



NORTH CAROLINA

State Board of Elections

Mailing Address:
P.O. Box 27255
Raleigh, NC 27611-7255

Phone: (919) 733-7173
Fax: (919) 715-0135

March 3, 2017

VIA E-MAIL

The Honorable Erik A. Hooks
Secretary, Department of Public Safety
erik.hooks@nccrimecontrol.org

The Honorable Marion R. Warren
Director, Administrative Office of the Courts
marion.r.warren@nccourts.org

Re: Uniform notice to felons regarding voting rights in North Carolina.

Dear Secretary Hooks and Judge Warren:

As you are each aware, the State Board of Elections maintains a statewide voter registration system used by election officials across North Carolina. In recent years, data-sharing relationships among states and with federal agencies have enhanced our efforts to ensure the integrity of the voter rolls, including the removal of voters who have become ineligible due to felony conviction. We are presently engaged in a comprehensive audit of the agency's list maintenance process surrounding felons on the rolls, and I am encouraged by the plan set in motion two weeks ago by technical staff from our three agencies and the Government Data Analytics Center. Thank you for sharing in our mission to ensure the integrity of elections.

Beyond the promising future in our data-sharing relationship, I want to make you aware that the State Board's in-house investigations staff have become aware that the information provided to felons serving active sentences does not appear to be standard and often excludes references to the loss of voting rights. This issue arises at the referral phase of our investigations, when some district attorneys express understandable concern that a felon who has voted may not have been aware of the unlawfulness of his actions. Although individuals are required to affirm that they are not serving an active felony sentence both when registering and presenting to vote, we have received feedback that not all voters read this language prior to signing. Establishing that the subject of an investigation may have knowingly and willfully violated N.C. election laws prohibiting felons from voting will support successful prosecutions.

We are in the process of finalizing an investigation into a number of felons suspected of voting unlawfully in the 2016 general election, and it is my hope that we can take proactive steps to ensure notice is provided to felons that they are not eligible to vote in North Carolina until they have completed their sentences, including probation. Educating active felons about the law could help reduce the volume of infractions, while making prosecution of willful offenders easier for our state's dedicated district attorneys. It would also align with G.S. § 163-82.20A, which requires

that our agencies create programs and procedures to inform felons about the restoration of their voting rights. Among other suggestions, we are seeking improvements and additions to passive methods of informing felons of their voting ineligibility, such as the use of informational pamphlets and verbal warnings, to more active written warnings that are presented to felons orally and in writing and which are then signed by the felon acknowledging their understanding.

If you are willing, I would like to arrange a conference call between appropriate personnel at our agencies for the week of March 20th. Thank you for your consideration, and I look forward to our continued coordination on behalf of the voters of this State.

Sincerely,

A handwritten signature in black ink that reads "Kim Westbrook Strach". The signature is written in a cursive style with a large initial "K" and "S".

Kim Westbrook Strach
Executive Director, State Board of Elections