

### **Clarification on Same Day Voter Registration and Residency Requirements**

This year's election cycle is the first to include the option of citizens utilizing same day registration and voting in the "One Stop" period. New state law allows voters to register to vote, as well as perform other registration related activities, at the same time they take advantage of the early voting period. Changes in voting procedures often lead to confusion on the part of some voters, thus the Onslow County Board of Elections wants to pass on the following clarification.

Same Day Registration - North Carolina's new same day registration allows voters to register to vote or change their voter registration during the early voting period. Once the registration has been completed, the voter may cast their ballot at any point during "One Stop" voting, but not at their assigned polling place on Election Day. Additionally, it is important to understand the residency requirements associated with voter registration.

*NC Election Law G.S. 163-57. (3)* states; "A person shall not be considered to have gained a residence in any county, municipality, precinct, ward, or other election district of this State, into which that person comes for temporary purposes only, without the intention of making that county, municipality, precinct, ward, or other election district a permanent place of abode."

The following interpretation was provided by a staff member of the North Carolina State Board of Elections:

"A person may have an actual abode (residence) in one place, and his permanent established home (domicile) in another. A domicile is the place to which the person intends to return. The law requires all persons to have only one domicile for voting purposes."

To establish a change in domicile, a person must show:

- (1) actual abandonment of the first domicile, coupled with an intention not to return to it;
- (2) the acquisition of a new domicile by actual residence;
- (3) the intent of making the newer residence a permanent home.

*Farnsworth v. Jones, 112 N.C. App 182, 187 (1994)*

To legally change a domicile, there must be an actual abandonment of the first domicile with the intent not to return to it, and the acquisition of a new domicile by actual residence at another place with the intent to make that new place a permanent home.

*Owens v. Chaplin, 228 NC 705, 47 SE2d 12 (1948)*

A person desiring to register to vote or make changes to an existing voter registration record may do so by completing a *North Carolina Voter Registration Application/Update Form*. Upon completion of the form, the voter is required to sign and date an attestation, under penalty of perjury, which states in part; "**I shall have been a resident of North Carolina, this county, precinct, or other election district for 30 days before the next election in which I intend to vote.**" The application clearly states:

**"Warning: If you sign this card and know it to be false, you can be convicted of a Class I felony."**

Citizens who desire clarification of their residency, or who have questions or concerns about these and other election related issues should contact the Onslow County Board of Elections at (910) 455-4484.