

I read reporter Jon Hawley's article on Thursday's Residency challenge of 60 Pasquotank voters and was amazed at his view of the proceedings, but not surprised because election law is bastardized so badly that common views on voter rights is often confused with the rights of voters.

In North Carolina you may register to vote at 16, and vote at 18 as long as you are a citizen of the United States and have not lost your voting rights due to felony charges. You must also meet the residency laws of North Carolina which are to have resided at least 30 days in the state, county and precinct where you are registering before the next election. Of course nothing is ever that simple and laws address homes where the bedroom is in one precinct and the kitchen in another. In that case you register where you lay your head and there are other exceptions.

Then there are the college students. Case law in North Carolina provides the legal presumption that college students are **NOT** domiciled in the college town to which they go. It is a rebuttable presumption that can be overcome from the greater weight of the evidence. (*from NC State Board of Election's General Counsel, Don Wright in his paper, Residency for Elections Purposes*). Case law also provides that the person alleging a change in domicile (the student) bears the burden of proof in providing evidence of the change. Proof could be a NC Driver's license or anything that bears the same address of their new domicile. But students do not change their addresses. They go home on weekends and go home at Christmas all because they have not abandoned their previous domicile.

First, to effectively change a domicile you must (1) abandon the first domicile with (2) the intent not to return to that domicile then (3) acquire a new domicile with (4) the intent of making the new domicile a permanent home. College students living in dormitories cannot meet these residency requirements. Mr. Anthony Brown's testimony on Thursday verified that the dorms are temporary residences for students and that during Christmas holidays they "go home". The students are not able to access their dorm rooms during the college breaks, their visitors must be approved, and they cannot have spouses or babies live with them according to ECSU housing policy. The students cannot consider the dorms a "permanent home".

While this is the law, our North Carolina State Board of Elections has effectively provided that college students have a duty to register at their college address. The SBOE policies have relaxed the rules for students registering to vote at One-Stop thereby creating a special class of voters. College students do not have to meet the same standards as you or I. Yet when voters of college towns complain they are vilified for wanting to deprive college students the right to vote. Parents are paying tuition to NC colleges and universities that are encouraging, with the assistance of the NC State Board of Elections, their child to register in their college town when they could be in fact breaking the law. Mr. Gilbert made this point clear on Thursday.

Here are some other items that Mr. Hawley missed: Shanay Thomas asked that her name be removed because she voted claiming ECSU as her address in the November 2012 election. What Mr. Hawley omitted is that Ms. Thomas testified that she was living in Portsmouth, VA when she voted in Pasquotank. The board sustained the challenge on Shanay Thomas. Clare Barnett, acting as her attorney, advised her not to answer any more questions, not Mr. Cox, as reported.

All but two of these voters voted in the November 2012 elections. When these voters presented to vote they had the opportunity to change their address on their Authorization to Vote form. They did not. They also signed an affidavit confirming 1704 Weeksville Road as their address. This is not a case of not remembering to change their address but willful Voter Fraud and a felony. Mr. Hawley also failed to mention that 52 of these voters cannot be found. Their first class mail to their address on record was returned as undeliverable and not residing at this address. Finally, one glaring omission is the fact that a student who was not a citizen of the United States registered.

We encourage all citizens to register and vote, but college students do not get a pass of not following the law. It is imperative that those elected, appointed, and hired to legislate, educate, and apply NC election law, do it fairly to protect the integrity of our voting system.

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