Not currently completing terms of a sentence for adjudication of a felony.

A 17 year old who will be 18 by the General Election in November can register to vote in the Primary for those offices that will be on the General Election ballot. § 163-59; 163-213.2

### **Guardianship/Incompetency**

Guardianship/competency is not mentioned in the requirements and limitations for being eligible to vote in North Carolina. If a person is under guardianship or has been adjudicated incompetent, they may still vote unless that right has been specifically taken away in an adjudication.

- Guardianship is supposed to preserve as many rights as possible. § 35A-1201(a)(5). Only if the right to vote is specifically precluded by the guardianship or competency hearing will a person not be allowed to vote for this reason. It is quite rare that the right to vote is specifically precluded.
- A North Carolina Attorney General Opinion has reasoned that a person who has been adjudicated incompetent can register to vote pursuant to the state constitution's grant of universal suffrage. 43:1 N.C. Attorney General Reports 85, 85-87.
- Voting is simply a choice and if a person can express preferences for other things in life they can do the same for candidates and issues on a voting ballot.

### **Ex-Felons**

If you have been convicted of a felony, you may register to vote once you have completed all parts of your sentence, including parole, probation, and restitution.

### **Unaffiliated Voters**

Unaffiliated voters may vote in this year's primaries, but an unaffiliated voter may only vote in one party's primary. If unaffiliated, when you check-in at the polling-site you simply have to ask for the party ballot you wish to vote. § 163-119; 163-166.7(a).

If you are currently a member of one party and you want to vote in another party's primary instead of your current party's, you must switch party registration by 25 days before the election. You cannot switch parties during the One-Stop Voting period.

### **Voter Assistance**

Any voter may have assistance voting (actually voting and getting to/from the voting booth) from a near relative or an election official. A person with a disability who has difficulty casting their ballot or getting to/from the voting booth may have help from the person of their choice as long as it is not their employer or an agent of their employer or union. A person does not have to accept help from a person not of their choosing! § 163-166.8. Upon arriving at the polling site, if a person would like to use assistance they must tell the precinct officials they would like to use help and identify who they would like to help them.

Assistants may aid the voter in casting their ballot and accessing the voting booth, but they may NOT:

- In any way try to persuade or induce the voter to cast any vote in any particular way
- Make or keep any notes of anything that occurs within the voting booth
- Directly or indirectly reveal to anyone how the voter voted. § 153-166.8(c) (unless testifying in a judicial proceeding for a violation of the election laws).

The same rules apply for helping a person complete a voter registration form. § 163-166.8(a).

A “near relative” is defined as a spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild. § 163-166.8(a)(1).

### **Trouble Voting?**

If you are denied your right to vote, always ask for and then vote a provisional ballot.

If you have trouble voting, such as accessibility, a denial of your right to vote, or any other voting related problem, please contact Disability Rights North Carolina:

Disability Rights North Carolina	919.856.2195 <i>voice</i>
2626 Glenwood Avenue, Suite 550	877.235.4210 <i>voice</i>
Raleigh, NC 27608	888.268.5535 TTY
	919.856-2244 <i>fax</i>

*Se habla español*

[www.disabilityrightsncc.org](http://www.disabilityrightsncc.org)

You may also contact your local County Board of Elections

[<http://www.sboe.state.nc.us/content.aspx?id=13>] or the State Board of Elections (919.733.7173 or 866.522.4723).