



## **Guidelines for Transgender and Non-Binary Individuals Voting at the Polls in Orange County, North Carolina**

Voting at the polls can be daunting for non-binary and transgender individuals. These guidelines outline what to expect at the polls along with suggestions for dealing with possible situations that might occur.

### **Scenario 1: Legal name change complete and voter registration updated.**

You have completed a legal name change and have registered to vote under your new name by mail, online, or in person. When you updated your voter registration, you should have received confirmation of your voter registration by way of a voter registration card mailed to you, in printed paperwork given to you at the Board of Elections, or downloaded online. If you did not receive, or no longer have your updated Voter Registration Card, you can request one [using this form](#).

- You should be properly listed at the polls and should have no problem voting in person regardless of how anyone reads your current gender presentation.
- You should not be questioned and may ask for assistance from the Chief Precinct Judge at your polling site should inappropriate questioning occur.
- It is wise to have your voter registration card or printed paperwork with you to confirm your registration, but this is not required, nor is any other form of identification at this time.

### **Scenario 2: Legal name change complete, but voter registration is not updated.**

You have completed a legal name change but have not been able to update your voter registration prior to the General Election on November 3<sup>rd</sup>. This means you will still be listed under your deadname.

- You can introduce yourself by your legal name and add "That's a recent legal name change, but I will still be listed under my former name, (insert deadname)."
- If you are not willing to say your deadname in public at the polls, you can request that the poll worker ask the Chief Precinct Judge to observe a private conversation about your name change. The Judge can then attest to the Poll Observers that you have satisfactorily explained your legal name change and are registered to vote.
- You can update your voter registration with your new legal name at the polls. The Board of Elections will update their records with your new information after the election.
- Voter ID is not currently required in North Carolina. However, because your legal name will vary from voter registration, bringing a certified copy of your Court-Ordered Name Change is recommended.

### **Scenario 3: Legal name change and voter registration have not been completed, but you are socially using a new name.**

You are socially using a new name, but you may not have started or completed a legal name change, and you are still registered to vote under your deadname.

*This document was prepared by the LGBTQ Democrats of North Carolina, Guilford Green Foundation LGBTQ Center and in consultation with the Guilford, Mecklenburg and Orange County Boards of Elections and Campaign for Southern Equality.*

Have Questions? Contact Us:

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- You can introduce yourself by your preferred name and add, "but I will be listed under my legal name, (insert deadname)."
- If you are not willing to say your deadname in public at the polls, you can request that the poll worker ask the Chief Precinct Judge to observe a private conversation about your voter registration status and legal name. The Judge can then attest to the Poll Observers that you have satisfactorily identified yourself and are registered to vote.
- Remember that voter ID is currently not required in North Carolina.
- [Click here for more information about changing your name in North Carolina](#)

## General Information for All Scenarios:

### Required Signature:

In all the above scenarios, you are required to sign the "Authorization to Vote" form before you can be allowed to vote. Technically, you should do so using your legal name.

- In Scenarios 2 and 3, if you are not willing to sign your deadname, but wish to use your new name instead, we recommend that you add a clarifying statement beneath your current signature. In Scenario 2, for example, you might sign your new legal name and add a statement such as "New legal name, registered under former name of (sign deadname and print deadname beneath signature)." In Scenario 3, you might sign your preferred name and add a statement such as "Registered as (legal name signature with legal name printed beneath signature)." This may reduce the likelihood of your ballot being invalidated.
- Should an outside organization or agency challenge the election results, individual ballots may be reviewed. A discrepancy between a voter's registration record and a voter's signature can serve as a way to invalidate a ballot or be mistakenly seen as evidence of voter fraud or election tampering. If your signature matches your legal voter registration, it reduces the likelihood of your ballot being called into question.
- **Important Note:** Poll workers in North Carolina are currently not required to verify your signature: they only attest that they have witnessed you signing the "Authorization to Vote" form. You declare by signing that you are the person named on the form and that you accept responsibility for the truth of your statement.

### Poll Observers:

- Poll Observers are individuals appointed by each political party who are allowed to observe voter registration, the ballot, and voter help tables.
- They are not allowed to speak with you directly or impede your right to vote; they can only observe.
- Be aware that Poll Observers inside the polls are allowed, by legal mandate, to hear your conversations with any poll worker. They can only listen, they cannot interject.
- Poll Observers do not listen to private conversations that you request with the Chief Precinct Judge, as explained above.

### For further information on Poll Observers, visit:

[https://dl.ncsbe.gov/sboe/numbermemo/2016/SBE\\_Monitor\\_Observer\\_Runner\\_Guide.pdf](https://dl.ncsbe.gov/sboe/numbermemo/2016/SBE_Monitor_Observer_Runner_Guide.pdf)

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### **North Carolina Voter Challenge Law:**

- In North Carolina, another voter may challenge your identity by declaring that they do not believe you are the person you say you are.
- This is a rare situation, and if you have requested a private conversation involving a Precinct Judge, it is unlikely to occur.
- If, for any reason, it should happen, you can refer the problem to the Chief Precinct Judge.
- If the situation seems unresolvable, the Chief Precinct Judge should telephone the Director of the Board of Elections for direction.

### **Should your right to vote be questioned at any time:**

- Request a consultation with the Chief Precinct Judge at your polling site.
- The Chief Precinct Judge should be able to help resolve any questions about your voter registration, privately if necessary.
- If the Chief Precinct Judge cannot help you arrive at a satisfactory resolution, you can ask the Chief Judge to telephone the Director of the Board of Elections for further assistance.
- **Important Note:** We strongly recommend that you do not leave the precinct without voting. If your right to vote cannot be resolved onsite, we suggest that you request and complete a provisional ballot at the precinct. This will ensure that your ballot is counted, once your right to vote has been verified.

### **Absentee Ballots:**

- If you have reservations about voting in person, we strongly recommend considering an absentee ballot and voting by mail.
- Any registered voter in North Carolina currently has the option of using an absentee ballot for the upcoming 2020 General election.
- You can request an absentee ballot using [this State Absentee Ballot request form](#).
- Your completed and signed request form must be received by the county board of elections office no later than 5 p.m. Tuesday, October 27, 2020. (We recommend that you submit your request well in advance of that deadline.)
- You may only request an absentee ballot under the legal name by which you are currently registered to vote.
- The Orange County Board of Elections begins answering absentee ballot requests in September.
- You will receive your absentee ballot by mail and must precisely follow the directions for completing it, signing it in the presence of an appropriate witness as per the instructions, and returning it to the county board of elections.
- We strongly recommend that you complete and return your absentee ballot as soon as possible after receiving it. The post office will likely be dealing with an influx of absentee ballots, and delays are currently anticipated.
- Technically, Absentee Ballots will be considered timely if they are postmarked on, or before, Election day and received by mail by 5PM on the 3<sup>rd</sup> day following the date of election.
- Again, we do not recommend waiting until Election Day to mail your absentee ballot. We recommend completing and mailing your ballot as soon as possible. **For further information on absentee voting, visit:**

<https://www.ncsbe.gov/Voting-Options/Absentee-Voting>

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## Voter Registration:

- You can register to vote up to 25 days before election day.
- The deadline for the upcoming General Election is Friday, October 9<sup>th</sup>, 2020.
- If registering by mail, the request must be postmarked by October 9<sup>th</sup>, 2020.
- You can only register under your legal name, and the registration form requires either your NC Driver's License Number or the last four digits of your Social Security Number. It is not possible to register under a name that is not associated with one of these numbers.
- You can also register to vote and vote at the same time at any polling site **during the early voting period** (but not on election day).
- Same-day registrants must attest to their eligibility to vote and must provide proof of residence.
- A voter attests to their eligibility by completing a voter registration application, signing it under penalty of a Class I felony, and presenting one of the following required documents **showing the voter's current name and current address**:
  - North Carolina Driver's License.
  - Other photo identification issued by a government agency. Any government-issued photo identification card is acceptable, as long as the card includes the registrant's current legal name and address. Such cards may be expired, but the name and address must be current.
  - A copy of a current utility bill, bank statement, government check, paycheck, or other government document showing the voter's current name and address issued within 3 months of the date it is presented.
  - A current college/university photo identification card paired with either:
    - Any document originating from the educational institution and containing the student's name and on-campus housing address or facility name
    - A current roster prepared by the college/university and transmitted to the county board of elections office, which lists all students residing in campus housing facilities.
- **Important Note:** If you do not have any of the required documents showing your current name and current address, same-day voter registration is not an option for you.

## For further information on voter registration, visit:

<https://www.ncsbe.gov/Voters/Registering-to-Vote>

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