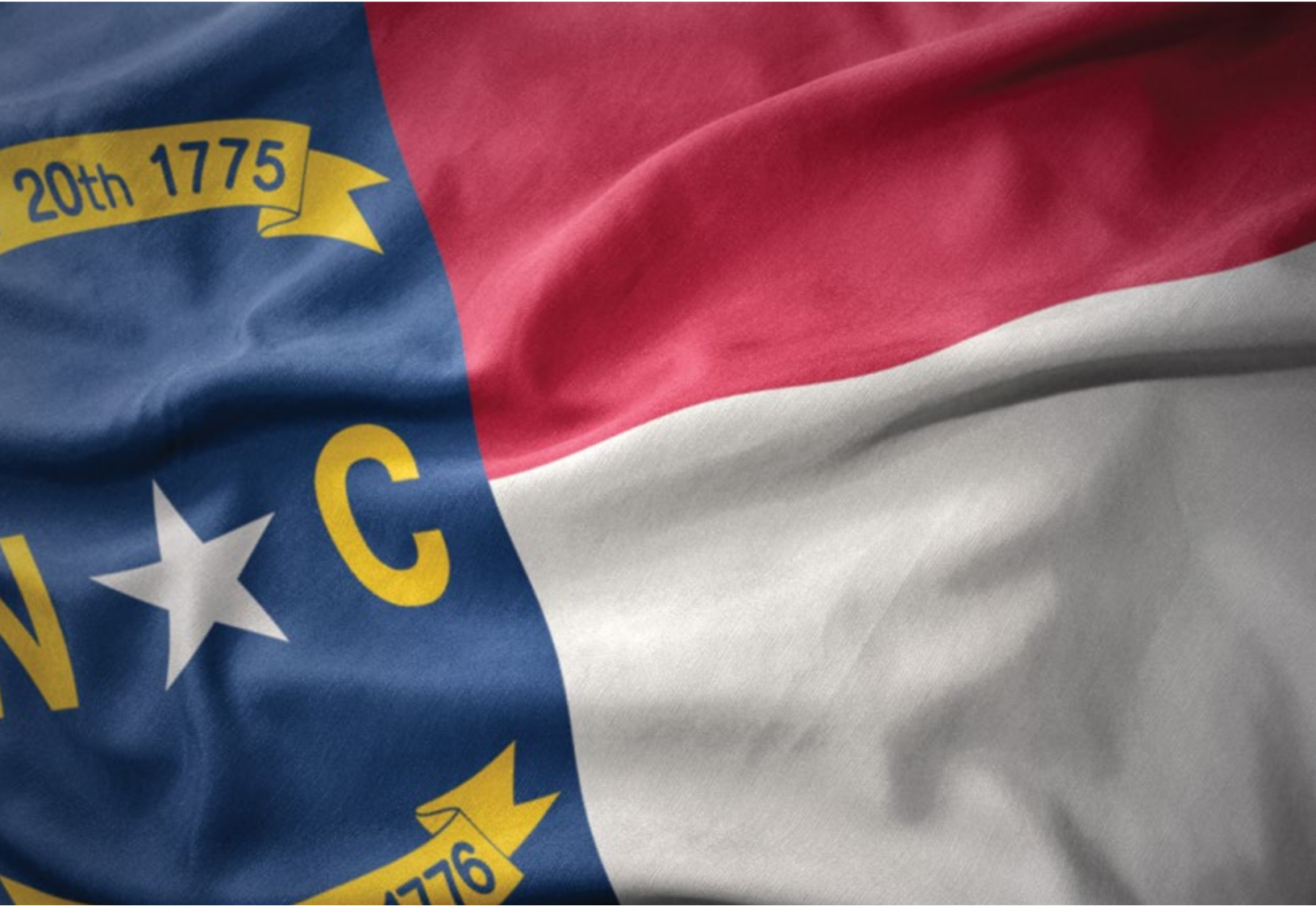


BLUEPRINT

FOR A STRONGER DEMOCRACY



Best practices and policy proposals for North Carolina to improve voting, combat corruption, and promote good government

2025



ABOUT NORTH CAROLINA FOR THE PEOPLE

North Carolina For the People is North Carolina's pro-democracy coalition, aimed at educating the public on how to build a democracy where everyone participates, every vote is counted, voting rights are fully enforced, and everyone's voice is heard (www.ncforthepeople.com).



ABOUT THE INSTITUTE FOR SOUTHERN STUDIES

Founded in 1970, the Institute for Southern Studies is a nonprofit media, research, and education center based in Durham, North Carolina. The Institute publishes the online magazine Facing South (facingsouth.org).

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INTRODUCTION

Across our state and country, many view the state of our democracy with fear and alarm. In recent years, new voting restrictions, rampant disinformation, growing threats to voters and election officials, and attempts to overturn election results have shaken the confidence of North Carolinians in our democratic system.

Despite these attacks, people across North Carolina have repeatedly risen up to defend and expand our democracy. In recent years, broad coalitions of people, from the local up to the state level, have fought to safeguard our democratic institutions.

Now, as we face a new wave of attacks on democracy – including a resurgence of false claims about voting, political weaponization of democratic institutions, and efforts to restrict voting access – it is more critical than ever that we offer a powerful and compelling vision for strengthening democracy in North Carolina.

The following report, a collaboration among 20 leading state and national organizations, outlines more than 40 best practices and policy proposals to defend and improve our democratic institutions. Most have a track record of success in states across the country, and many enjoy strong bipartisan support.

Promoting a pro-democracy agenda may seem a formidable challenge in our current political moment. But we take inspiration from states like neighboring Virginia, where, after laying the groundwork for several years, advocates successfully won a state voting rights act and expanded access to voters with felony records.

North Carolina's own history of expanding access and representation, from Reconstruction through the civil rights movement and into the early 2000s – when the state adopted same-day registration during early voting, strong disclosure laws, voter-owned public financing for elections, and other pioneering reforms – are a testament to what can be accomplished when we persevere and unify around a clear vision for a better democracy.

This report reflects the contributions of many voices. Not every author agrees on every detail, but together they offer a compelling roadmap for lawmakers, advocates, and everyday North Carolinians to create a vibrant, resilient, and strong democracy.

Together, we can bring North Carolina closer to our ideal of a state truly of, by, and for the people.



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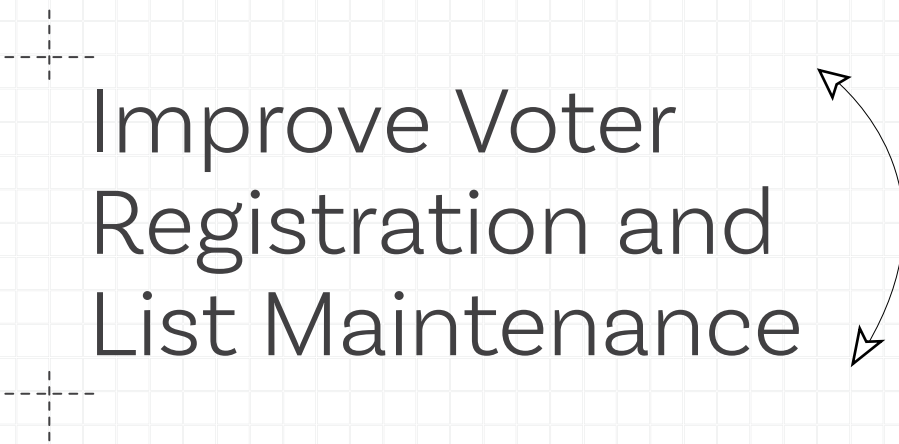
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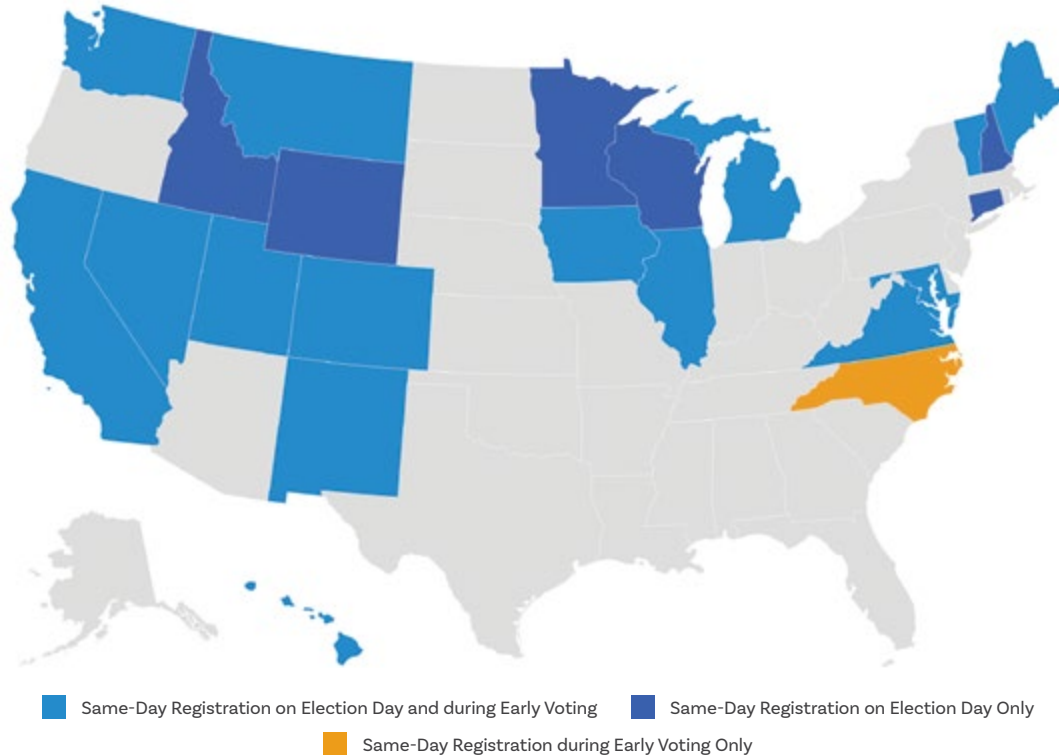
SECTION 1

Improve Voter Registration and List Maintenance

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ADOPT ELECTION-DAY VOTER REGISTRATION

STATES THAT ALLOW SAME-DAY REGISTRATION



Map: Lekha Shupeck, The Institute for Southern Studies, March 2025 • Source: "Same-Day Voter Registration," National Conference of State Legislatures, March 24, 2025 • Created with Datawrapper

BACKGROUND

Every election cycle, millions of people are unable to participate in the electoral process because of a registration problem. Census data from 2020 found that 4.9% of registered voters nationally did not cast a ballot in the last presidential election because of a problem with their voter registration.¹ Many voters go to the polls on Election Day planning to cast their ballot, only to find out that their registration is no longer valid because they've recently moved or changed their name. Administrative errors can be a factor, too: In 2020, for example, 11,000 voters in North Carolina were mailed prefilled voter registration forms with incorrect information less than a month before the election, according to the North Carolina State Board of Elections.²

Voting advocates believe that allowing voters to register and vote at the same time on Election Day would ensure that every eligible voter who wants to participate can.

North Carolina currently allows for same-day voter registration during the entire early voting period, a reform passed in 2007. Same-day registration has proved to be immensely popular with North Carolina voters: In 2020, more than 114,000 voters used same-day registration, nearly evenly split among Democrats, Republicans, and unaffiliated voters.³

RECOMMENDATION

Building on North Carolina's success with same-day registration during early voting, the state could expand voting access for all eligible voters by implementing same-day registration on Election Day, also known as Election-Day Registration (EDR).

As of 2024, a total of 20 states plus the District of Columbia have enacted EDR, allowing voters to both register and vote on Election Day.⁴ The experience of these states has shown that full EDR has many benefits:

- **INCREASED VOTER TURNOUT.** States that allow EDR consistently lead the nation in voter participation. According to a report by Nonprofit VOTE and the U.S. Elections Project, eight of the 10 highest turnout states in 2020 had same-day registration. Average voter turnout was over seven percentage points higher in states with EDR than in other states.⁵
- **MINIMIZES INACCURATE VOTER ROLLS.** EDR gives voters a chance to fix problems with their voting eligibility due to change of address, administrative errors, and other factors, just as same-day registration does during early voting in North Carolina. This would be especially beneficial to young voters, low-income voters, and voters of color, who tend to relocate more than other groups.
- **REDUCES THE NEED FOR PROVISIONAL BALLOTING.** Provisional ballots are offered to voters who believe they are registered, but whose names do not appear on the voter roll. Allowing eligible voters to register and vote on Election Day helps reduce the need for provisional ballots and saves election officials the time and expense of handling and confirming provisional votes.

North Carolina's experience with same-day registration during early voting has shown that allowing eligible voters to register and vote at the same time can be done efficiently, and with proper safeguards to verify voter identity.

North Carolina has already made important strides in boosting voter participation by allowing same-day registration during the early voting period. Expanding this policy to include Election-Day Registration would be both a practical and significant next step toward ensuring all eligible voters have a fair chance to take part in the democratic process.

Benjamin Barber

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IMPROVE ONLINE VOTER REGISTRATION

BACKGROUND

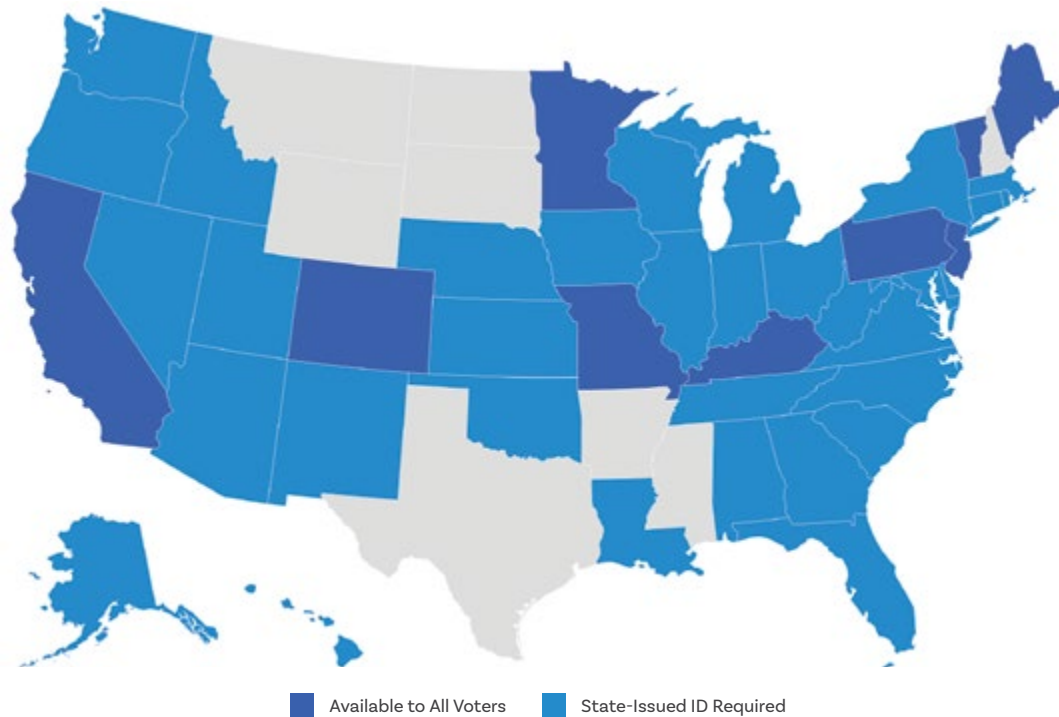
In recent years, an increasing number of states across the South and nationwide have established Online Voter Registration (OVR), which saves money and paperwork, promotes efficiency, and improves the accuracy of voter rolls. As of September 2024, a total of 42 states and D.C. offer OVR; of those states, 10 are in the South.¹

OVR eliminates many issues associated with traditional paper registration forms, such as data entry errors and missing information. It also reduces costs by minimizing the need for paper, printing, postage, and staff time.

In 2020, the North Carolina State Board of Elections partnered with the N.C. Department of Motor Vehicles to offer limited OVR services. Voters with a North Carolina driver's license or DMV-issued ID are able to participate in this system. That year alone, 71,576 North Carolinians registered to vote online for the first time. In 2024, 79,882 new voters registered through the online portal.²

Although successful, North Carolina's OVR system is limited in scope. It is currently only available to individuals who have a DMV-issued driver's license or photo ID, a barrier for many, including students and people of color who are less likely to have these IDs.

STATES WITH ONLINE VOTER REGISTRATION



Map: Lekha Shupeck, The Institute for Southern Studies, March 2025 • Source: "Online Voter Registration," National Conference of State Legislatures, March 27, 2025. • Created with Datawrapper

While OVR has proved to be a popular and effective reform to improve elections, experiences from other states have highlighted important issues to be aware of in implementing OVR, such as ensuring it is accessible to all eligible voters. For example, many households — especially in rural areas — do not have access to fast, reliable internet. Advocates have also noted that not all state online registration websites follow accessibility guidelines for internet users with disabilities. In North Carolina, the online voter registration portal is only accessible in English.³

Additionally, North Carolina's OVR system does not attempt to capture the applicant's race, gender, and ethnicity. While this information is not required to register to vote, many citizens tend to fill out these boxes on paper forms, which helps keep track of vital voter demographic information. Voting rights organizations argue that this has an impact on voter outreach efforts and the ability to ensure local and state governments are not enacting voting policies that have racial bias.

RECOMMENDATIONS

North Carolina should expand on its limited but successful implementation of Online Voter Registration. Various measures could help expand the state's OVR process to ensure it is more effective and accessible, including:

1. Broaden OVR to make it available to everyone who wants to be able to register electronically without being limited by the DMV-issued identification requirements.
2. Ensure that the same information that is seen on paper registration forms is included in online registration so that valuable demographic data can be captured.
3. Increase efficient data exchange between state election officials and motor vehicle agencies.
4. Establish an OVR portal that is independent of the DMV.

5.

To ensure OVR can be fully implemented, legislation should remove the existing requirement for a “wet ink” signature for voter registration and allow an electronically captured image of the voter’s signature to be considered a valid signature for registration purposes.

6.

The OVR website should be accessible to all users with disabilities and available in multiple languages where appropriate.

The COVID-19 pandemic revealed how critical it is to have online registration systems accessible to all eligible voters. North Carolina’s use of OVR since 2020 shows that it can be a workable and cost-effective approach to voter registration. The state now has an opportunity to expand on the success of this program and ensure OVR is accessible to all who may want to use it.

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IMPLEMENT AUTOMATIC VOTER REGISTRATION

BACKGROUND

In addition to Election Day Registration and Online Voter Registration, a third approach to creating a more efficient, cost-effective, and accurate voter registration system is Automatic Voter Registration (AVR).

Automatic Voter Registration has two main components. First, all eligible citizens are registered to vote automatically when they interact with a government agency, unless they decline. Second, their voter information is updated whenever they interact with government agencies, such as the Department of Motor Vehicles (DMV).

AVR has rapidly grown in popularity in recent years. Currently, 25 states and Washington, D.C., have enacted AVR,¹ with overwhelmingly positive results. Oregon, which in 2016 became the first state to enact AVR, saw a boost in voter turnout of 4.1% between 2012 and 2016,² and Georgia added more than 681,000 voters to their rolls in the three years after the state implemented AVR.³ In Washington, D.C., voter turnout was actually higher among those who were automatically registered than those who registered by other means.⁴

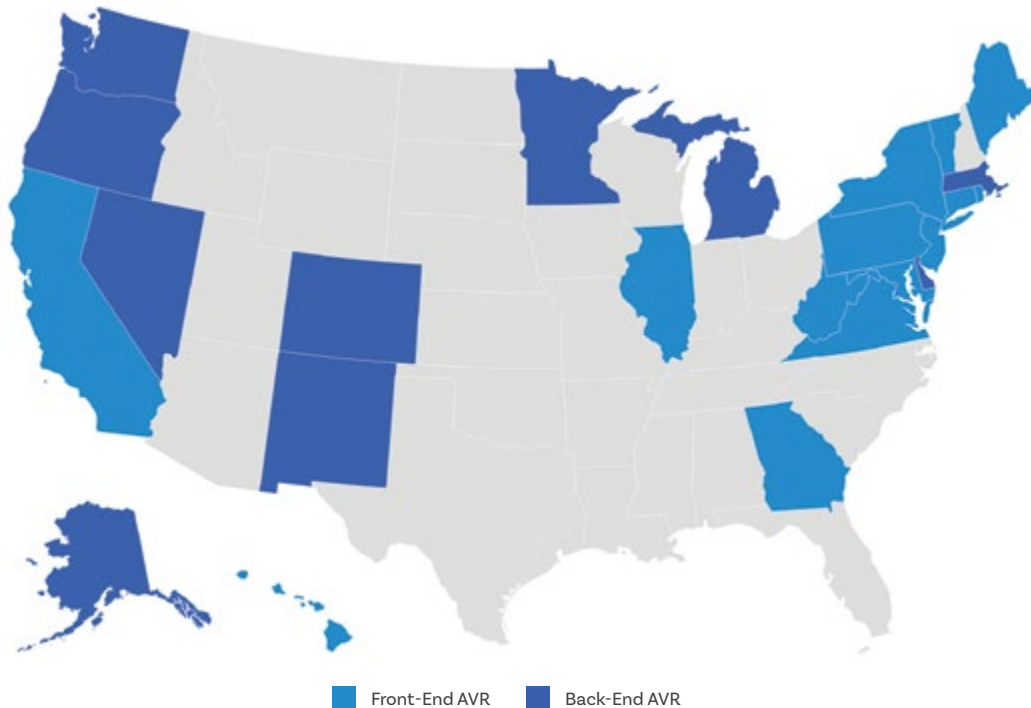
One study indicated that “front-end” AVR systems, in which the customer at a participating agency can choose to register or decline at the point of service, produce on average a 2.9% increase in registration and a 1.1% increase in voter turnout. “Back-end” AVR systems, in which the agency gathers the information needed to register a customer, who is then later notified they will be registered unless they choose to decline, produce on average an 8.1% increase in registration and a 3.3% increase in voter turnout.⁵

Increased voter participation and turnout is just one of the benefits of AVR. Other benefits to states include:



SAVING MONEY. AVR leads to lower costs and increased efficiency, especially if registration is streamlined and electronic registration replaces paper-based systems.

STATES WITH AUTOMATIC VOTER REGISTRATION



Map: Lekha Shupeck, The Institute for Southern Studies, March 2025 • Source: "Automatic Online Voter Registration," National Conference of State Legislatures, March 25, 2025. • Created with Datawrapper

- **MORE ACCURATE VOTER ROLLS.** Records are automatically matched, and information-sharing eliminates the possibility of election officials misreading handwritten information on paper voter registration forms.
- **UP-TO-DATE RECORDS.** Voter records are kept current and contain fewer errors, as they are automatically updated whenever citizens change their information at the DMV or other government agencies. In Oregon, more than 265,000 inaccurate records were removed within the first six months of the AVR program.⁶

Automatic Voter Registration also promotes election integrity by ensuring that only eligible voters are automatically registered. Most, if not all, AVR interactions will be with agencies that already verify the citizenship status of residents, such as the DMV or the Department of Health and Human Services (DHHS). If citizenship status is unknown for any applicants, those voters would be required to affirm their citizenship before inclusion in the AVR process. A similar process would apply for residency and age requirements, which will ordinarily also be established through the agency interaction. Thus, only eligible voters will be included in the AVR pool.

RECOMMENDATIONS

North Carolina would significantly benefit from joining the growing number of states that use AVR. In deciding on an AVR system, there are two primary considerations: which agencies will be part of AVR, and whether to use a "back-end" or "front-end" approach to registering voters.

COVERED AVR AGENCIES

The best AVR programs nationally designate multiple agencies where citizens can register. In North Carolina, a good starting point would be to include at least the state DMV, which already registers many voters, and the Department of Health and Human Services, which administers Medicaid and SNAP services. Legislation could also create a pathway for additional agencies to administer AVR as long as they meet certain requirements, including verification of citizenship status. Colorado has been a leader in approving AVR in its Medicaid offices, which are similar to North Carolina's DHHS office.

MODELS FOR AUTOMATIC VOTER REGISTRATION

There are two primary forms of AVR: “back-end” AVR, and “front-end” AVR. The “back-end” model has the highest rate of proven success, ensures greater participation in the AVR process, and avoids user errors. In 2020, Colorado transitioned from a front-end AVR process to a back-end AVR process, a change that roughly doubled the rate at which unregistered DMV customers registered to vote.⁷

BACK-END AVR: The “back-end” approach automatically begins the voter registration process for all eligible individuals interacting with the agency (after excluding those ineligible based on citizenship, age, or residence), and gives voters the opportunity to opt out via a mailer.

Evidence shows that back-end AVR systems register a higher percentage of eligible voters and result in more accurate records than front-end AVR systems. Oregon, which implemented back-end AVR in 2015, has seen its electorate increase in size and become more diverse. Since implementing the system, Oregon moved from 31st in state rankings for its percentage of people of color registered to vote to the second highest rate in the country.⁸ Moreover, back-end systems are designed to primarily rely on agency records rather than voter attestations to determine eligibility, and thus reduce user error.

FRONT-END/OPT-IN AVR: The “front-end” approach gives eligible individuals the opportunity to opt out of being automatically registered to vote at the time of their agency transaction. In front-end AVR systems, the state largely relies on individuals’ attestation that they are eligible to vote, unlike back-end AVR systems, where the state checks voters eligibility using information that the state already possesses. The front-end AVR system’s reliance on an individuals’ attestation that they are eligible to vote increases the chance for errors. Although front-end AVR systems improve registration rates, their opt-out rates can still be high. This could be for any number of reasons, including individuals mistakenly believing they are already registered, not being focused on voter registration while at the DMV, or worrying that registration will prolong their agency transaction.

PROTECTING ABUSE SURVIVORS

In North Carolina, anyone can obtain a voter’s registration record, including the address of the voter.⁹ North Carolina’s AVR implementation should include an option for survivors of domestic violence to keep their addresses private. North Carolina’s voter database includes more personally identifiable information than any other state in the country, so the option to keep that information private should be integrated into the state’s AVR process.¹⁰

The North Carolina Attorney General’s Office already has an Address Confidentiality Program in place to keep abusers from discovering the addresses of survivors of sexual assault.¹¹ More than 990 people currently participate in the program.¹² Lawmakers could take steps to ensure that all of the voter registration information of anyone who participates in the Address Confidentiality Program, including their assigned voter precinct, remains confidential when they register to vote through the state’s AVR system.

LIMITATION ON PENALTIES FOR AUTOMATICALLY REGISTERED INDIVIDUALS

Under North Carolina law, a person who is ineligible to register to vote but does so may be charged with a Class I felony.¹³ If North Carolina adopts AVR, the law should make clear that a person who is ineligible to register will not face a criminal penalty if they are registered through the state’s AVR system, unless they intentionally take voluntary action to register knowing they aren’t eligible.

Danielle Lang & Lata Nott
CAMPAIGN LEGAL CENTER

MAINTAIN ACCURATE VOTER ROLLS AND STOP ERRONEOUS REMOVALS

BACKGROUND

In North Carolina, the State Board of Elections (NCSBE) works with the county boards of elections (CBOEs) to maintain a database of every registered voter in the state. This list contained more than 7.8 million North Carolinians as of November 2024.¹ Like any database, the “voter rolls” require constant maintenance. An accurate database ensures that voters can cast their ballot without problems, reduces administrative burden, and guards against election malfeasance.

Recently, some partisan actors and self-proclaimed “election integrity” groups have falsely claimed that North Carolina’s voter rolls threaten election security. However, no evidence supports these claims.

To the contrary, a close examination of available data shows that North Carolina’s current administration of voter rolls not only adequately protects against ineligible voters casting ballots, but that the state’s list maintenance practices likely cause **excessive** removals, whereby eligible voters may find themselves missing from the voter rolls when they show up to vote. There is also evidence that nearly a million voters in North Carolina are eligible to vote but remain unregistered.²

WHAT IS LIST MAINTENANCE?

Examples of maintaining North Carolina’s voter registration database — known commonly as “list maintenance” — include:

A new voter registers
for the first time and is
added to the list

A registered voter updates
their information (such as
address or party affiliation)

A registered
voter is removed

Each year, North Carolina removes eligible voters from the voter registration rolls due to their over-inclusive list maintenance process. Over 2,000 eligible voters who were removed from the voter rolls in 2019 were forced to vote a provisional ballot during the 2020 election.

Voter Registration Application
Before completing this form, review the General, Application, and State specific instructions.

This space for office use only.

Are you a citizen of the United States of America?
Will you be 18 years old on or before election day?
If you checked "No" in response to either question, you are not eligible to register prior to age 18.
(Please see state-specific instructions for rules regarding eligibility to register prior to age 18.)

Last Name First Name Middle Name(s) State
Apt. or Lot # City/Town State
City/Town

REMOVED

See item 6 in the instructions for

Each year, thousands of North Carolinians are added and removed from the voter rolls. While most removals happen on a weekly or monthly basis, large numbers of inactive voters are removed in the spring after every general election — in N.C., every odd year. Voters are removed if they have failed to vote in four consecutive statewide elections and have not responded to attempts by their county election board to confirm their voter registration, either by responding to a mailing, or making other contact with their county elections board. Voters are also removed due to death, felony conviction, or moving out of state.

From the start of 2023 through August 2024, North Carolina removed nearly three-quarters of a million individuals from the voter rolls. This includes over 240,000 individuals who were removed due to inactivity.³

ERRONEOUS REMOVAL OF ELIGIBLE VOTERS

The most serious problem with North Carolina's list maintenance process is that at least some voters who should continue to be eligible voters are wrongfully removed from the rolls. These could be voters who did not vote in several elections and did not receive or respond to a confirmation mailing from their county, or voters who were incorrectly identified as being dead or convicted of a felony.

The NCSBE has not publicly released an analysis of the number of eligible voters who are removed from the voter rolls each year.

However, an analysis by the Southern Coalition for Social Justice showed that at least 2,280 of the voters removed from the state's voter rolls in 2019 attempted to vote from the same county in 2020 and were forced to cast a provisional ballot.



This same analysis found that Black North Carolinians were removed at higher rates than white North Carolinians during the 2021 list maintenance process, when accounting for their share of the electorate.⁴

An updated analysis in 2023 found that removals again disproportionately impacted voters self-identifying as Black or African American, and thousands of voters attempting to vote in 2022 were previously removed or wrongfully identified as having “no record of registration” when they did have a record of registration in the county.⁵ It is possible many more voters opted not to take the time to cast a provisional ballot when told they were removed from the voter rolls, and instead left without casting a ballot, although that data is not available.

There are many possible reasons for why eligible voters are erroneously removed from the rolls. Research by election experts has found that problems with delivering mail may cause voters to never receive notices from their county election board seeking to confirm registration. This can result from sender or postal service errors in addressing or delivering mail, and challenges with delivering mail to many addresses in the United States.⁶

RECOMMENDATIONS

Maintaining an accurate voter registration database is vital to election administration, and this process must be transparent, accountable, and designed to ensure that eligible voters are able to become and stay registered and are not erroneously removed. The voter registration database must also be safeguarded against groups that wish to deliberately remove voters — particularly Black and brown voters — from the voter rolls.

- 1 **Adopt Automatic Voter Registration (AVR) in North Carolina, whereby eligible individuals are automatically registered to vote when interacting with certain government agencies (such as the DMV), but may opt out if they choose to.** AVR has been adopted by 24 states, including our neighbors Georgia and Virginia.⁷ This process will help eligible voters become and stay registered and allow voters to automatically update their registrations when they interact with government agencies.

- ② **End the practice of using “failure to vote” and unreturned or undeliverable confirmation mailings as a trigger for removing voters.** North Carolina should not revoke a voter’s registration based solely on inactivity and the failure to respond to a mailer, as the risk of erroneous purges of eligible voters outweighs any benefits. Instead, county election boards should be provided the resources to make contact with voters (e.g. by phone or email) to confirm whether they have, in fact, moved out of the county, and to make additional efforts to confirm eligibility before voters are slated for removal.
- ③ **Ensure North Carolina’s enrollment and participation in the Electronic Registration Information Center (ERIC).** ERIC allows states to identify registered voters who have moved within the state or to another state, voters who have died, and potential duplicate registrations. Despite this fact, in 2023 the General Assembly prohibited North Carolina from enrolling in ERIC.⁸
- ④ **Make it easier for voters to confirm their eligibility.** Currently, voters who are slated for removal must return a postcard via mail. As an additional step, North Carolina should create an online portal for voters to confirm their address. The NCSBE should also allow voters to respond to a confirmation mailing within 60 days. At present, voters have only 30 days before they are tagged for removal.
- ⑤ **Require county election officials to match the Social Security number of a deceased individual to their voter registration before removal.** This is standard practice in other states and ensures that voters are not incorrectly matched and removed. However, North Carolina does not list this as a uniform requirement before removal.⁹
- ⑥ **Conduct research on the number of eligible voters who are removed from the voter rolls, and the racial disparities that exist in this process.** This analysis should be used to improve the list maintenance process in the future, particularly for Black and brown communities, where citizens are at a higher risk of being removed from voter rolls.¹⁰
- ⑦ **Remove the need for re-registration to restore voting rights, allowing voters to update a prior registration when they present to vote,** with the long-term goal of ending felony disenfranchisement.

Hilary Harris Klein

SOUTHERN COALITION FOR SOCIAL JUSTICE

IMPROVE ELECTION RESPONSE TO NATURAL DISASTERS

BACKGROUND

North Carolina law does not directly address the systemic barriers to registering to vote faced by eligible voters who become displaced due to a natural disaster, environmental disaster, or pandemic. These barriers came into sharp relief during the 2020 COVID-19 pandemic, as well as Hurricane Matthew in 2016, Hurricane Florence in 2018, and Hurricane Helene in 2024, all of which displaced tens of thousands of people and saw election officials and community groups scrambling to ensure that residents were able to register and vote.¹

The experience of Hurricane Helene underscored the disruptive role that natural disasters can play in affecting North Carolinians’ ability to vote. The destruction caused by Hurricane Helene significantly disrupted election administration in at least 25 western affected counties. Helene also affected United States Postal Service operations, which are essential for mail voting. The

storm also displaced thousands of North Carolinians to locales across the state who were forced to identify alternative means of voting. At the same time, many were unable to return to their homes and still struggle to meet basic needs.

In the wake of Helene, the North Carolina State Board of Elections took a number of steps in 13 target counties to enable displaced voters to cast ballots, and give county election boards flexibility to modify voting procedures to best accommodate their voters, as well as enable partners to provide election-related aid to affected counties, including temporary voting facilities, generators, and other assistance.²

North Carolina's experience after Helene demonstrates the need for stronger policies to be in effect before disasters strike to ensure affected communities are able to participate.

RECOMMENDATIONS

ELECTION ADMINISTRATION. In line with open meeting law notice requirements, we urge the State Board to begin meeting at least once or twice per week during a natural disaster to address emergency response needs through the election and state canvass. We also recommend that the state move executive resources to the N.C. State Board of Elections to train people on the Statewide Elections Information Management System (SEIMS) to support county boards of elections and assist county boards with cleaning up and managing new voting sites.

DISPLACED VOTERS. With disasters increasingly wreaking havoc in North Carolina — especially in Black, Indigenous, Latinx, and low-wealth communities in vulnerable areas like Eastern North Carolina — the state should take steps to ensure displaced people have access to registration and voting.

1. Expand the list of state agencies that offer and take voter registration applications to include agencies that directly interface with displaced North Carolina citizens, such as the Department of Health and Human Services and North Carolina Emergency Management. By targeting these agencies, the state can ensure that those who bear the burden of disasters and climate change will not be disenfranchised through no fault of their own. Agencies must take special care to ensure potentially vulnerable and disenfranchised populations such as returning citizens, people with disabilities, residents of long-term care facilities, and people in rural communities have full access to voter registration and voting opportunities.
2. Reform proof of residence requirements for eligible voters who are displaced. When eligible voters are displaced, they may not have the opportunity to return to their home county to vote due to safety concerns or lack of transportation. These voters may also lack the required proof of residency documents, such as a driver's license or utility bill showing the voter's name and address, to demonstrate their current residential address. Lack of proof of residency should not remove otherwise eligible voters from the political process. If an eligible voter does not have the required proof of residency documents, an option to sign an oath about their residency should suffice.



VOTER REGISTRATION. With the voter registration deadline in early October, we recommend proactive registration access and extending the registration deadline if and when natural disaster occurs near an election.

1. Extend the voter registration mail deadline to the start of early voting and consider removing the postmark requirement for late arriving applications.
2. Send voter registration forms and absentee ballot request forms to shelters and other sites where displaced people are housed. This policy, adopted during Hurricane Florence in 2018, should be standardized.
3. Proactively communicate to temporarily displaced voters, informing them that they can register at their temporary residence.

EARLY VOTING. When a natural disaster affects early voting sites they may need to be moved. Clear proactive communications to voters about sites being moved is vital. If early voting sites are not confirmed prior to the start of the early voting period, we highly recommend an extension of operational hours for sites that had a delayed start.

VOTE-BY-MAIL. When natural disasters strike near an election, changes may need to be made to vote by mail.

1. Allow mail ballots to be redirected to the state board of election for those in affected counties.
2. Educate voters on the process for replacement ballots if their ballots are lost.
3. Inform displaced voters that they can have their ballot mailed somewhere other than their residential address, or they can pick up a ballot at their local election board.
4. Provide a 3-day grace period after Election Day to return mail ballots for voters from affected counties.
5. Allow county boards – by bipartisan, majority vote – to schedule Multi Partisan Assistance Teams to assist with absentee ballot requests and absentee voting at disaster shelters and other places where disaster relief is provided to the public. These teams may receive completed absentee ballot envelopes from voters, and deliver those ballots to county boards.

SAME-DAY VOTER REGISTRATION. Voters who use Same-Day Registration but are unable to receive mail may be disenfranchised by recent changes to state law. Allow affected counties to suspend mail verification with same-day voter registration if the voter does not have access to their home address.

ELECTION DAY. Election officials should allow out-of-precinct voting in areas where the precinct's voting site has been rendered unusable and/or could not be moved. In the counties most affected by the disaster, allow voting in adjacent counties, and allow Election Day polling locations to be consolidated if necessary.

VOTER ID. Educate voters that loss of ID is a valid exception to the voter ID requirement and provide additional provisional voting materials in affected counties.

POLL WORKERS. Plan for possible poll worker shortages in affected counties. Allow poll workers from outside affected counties to work at voting sites impacted by disaster.

FUNDING. Provide counties with designated funding to address repairs, damaged election machines or ballots, and issues regarding voting sites. The NCSBE may need funds to provide emergency support.

Dr. Jovita Lee & Marcus Bass
NORTH CAROLINA BLACK ALLIANCE





SECTION 2

Ensure Voting Access and Protect Voting Rights



INCREASE STUDENT ACCESS TO VOTING

BACKGROUND

Between 2014 and 2018, student voter turnout doubled.¹ In 2020, voter turnout among college students surged to a record high of 66% in the presidential election, according to a report from the Institute for Democracy and Higher Education. And while turnout slipped in the 2024 election, students continue to voice concern about the democratic process: a national post-election survey of college students in 2024 found 70% to be “concerned” or “very concerned” about the future of American democracy.²

The barrier to voter participation among young people is often not apathy, but rather a lack of access to information or physical polling locations.³ Voting has become inaccessible for many students on college campuses, especially those in rural areas or where the closest polling site is far from campus. If transportation options are limited, students are often unable to exercise their right to vote. Some students do not have time on Election Day to get to a polling site, further restricting them from voting.

To encourage student voting, some universities have turned to their own resources and funding to provide early voting places on campuses and polling sites on Election Day. Numerous campuses hosted early voting sites for the 2024 election, including East Carolina University, N.C. State, and N.C. Central.⁴ While voting advocates highly encourage this approach, which has been successful in boosting turnout, North Carolina law does not have a standardized policy outlining what polling stations on campuses should look like, how they should be funded, how many people they will serve, and who will coordinate them.⁵

The lack of access to voting sites at colleges and universities is especially problematic given the high density of voters on campuses. Nationally, excluding the three states that send all voters a mail ballot, 70% of polling sites in the United States serve fewer than 2,000 registered voters, while 44% serve fewer than 1,000.⁶ Given that colleges in North Carolina typically range between 5,000 and 30,000 students, one would expect these communities to have at least one polling site on campus. If North Carolina colleges were treated like the average community in the United States, they would have anywhere from two to 15 polling sites. Instead, some campuses don’t even have one.

RECOMMENDATIONS

Other states have adopted or proposed legislation that specifically addresses the needs of student voters, and North Carolina should consider similar measures. In Maryland, the Student and Military Voter Empowerment Act enacted in 2021 requires that a separate precinct be created on or within one-half mile of the campus of any public or private institution of higher education if the local board determines that at least 500 students, faculty, and staff who attend or work at the institution are registered voters in the precinct in which the institution is located.⁷

Similarly, a New York law passed in 2022 requires a polling place on every college campus with 300 or more registered voters.⁸

We propose a Student Empowerment Voting Act in North Carolina that would mandate that public colleges and universities with a student population of 4,500 or greater have a polling site on campus for both early voting and Election Day, and require that local election boards propose voting sites to serve private colleges and universities with a student population of 4,500 or greater.

Given that public colleges and universities rely on funding from the government, it should not be hard to mandate that they offer voting on campus. For private institutions, North Carolina could issue guidance recommending they similarly provide voting opportunities. While physical

infrastructure likely exists to provide for voting sites, additional funding may be necessary for administrative support.

Providing on-campus voting access will prevent students from having to make a choice between attending class and voting, a dilemma they frequently face given that students don't typically get Election Day off from school.

Colleges and universities should also designate a student voting coordinator who will organize student voting efforts on campus and make opportunities for voting more accessible, whether by providing access to information or to a physical space to vote.

In addition to the steps outlined to improve college voting, North Carolina could also make it easier for those entering college to vote by expanding pre-registration. North Carolina allows 16- and 17-year-olds to preregister to vote before they reach the voting age of 18. However, the state could do more to make this option available. In Louisiana, for example, House Bill 423, passed and signed by Gov. John Bel Edwards on June 18, 2022, requires each school system and charter school in the state to provide an opportunity for high school seniors who are 17 or older to register to vote using school computers or on paper registration forms.⁹

Taking steps now to encourage more student voting will ensure the voices of North Carolina students are heard, paying long-term dividends for the state. Encouraging people to vote at a young age helps them to develop the habit of voting and to become civically engaged citizens throughout their lives.

Nadia Innab & Anna Klingensmith
DUKE HART LEADERSHIP PROGRAM STUDENTS

Melissa Price Kromm
NORTH CAROLINA FOR THE PEOPLE



RESTORE VOTING RIGHTS TO THOSE WITH FELONY RECORDS

BACKGROUND

The right to vote is one of our most important civil rights because it secures, ensures, and preserves all of our other civil rights. However, for many citizens, that right to vote has been stripped simply because of a past felony conviction.

The disenfranchisement of people with felony records is rooted in inequality. In 1876, North Carolina amended its constitution to disenfranchise people with felony records as a response to the 14th and 15th Amendments to the U.S. Constitution, with the knowledge that this would disproportionately affect African American voters.¹

Across the United States, millions of Americans are excluded from participating in the political process due to their criminal convictions and laws that disenfranchise voters with felony records. North Carolina is one of 15 states in which voting rights are restored upon the completion of one's sentence, including prison, parole, probation, and supervised release. As of 2024, approximately 1.7% of voting-age Americans and 0.90% of North Carolina residents were disenfranchised due to current or previous felony convictions. African American North Carolinians, who represent 21% of the state's voting population, currently make up approximately 45% of those disenfranchised due to the laws that impact voters with felony records.²

In North Carolina, voting rights restoration is "automatic" in name only. In order for a person to have their right to vote restored, they must first complete their entire sentence, which requires that they pay and avoid delinquency on all criminal fines, court fees, supervision fees, and restitution.³ People with felony records can be charged anywhere from \$40 to hundreds of dollars a month, and the base cost for a court date is \$198 with the potential to grow to more than \$10,000 in serious cases.⁴ If they are unable to pay, they face a penalty fee for nonpayment, increasing their fees and lengthening their probation period.⁵ Many people on probation are indigent and therefore have a tough time paying these fines and fees.⁶

For thousands of people with felony records who have completed all other terms of their sentence, they remain on probation – and unable to vote – simply because they are low income. The American Civil Liberties Union describes this requirement as creating "two classes of returning citizens: a group wealthy enough to afford their voting rights and another group who cannot afford to vote."⁷

In 2020, a North Carolina court exempted people from having to pay all fines, fees, and restitution before they are able to regain their right to vote, arguing that conditioning the restoration of voting rights on monetary requirements amounts to wealth-based disenfranchisement.⁸ In 2022, a North Carolina court expanded its previous ruling to re-enfranchise all individuals who are on probation, parole, or post-supervision release, finding that the state's felony disenfranchisement law (N.C.G.S. § 13-1) violated the North Carolina constitution's equal protection and free elections clauses. The North Carolina Supreme Court affirmed the lower court's ruling in December 2022; however, upon rehearing in early 2023, the North Carolina Supreme Court changed course and overturned the lower court's ruling, leaving North Carolina's felony disenfranchisement law in place.

Even after they have fully completed their sentence, many North Carolinians are unclear about whether or not they are eligible to vote. There is no explicit mandate that probation officers educate returning citizens about regaining their voting rights, and probation officers and the courts often neglect to inform returning citizens of the necessary steps to restore their voting rights.⁹ As a result, many individuals with felony records have been prosecuted for voting while ineligible.¹⁰

Additionally, a previous version of North Carolina’s voter prosecution statute [N.C.G.S. § 163-275(5)] was strict liability, meaning that a person could be prosecuted for voting while they are ineligible despite not having any intent to defraud the state of North Carolina. As previously drafted, North Carolina law stated that if a person votes while they are ineligible due to a felony conviction, then they are guilty of a separate felony of illegal voting. A person’s simple misunderstanding of their eligibility could lead them to being charged and convicted of a separate felony, and the vicious cycle of voter disenfranchisement would begin anew. The legislature amended this law in 2023, and added an intent requirement. However, a United States federal district court also struck down the previous version of the law as racially discriminatory finding that the law was passed with discriminatory intent and still disproportionately affects Black voters. The state appealed this ruling, and the United States Court of Appeals for the Fourth Circuit upheld the district court’s ruling that the law was racially discriminatory.

RECOMMENDATIONS

North Carolina has several options to expand voting rights for all of the state’s citizens.

- ① **The North Carolina Legislature should statutorily mandate “bright-line” rights restoration upon release from incarceration.** A clear way for North Carolina to improve on its current set of confusing eligibility rules and avoid the problem of wealth-based disenfranchisement is to adopt a “bright-line” rule stating that a person’s right to vote is automatically restored once they leave a detention facility. In recent years, other states have passed similar bright-line rules. Nevada enacted Assembly Bill 431 in 2019 giving the right to vote to anyone who has been released from a detention facility, as did Colorado with House Bill 1266, many other states have followed suit.¹¹
- ② **Full re-enfranchisement regardless of incarceration status.** The most expansive reform North Carolina lawmakers should consider is full re-enfranchisement for all citizens, regardless of their incarceration status. As the COVID-19 pandemic demonstrated, incarcerated individuals are acutely affected by decisions made by elected officials. These citizens should have a voice in choosing those officials who create policies affecting them and their families. Currently, Maine and Vermont are the only two states that never disenfranchise people with felony records.

Additionally, the North Carolina legislature should consider re-evaluating the residency requirements for individuals who are released from a detention facility and experience houselessness or are transient as they seek housing. These voters should be able to affirm that they are citizens of the county in which they intend to vote, even if they are unable to satisfy the 30-day residency requirement because of being recently released from jail or prison. This affirmation should suffice for proving their residency.

Mitchell Brown

SOUTHERN COALITION FOR SOCIAL JUSTICE



Photo Credit: Forward Justice

MAKE ELECTION DAY A HOLIDAY

BACKGROUND

Voter turnout in the United States lags behind other democracies around the world.¹ More than a third of Americans who were eligible to vote did not cast a ballot in the 2024 presidential election. In North Carolina, the turnout rate for the 2024 presidential election stood at 70%, a slight decrease from the 71.5% turnout rate in 2020. Even in a year of record-setting voter turnout, more than one out of four eligible citizens in the state didn't vote.²

In the U.S., Election Day takes place on the Tuesday after the first Monday in November — a weekday when many people are expected to be at work or school. Even with the growth of early voting, voters have cited “being too busy or having a conflicting schedule” as one of the primary reasons they didn't cast their ballot.³

People who struggle to balance work, school, and other obligations may have a hard time getting to the polls to cast their ballot during the middle of the week. The pressure of voting during a workweek is especially burdensome for single parents, students, and those who work multiple jobs.

Many eligible voters do not participate in the electoral process simply because they don't have the free time to vote. In many places across the country people often have to wait hours in line at polling places to cast a ballot. In 2020 alone, the U.S. eliminated nearly 21,000 election polling sites, which contributed to long lines and longer wait times.⁴ In some cases, people were forced to wait 11 hours to cast a ballot.⁵

Communities of color and low-income communities are more likely to feel the brunt of these problems. Neighborhoods that are largely nonwhite typically have experienced the longest voting times on Election Day; for instance, in the 2018 midterm elections, Latine and Black voters waited in line an average of 46% and 45% longer, respectively, than white voters.⁶

Likewise, voters in poorer neighborhood are more likely to experience voting wait times of an hour or more. Time spent trying to cast a ballot, which includes finding transportation to the polling site and waiting in line, could mean employment penalties and loss of wages.⁷

RECOMMENDATIONS

Establishing Election Day as a state holiday for public employees would relieve the burden of Tuesday voting and help promote civic engagement. Election Day is already a state holiday in more than a dozen states, with some requiring employers to provide paid time off for voting.⁸

An Election Day holiday would give voters more time to travel to their polling locations and cast their ballots. While an Election Day holiday would be helpful for most North Carolinians, it would especially help residents who could be disenfranchised because of physical disabilities, lack of transportation, unpredictable work schedules, or other limitations.

Providing a paid Election Day holiday for state employees should be paired with provisions for paid time off to vote for those in the private sector. Currently, in North Carolina there is no law that requires employers to give workers time off to vote. Many front-line workers do not get state holidays off, including many low-income workers in the service and restaurant industries.⁹ These workers are at risk of being fired or otherwise penalized if they take time off to vote.

Measures to make Election Day a holiday in North Carolina have been introduced in recent years, but have stalled in the state legislature.¹⁰ The most recent, introduced in February 2025, would make the statewide general Election Day a paid holiday for state employees.¹¹

North Carolina should embrace Election Day as an official holiday and join other Southern states in ensuring that workers have the opportunity to vote. Texas, Tennessee, and West Virginia require employers to provide paid time off for voting, while Alabama, Arkansas, Georgia, and Kentucky mandate unpaid leave to vote.¹²

Making Election Day a state holiday, paired with laws that enable workers to take leave to vote, would ensure that all North Carolinians – regardless of their income or job demands – have access to the ballot box.

Benjamin Barber

INSTITUTE FOR SOUTHERN STUDIES

PROTECT VOTERS FROM INTIMIDATION

BACKGROUND

A voter's right to cast a ballot free from intimidation or coercion is fundamental to the democratic process. And yet, voters – especially in our state's Black, Latine, and Asian American Pacific Islander communities – continue to face assaults on their right to vote in the form of voter intimidation.

While the definitions and manifestations of voter intimidation have evolved, the history of voter intimidation is entwined with our history of systemic racism. In a pattern that has repeated itself multiple times since the passage of the 14th and 15th Amendments, Black voters have had to endure overt violence as well as legal voter suppression tactics such as poll taxes and literacy tests. These tactics have since been outlawed, but the underlying intent of intimidating Black and brown voters and suppressing their voices remains all too real today.

DEFINITION AND CURRENT LAW

Although voter intimidation comes in many forms, some examples that are prohibited under law include:¹

- Interfering with a voter while they are inside a voting site;
- Aggressively questioning a voter about their qualifications to vote;
- Police “staking out” a voting site when their presence has not been requested;
- Making verbal threats of violence or displaying threatening behaviors or symbols inside or outside of a voting site (including displaying firearms);
- Stalking voters, including recording their image or following them around a voting site;
- Blocking the entrance to the voting place either physically or through using intimidating language or action;
- Aggressively electioneering for a candidate or political position;
- Providing false information about voting or a voter's qualifications to vote.

Various forms of voter intimidation are prohibited by both state and federal law:

FEDERAL LAW: Federal courts have found a number of specific activities to constitute unlawful voter intimidation. Section 11 of the Voting Rights Act specifically prohibits any “person, whether acting under color of law or otherwise” from “intimidat[ing], threaten[ing], or coerc[ing], or attempt[ing] to intimidate, threaten, or coerce any person for voting or attempting to vote,” without requiring proof of discriminatory purpose or intent.²

The Civil Rights Act of 1957 also prohibits “intimidation,” “threats” to, and “coercion” of voters, though requiring plaintiffs to prove racial motivation and intent.³ Section 2 of the Enforcement

Act of 1871 – also known as the KKK Act, enacted initially to authorize the president to protect Black Americans and allies against vigilante groups – makes it unlawful for “two or more persons to conspire to prevent by force, intimidation, or threat,” any voter from casting a ballot for the candidate of their choice.⁴ In addition, multiple federal criminal statutes protect against voter intimidation.⁵

STATE LAW: North Carolina criminal law explicitly prohibits interference with voting, lying to voters in an effort to discourage them, threatening to fire a worker for voting, and other forms of intimidation.⁶ In addition, the North Carolina State Board of Elections has identified a number of activities which constitute illegal voter intimidation in its numbered memos.

Most of the protections afforded to voters only extend to what takes place at a voting site. This includes guaranteeing a “buffer zone” surrounding the voting site where voters can be free from electioneering.⁷ The law protects against poll workers from using their authority to harass voters – such as forbidding them to ask curbside voters for proof of their disability.⁸ The chief election judge or early voting site manager is responsible for ensuring voters are free from harassment or intimidation, and are required to maintain peace and order.⁹ Judges have the legal authority to remove any person from the voting place for violations, and can order the arrest of the person if necessary.¹⁰

POLICE PRESENCE AT VOTING SITES:

Under the North Carolina State Board of Elections’ administrative rules, police officers may only occupy a voting site if requested by election officials for the purpose of preventing disorder.¹¹ Police intimidation was a key voter suppression tactic in the Jim Crow South, and police presence continues to serve as a potential mode of voter intimidation.

RECENT INCIDENTS

More than 50 years after the passage of the Voting Rights Act, voter intimidation continues to target our state’s most historically disenfranchised voters. While many instances of voter intimidation go unreported, we are aware of those reported to North Carolina’s nonpartisan voter hotline (888-OUR-VOTE) and those that generate media attention. During the 2024 general election, the hotline received over 300 reports of possible voter intimidation.¹²

Some examples of voter intimidation reported in North Carolina in recent years include:

- **POLL WORKER MISCONDUCT:** During Early Voting in 2024, “woman of Arab descent” was questioned by a poll worker about whether they “knew the Constitution” and were qualified to vote.¹³ In Iredell County, a poll worker made multiple derogatory comments to a Latina voter about her name and questioned her ethnicity and place of birth.¹⁴
- **AGGRESSIVE ELECTIONEERING:** A voter in Buncombe County was met with threats of physical violence after she said no to an electioneer offering a slate card.¹⁵
- **POLICE AGGRESSION:** On the final day of early voting in 2020, Alamance County police pepper-sprayed voters peacefully marching to the polls.¹⁶
- **HOSTILE VOTING ENVIRONMENTS:** On Election Day 2020, an armed man returned to a Mecklenburg County polling site after being ordered to leave following previous reports of intimidating voters.¹⁷

The 2024 election cycle saw a significant increase in targeted intimidation of Latine and other perceived “immigrant” voters due to allegations that non-citizens were voting in North Carolina elections. This included election integrity groups displaying signs in Spanish at polling sites in order to warn individuals that they would be charged with a crime and possibly deported if they voted as a non-citizen.¹⁸

VOTER INTIMIDATION REPORTED IN NORTH CAROLINA



RECENT STEPS TAKEN TO PREVENT VOTER INTIMIDATION

The NCSBE released a model Election Official Code of Conduct in 2022, which states that all poll workers treat voters with respect and fairness, conduct elections in a non-partial manner, and be professional and courteous.¹⁹ An Elections Reference Guide for North Carolina Law Enforcement was also released in 2022, outlining best practices for how law enforcement should work with local boards of elections to identify and prevent voter intimidation (including how law enforcement should respond to incidents at voting sites).²⁰

RECOMMENDATIONS

While some laws protect North Carolinians from voter intimidation, more needs to be done. The state should, at a minimum, implement the following statutory and administrative actions and protections:

- 1 **Pass comprehensive state legislation protecting voters from intimidation and harassment.** The Safeguard Fair Elections Act was introduced into the North Carolina General Assembly in 2023, but failed to pass. This vital piece of legislation would create new penalties for threatening a person for voting, challenging a person's right to vote in order to keep them from voting, and falsely advising a voter that they are not eligible to vote or are not registered.²¹
- 2 **Clearly define voter intimidation in state law.** Voter intimidation encompasses a wide range of acts, practices, and conduct. A clear definition with specific guidance as to which particular actions would constitute a violation is necessary. In this process, the historical and structural context of voter intimidation – such as racial violence – should be considered. This includes specifically addressing racist voter intimidation, including the use of hate symbols and discriminatory voter challenges.
- 3 **Create a private right of action for North Carolinians impacted by voter intimidation.** State courts have infrequently considered claims of voter intimidation not because of the lack of incidents, but due to local officials' failure to prosecute these claims. When law enforcement authorities fail to act, voters who have had their rights violated must be able to hold the offender accountable for voter intimidation – seeking immediate redress for their harm.
- 4 **Educate North Carolinians on how to identify voter intimidation, and make it easier for individuals to report incidents.** In recent years, the North Carolina State Board of Elections has released memos²² and press releases on the topic of voter intimidation. The NCSBE can expand on these passive forms of information to ensure this information broadly reaches the public – including steps a voter can take if they see or experience voter intimidation.

- ⑤ **Expand the definitions of “voting place” and “voting enclosure” to include voting by mail.** Some state laws protecting voters from intimidation do not include the mail voting process. Including voting by mail in those definitions will extend protections to the physical location where a person is voting by mail, such as their house, a military base, or a residential living facility. The location where voters drop off their mail ballots, like a county board of elections office, should also be included in this definition.
- ⑥ **Develop a voter intimidation advisory group.** The development of an advisory group at a local or statewide level can help meaningfully address systemic causes of voter intimidation as well as new forms of voter intimidation. This group should include election officials, community leaders, and members of racial justice organizations – and should focus on listening to and integrating voices of communities of color and groups historically impacted by voter intimidation about how to best respond to such incidents.
- ⑦ **Appropriately fund voter intimidation prevention.** Laws alone are insufficient to curb the problem of voter intimidation. Enforcement is of paramount importance, and state and local election officials have a crucial role to play. However, effective enforcement requires fiscal resources to build an infrastructure to prepare for these incidents before they occur and to respond in a consistent and meaningful way.
- ⑧ **Require local election officials and law enforcement to work together to effectively prevent voter intimidation.** While the NCSBE “encourages” county boards of election to work with local law enforcement, these partnerships are not mandatory.²³ In addition, law enforcement’s role in elections should be carefully monitored, with reports issued following each statewide election.
- ⑨ **Mandate data collection on all intimidation incidents and direct uniform reporting standards.** County boards are mandated to report any complaint filed by a voter.²⁴ However, incident report forms are filled out by poll workers, leaving the door open to inconsistent reporting practices. The North Carolina State Board of Elections should provide a voter intimidation complaint form to centralize complaints received by county election boards, and train all county election boards on a customer service model of reporting that prioritizes the voters perspective and experience. Reports that analyze this data should be made available to the public following each major election.
- ⑩ **Mandate situation-based voter intimidation training and de-escalation training for all election officials.** The NCSBE should provide regular training to poll workers on spotting and correcting voter intimidation, as well as implicit bias. Research has shown that polling places are a particularly fertile ground for unconscious or implicit bias to operate.²⁵ All election officials should also be trained in de-escalation tactics, which was implemented in some counties in 2024.

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PREVENT MALICIOUS VOTER CHALLENGES

BACKGROUND

Voter challenges are an administrative process by which an individual may question the right of any person to register to vote, remain registered, or vote in a particular election. These challenges typically fall into one of three categories: challenges to a voter's registration, mail ballot, or in-person ballot.

Generally, a challenge must show that a voter was either not qualified to cast a ballot, that the person casting a particular ballot was not a registered voter, or that the voter who cast the challenged ballot had already cast a ballot in the same election. Challenges can be brought by another voter registered in the same county, or by election officials (such as the county board of elections). For all challenges, the burden of proof falls on the challenger. Voter challenges that are upheld can be appealed to the superior court in the relevant county.¹

The timing and evidence required to bring a successful challenge depend on whether the challenge is directed at a voter's registration (before the election), in-person ballot (at the time of voting), or mail ballot (by the fifth business day after the election). Challenges may also be raised in post-election protests.

THE WEAPONIZATION OF VOTER CHALLENGES

North Carolina has a long history of attempts to silence voters — particularly Black and brown voters — by challenging their voter registration or ballot.

In recent years, so-called “election integrity” organizations have increasingly focused their energy on challenging voter registrations in the state. Shortly before the 2016 presidential election, members of the North Carolina-based Voter Integrity Project challenged the voter registrations of nearly 6,500 voters in Cumberland, Moore, and Beaufort counties, leading a U.S. District Judge to call the state's challenge laws “insane”² and to issue a preliminary injunction ordering the restoration of voter registrations cancelled in the 90 days prior to the election.³

These groups have also begun to develop flawed data-matching tools to purportedly identify ineligible voters on the voter rolls, such as the EagleAI Network,⁴ among others.⁵ While the North Carolina State Board of Election has not currently adopted these unreliable methods, their use in other jurisdictions raises the concern that inaccurate and discriminatory voter purges may become more widespread.⁶

CHALLENGES TO VOTERS DURING ELECTION PROTESTS

Challenges to specific voters can also be brought in the context of post-election protests by specific candidates who have lost. In 2016, for example, this included the incumbent Governor's election protests, which falsely accused North Carolinians of voting illegally.⁷

In 2024, North Carolina witnessed a new kind of election protest in which voters were challenged en masse due to a purported error with the law administered during the election, and thus outside of the control of any specific voter participating in the election. This type of election protest is particularly troubling, as it departs from the typical grounds for voter challenges (which relate to issues within a voter's control when they present to vote, including their citizenship, registration status, or residency). Voters have no control, however, over how laws are administered during elections, and so challenging their votes after they cast a ballot denies them any control in ensuring their vote will count.

In these 2024 election protests, Jefferson Griffin, a Republican candidate for the North Carolina Supreme Court, and others challenged the validity of over 65,000 ballots. The majority of ballots were challenged because their registration was not connected to a driver's license or

65,000

Number of North Carolina voters whose ballots were challenged by Jefferson Griffin, a candidate for the North Carolina Supreme Court, following the 2024 general election.

Social Security number — even though these voters had shown voter ID before casting a ballot, and in many cases also provided a driver’s license or Social Security number when registering. The list of names included at least 21 elected local officials from both major political parties, as well as the parents of the Democratic candidate.⁸

The State Board of Elections dismissed these challenges, finding that the campaign had failed to provide adequate notice to the impacted voters and that the protests themselves were without merit.⁹ After a six-month court battle, Griffin finally conceded in May 2025. His concession came shortly after the North Carolina Supreme Court held that voters with allegedly incomplete registration information could not have ballots discounted absent evidence of actual ineligibility, and a federal judge ruled that retroactive changes to election rules to exclude other voters would constitute violations of voters’ equal protection and due process rights.¹⁰

RECOMMENDATIONS

- 1 **Codify the 90-Day Protection Rule:** North Carolina should enshrine in state law the prohibition on voter challenges based on generic or non-specific evidence within 90 days of an election. This protection, currently enforced through a 2018 court injunction¹¹, should be made permanent through legislation.
- 2 **Enhance Voter Education, Notification, and Protection:** Those who have had their votes challenged must be notified of the challenge to their vote, notified of the specific grounds of that challenge and the evidentiary basis for it, given an opportunity to speak in their own defense at the protest hearings, and, in accordance with state law, be afforded the presumption that they are eligible, valid voters unless the protesters provide evidence to the contrary.

With the exception of a “Voter Challenge Procedures Guide,” the State Board of Elections does not provide online information for voters who may be facing challenges. Accessible, user-friendly resources should be available to help voters understand what to do if their registration or ballot has been challenged and a list of rights afforded to those who have been challenged.

The requirements placed on challengers to provide notice to voters should be heightened and clarified. The North Carolina State Board of Elections, and the County Board of Elections, should also be provided resources to provide direct notice and support to impacted voters to facilitate their involvement when their votes are challenged.

- 3 **Prevent Retroactive Legal Challenges:** Voters should not be disenfranchised for following election law as it existed at the time of the election. Instead, anyone who believes that the North Carolina State Board of Elections administration of the law should change to narrow eligibility or impose additional requirements on voters must bring such a challenge well in advance of any election to reduce the likelihood of voter confusion and disenfranchisement.

Hilary Harris Klein

SOUTHERN COALITION FOR SOCIAL JUSTICE

REPEAL NORTH CAROLINA'S LITERACY TEST FOR VOTING

For decades, lawmakers have discussed repealing North Carolina's literacy test for voting — a relic of Jim Crow voter suppression that's been in the state constitution for 120 years. However, the legislature has not put the question of repeal before the voters since 1969, when a vaguely-worded repeal amendment was rejected by voters. More recent repeal efforts have had solid bipartisan support but failed to make it onto the ballot.

Now is the time for lawmakers to put another amendment to repeal North Carolina's literacy test on the ballot, with clear language describing the test's racist history.

North Carolina voters passed the original literacy test amendment in 1899, after white supremacist Democrats regained control of state government with the help of violent voter suppression. The literacy test was enacted alongside a poll tax which was also intended to disenfranchise Black and other non-white voters. This was part of a broader effort to undermine the state constitution, written in 1868, which expanded the franchise and included formerly enslaved people. These restrictions were enacted around the same time that white supremacists overthrew Black elected officials and murdered hundreds of Black people in Wilmington, N.C.¹

A "grandfather clause" ensured that people whose ancestors were registered to vote before the 1868 constitution didn't have to take the test, allowing white voters to bypass it.²

While the federal Voting Rights Act of 1965 made literacy tests unlawful in Southern states, the literacy test amendment remains a part of North Carolina's constitution, although it is not enforced.

In 1970, North Carolinians voted against removing the provision from the constitution. The ballot question asked voters to vote for or against a "constitutional amendment abolishing literacy requirement for voting." The amendment to repeal the literacy test requirement only received 44% of the vote.³

Repeal efforts have been ongoing in the North Carolina General Assembly. State House members voted unanimously to support bills placing a repeal amendment on the ballot in 2024 and 2018. Like the unsuccessful 1969 repeal, the recent bills have used vague ballot language that fails to explain the racist history and context of the literacy test.

Repealing the literacy test for voting would send a clear message that all voters can participate equally in shaping the future of North Carolina. It would bring some unity to a legislature that has been sharply divided along party lines. One conservative commentator called the literacy test "a barnacle on North Carolina's ship of state that should be scraped off as soon as possible."⁴

Other Southern states are removing the remnants of Jim Crow from their constitutions. In 2020, Mississippi voters removed an undemocratic, 130-year-old provision that made it harder for Black voters to impact crucial elections.⁵ In 2022, Alabama voters approved a measure that allows the legislature to remove racist provisions, including a poll tax and school segregation mandate, from the state constitution.⁶ And Florida voters repealed the ban on people with felony convictions registering to vote in 2018.⁷

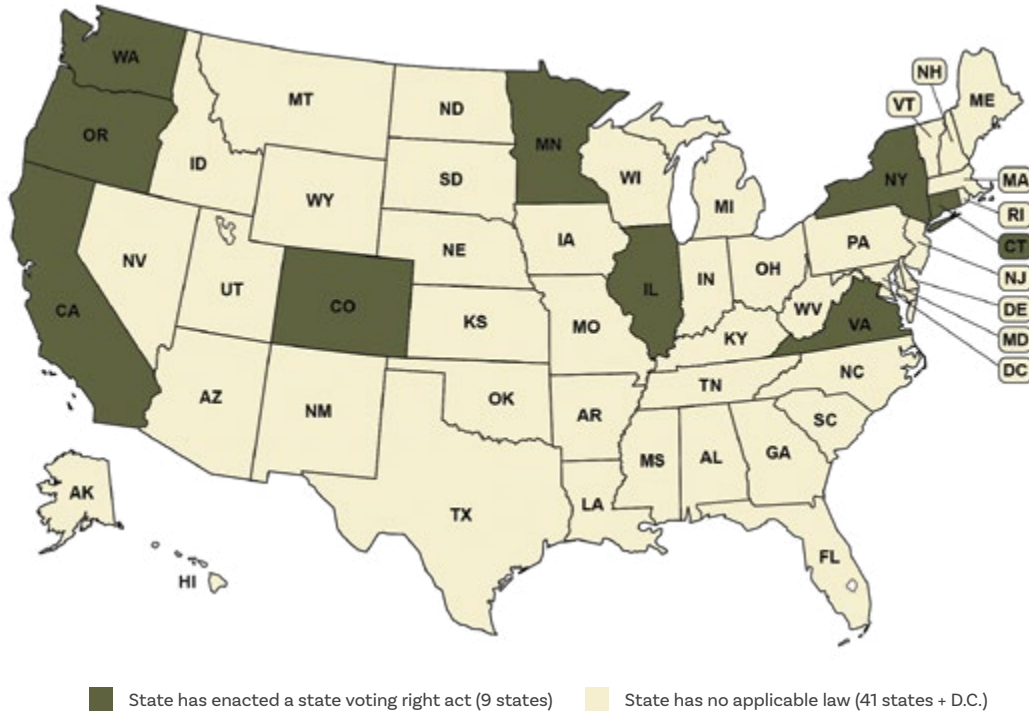
Now is the time to give North Carolina voters the chance to purge this vestige of Jim Crow from their state constitution. The literacy test, even if not enforced, serves as a reminder of longstanding racial injustice.

It has been more than 50 years since North Carolina voters were given the chance to do the right thing. Lawmakers should put a repeal measure on the ballot — with language describing the racist origin of the amendment — for the next general election.

We cannot wait any longer. This injustice must be undone.

IMPLEMENT A NORTH CAROLINA VOTING RIGHTS ACT

STATES WITH A VOTING RIGHTS ACT



Source: https://www.lgbtmap.org/democracy-maps/state_level_voting_rights_acts

BACKGROUND

Since the 2013 Supreme Court decision in *Shelby County v. Holder* gutted the Voting Rights Act (VRA) and ended federal preclearance of election-law changes in places with a history of voting discrimination, state lawmakers have implemented numerous restrictive voting laws that dilute the political influence of a diverse electorate. Less than two months after the ruling, the North Carolina state legislature passed House Bill 589, labeled by voting rights advocates the “monster voting bill.” At the time, it was considered to be the country’s most restrictive voter suppression legislation due to its strict photo ID requirement, cuts made to early voting, easing of political spending rules, and other measures. A federal court later found that the law targeted Black voters “with almost surgical precision.”¹

Originally passed by Congress with overwhelming support, the Voting Rights Act of 1965 removed many of the state and local legal barriers that prevented African Americans from exercising their right to vote. Before its passage, Black people faced poll taxes, literacy tests, and other barriers that blocked access to the voting booth.²

One of the key mechanisms used by the Voting Rights Act to end discriminatory voting restrictions was “preclearance,” which required the U.S. Department of Justice to approve any election law changes in jurisdictions with a history of these discriminatory measures. The Voting Rights Act’s preclearance formula covered jurisdictions that had voter registration or turnout rates below 50% in 1964 and had employed discriminatory devices to discourage voting, such as literacy tests. (The formula for covered jurisdictions was updated by Congress in 1970 and 1975.) That formula covered nine states as a whole: Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia. It also covered dozens of counties and

municipalities in other states, including 40 counties in North Carolina. According to the Brennan Center for Justice, between 1982 and 2006, preclearance blocked over one thousand potential discriminatory changes to voting laws across the country.³

The VRA's preclearance requirement affected states in the South disproportionately, and so did ending it: Of the 13 Southern states, 11 adopted restrictive new voting laws after the Shelby decision. Some states now require specific forms of identification that are more difficult for certain groups, such as the elderly or low-income individuals, to obtain. Others have closed polling places in predominantly Black neighborhoods, making it more difficult for these communities to vote. These actions disproportionately impacted Black voters and other marginalized communities. In the ten years following *Shelby County v. Holder*, states have adopted at least 94 laws that make it harder for Americans to vote.⁴

RECOMMENDATIONS

With a surge in efforts to implement suppressive voting policies and given inactivity at the federal level on voting rights, state lawmakers must take immediate and necessary steps to enact state voting rights protections that can protect voters from discriminatory election practices. For this reason, North Carolina should create its own state Voting Rights Act to safeguard the state's voters from discrimination and ensure fairness in the electoral process for all.

Since the Shelby ruling, several unsuccessful attempts have been made in Congress to restore the gutted sections of the Voting Rights Act. In September of 2023, Representative Terri Sewell (D-AL) and other House Democrats introduced the John R. Lewis Voting Rights Advancement Act to establish a new formula determining which states and localities need federal preclearance for election law changes.⁵ The bill focuses on states with significant voting rights violations in the past 25 years and aims to strengthen plaintiffs' ability to sue under Section 2 of the VRA. The bill ultimately stalled in Congress.

In response to federal inaction, several states have taken proactive measures to enact their own state-level voting rights acts. These policies require local jurisdictions to obtain permission from state authorities before making any voting procedure changes.

State Voting Rights Acts (VRAs) have been crucial in removing barriers to voting, leading to a more inclusive and accountable government, and prohibiting racial discrimination in election administration. In the past five years, several states have enacted varying versions of state-level voting rights acts, according to the Campaign Legal Center. They include California, New York, Oregon, Virginia, Connecticut, and Washington. Additional states, including Maryland, Minnesota, Michigan, and New Jersey, are working to be added to this list.

Virginia made history as the first state in the South to pass a comprehensive state voting rights act in 2021.⁶ The law specifically prohibits racial discrimination and intimidation related to voting, and empowers the state attorney general to sue if there is evidence of voter suppression. In line with the federal Voting Rights Act, all local election administrators are required to obtain preclearance from the state's attorney general for changes such as relocating voting precincts or registrars' offices. The law also mandates that any changes to voting procedures in Virginia be assessed for their impact on language and racial minorities.



Drawing on the lessons and experiences of other states, elements of an effective North Carolina State Voting Rights Act would likely include:

- **PRECLEARANCE:** Require that local jurisdictions, especially those with records of discrimination, prove that certain voting changes won't harm voters based on race.
- **FAIR DISTRICTS:** To prevent the dilution of votes by race, ensure a fair redistricting process through an independent redistricting commission (see page 71). Also, prohibit at-large local elections if they have been shown to dilute the voting power of minority populations.
- **LANGUAGE ACCESS:** Mandate that localities with significant language-minority populations provide election and voting materials accessible in the languages of resident voters (see page 31).
- **OTHER VOTER ASSISTANCE:** Detail accommodations for voters who are over 65 years old, are physically disabled, unable to read or write, or require other assistance.
- **VOTER INTIMIDATION AND DECEPTION:** Provide strong protections against efforts to intimidate voters, or deceive them through misinformation and disinformation, and empower the state Attorney General to pursue legal action when necessary (see page 63).

Benjamin Barber

INSTITUTE FOR SOUTHERN STUDIES

EXPAND LANGUAGE ACCESS

BACKGROUND

According to the U.S. Census Bureau, more than one out of 10 North Carolinians over the age of 5 – 13% – speak a language other than English at home. Additionally, 4.9% of people in North Carolina speak English less than “very well.” There are 32 counties in the state – urban and rural, spanning from the mountains to the coast – where 3.5% or more of the population speaks English less than “very well.”¹

Language barriers can impede voting access for North Carolina citizens. So-called “language-minority voters” face challenges at every step of the voting process, including registering, filling out absentee ballots, navigating voting sites, casting ballots on Election Day, and following up with election officials if there are any voting problems.

Federal law sets out basic standards for language access in voting. The original Voting Rights Act of 1965 prohibited the denial of voter registration due to the inability to speak English among U.S. citizens educated in other languages. The 1975 reauthorization of the Voting Rights Act expanded protections under Section 203, requiring jurisdictions to provide language assistance in jurisdictions that meet certain criteria for coverage: at least 5% of voting-age citizens, or 10,000 voting-age citizens who are members of a single language minority group, have limited English proficiency and low literacy rates.²

Notably, while President Donald Trump’s Executive Order 14224 issued in March 2025 declares English to the official language of the United States, it does not change existing legal obligations under the Voting Rights Act, so jurisdictions covered under Section 203 must still provide bilingual voting materials.³

While there are many communities in North Carolina with significant populations of limited-English proficiency, no counties currently meet the population thresholds for Section 203 under the latest U.S. Census Bureau formulas, and are therefore not covered by the Voting Rights Act’s language

access rules.⁴ After the 2020 census, North Carolina's Mecklenburg County was one of more than 100 jurisdictions nationally that just missed qualifying; the county's 9,248 voting-age Latines fell short of the 10,000 needed for the county to be required to provide language assistance.⁵

Making elections more linguistically accessible has concrete benefits. Research conducted after the 1975 Voting Rights Act's expansion of language access requirements found increased voter registration and higher turnout among citizens belonging to language-minority communities and an increase in leaders from language-minority communities holding elected office.⁶ A more recent study of voters in 1,500 jurisdictions nationwide concluded that language access coverage under the VRA led to significant increases in Latin voter registration and Asian American voter turnout.⁷

North Carolina has taken some steps to improve language access for voters. In 2020, the State Board of Elections launched a website that enables translation of content into 15 additional languages besides English.⁸ Voter registration forms to be submitted by mail are also available in Spanish. However, only a handful of county boards of election websites offer similar translations, and PDF forms can't be translated on any state and local government websites.

RECOMMENDATIONS

Expanding language access for voters in North Carolina isn't just a matter of fairness; it's good for democracy. As our state's demographics continue to shift, our election laws must evolve to meet the needs of all eligible voters. The following are additional steps our state can take to ensure language barriers don't prevent citizens from casting a ballot:

- 1 **Expand the Right to Voter Assistance at the Polls:** North Carolina law allows a voter to bring another person to assist them at the polls, regardless of reason. The catch is that the person assisting the voter must be a family member – defined by N.C. statute as a spouse, parent/stepparent, grandparent, child/stepchild, grandchild, parent-in-law, or sibling-in-law. North Carolina voters are allowed to bring non-family members to assist them at the polls only if the voter meets specific definitions of disability or impairment.⁹

North Carolina should repeal the law passed in 2023 requiring logs of those providing voter assistance.¹⁰ This rule targets trusted community leaders and opens the door for dangerous groups to harass those simply helping others to vote, like healthcare staff, literacy advocates, or multilingual community members. It risks chilling civic participation, especially for voters with disabilities.

North Carolina should follow the lead of states like Alabama, where a voter can choose anyone to assist them, no questions asked. As Alabama's law clearly states, "Any person who wishes assistance in voting may receive assistance ... The voter is not required to state a reason for requesting assistance."¹¹ Our state laws should reflect a similar respect for voters' autonomy and dignity.



- ② **Proactively Expand Language Access in Key North Carolina Counties:** Even if a local county falls below the federal thresholds under Section 203 of the Voting Rights Act, local election officials can still take steps to make their elections more inclusive. Drawing on demographic data and involvement from community organizations active in limited-English proficiency communities, local election officials can take steps to provide voting materials in significant and growing language groups to ensure every voter can participate fully and equally.
- ③ **Move Beyond Minimum Federal Requirements:** The Voting Rights Act provides a floor, not a ceiling, for what lawmakers can do to ensure voting access for language minorities. Across the country, several states have gone beyond the Act's minimum provisions to provide more extensive and proactive assistance:
 - **Colorado** requires that election officials recruit bilingual poll workers if at least 3% of voters in a precinct don't speak English.¹²
 - **California and Connecticut** allow trained 16- and 17-year-olds and legal permanent residents to provide language assistance as polling sites.¹³

North Carolina can follow suit by setting lower thresholds to trigger language assistance and empowering counties to recruit more multilingual poll workers.

Chavi Khanna Koneru

NC ASIAN AMERICANS TOGETHER

Chris Kromm

INSTITUTE FOR SOUTHERN STUDIES

MODERNIZE MAIL VOTING

BACKGROUND

Voting at home — otherwise known as voting by mail — centers the voter in the voting process, delivering democracy to your doorstep. While voting at home is an excellent option for all busy voters, it is essential for many others, including rural voters who live miles from their designated polling place, voters who lack access to reliable transportation, and those who are homebound.

The benefits of voting at home include:

- **CONVENIENCE:** Mail ballots come directly to the voter, reminding them about the upcoming election and eliminating the need to travel to a voting place and wait in long lines.
- **AFFORDABILITY:** States with comprehensive mail voting systems spend significantly less money on elections because of the reduced need for equipment and poll workers.¹
- **VOTER EMPOWERMENT:** Voters receive their ballot early and have time to research candidates.
- **VOTER TURNOUT:** Research shows that states with comprehensive mail voting systems have higher turnout rates,² particularly among young voters.³

Amid the COVID-19 pandemic in 2020, nearly half of American voters chose to vote at home.⁴ Although this number dipped during the 2024 election to one in three voters, voting by mail is still an increasingly popular option with busy voters.⁵

States across the country have made voting by mail more efficient, convenient, and secure:

- Eight states and Washington, D.C. send every registered voter a mail ballot for every election⁶
- 20 states allow some or all voters to join a permanent mail voting list⁷
- 29 states offer drop boxes where voters can deposit their mail ballot⁸



- States like Virginia eliminated burdensome witness requirements⁹
- Colorado rolled out a “TXT2Cure” system allowing voters to use their phones to resolve problems with (or “cure”) their mail ballot¹⁰

BARRIERS TO VOTING BY MAIL

North Carolina’s mail voting system is antiquated, confusing, and expensive — creating headaches for voters and election administrators alike. Over the past decade, the state legislature has steadily added more hurdles that make voting by mail more convoluted.

In order to vote by mail in 2024, a voter had to do all of the following¹¹:

- Submit a mail ballot application form
- Vote their ballot in the presence of TWO witnesses (or find and possibly pay for a notary)
- Make a printed copy of their photo ID and include it with their ballot
- Mail their ballot early enough that it is received by Election Day

In addition, North Carolina law explicitly bans:

- Ballot drop boxes
- Allowing a friend to return a voter’s mail ballot

In addition, the North Carolina General Assembly directed the state board of elections to implement a signature verification pilot program for 10 counties during the 2024 election — paving the way for yet another hurdle to be added in 2025. (See page 41 for more information about signature verification.)

RECOMMENDATIONS

North Carolina’s convoluted mail voting process must be updated for the 21st century. Here’s how we can start:

- 1 **Allow registered voters to sign up to be permanent mail voters.** Currently, most North Carolina voters must submit a mail ballot request form for every election. This wastes time and money for both voters and election administrators.

- 2 **Remove the witness requirement.** North Carolina law requires mail voters to vote their ballot in the presence of two witnesses or a notary, who must then include their personal information and sign the mail ballot. This system is both intrusive and ineffective. Virginia ended its witness requirement in 2023, and only 10 states still use a witness or notary system.
- 3 **Remove the requirement to submit a copy of photo ID with a mail ballot.** Voters often do not have access to a copier or printer, and tracking one down is yet another hoop to jump through. Instead, the voter can include a piece of identifying information (such as their driver's license number or the last four digits of their social security number) to prove that they are the person casting their ballot.
- 4 **Offer paid postage for mail ballots.** In North Carolina, voters must pay for postage on their mail ballot request form and mail ballot. Voters should not face a poll tax in order to vote, no matter how they choose to cast a ballot.
- 5 **Allow voters to pick up their mail ballot from their county board of elections.** Current law requires all mail ballots to be mailed to voters, making it impossible for voters who do not have a permanent residence to receive their ballot. This would also help voters facing deadlines who do not have time to wait for a ballot to be mailed.
- 6 **Codify our online mail ballot request and tracking systems into state law, and ensure future state funding for these tools.** Starting in 2020, voters may use websites to both request and track their mail ballot in North Carolina – two phenomenal steps toward modernizing mail voting. However, these systems have not been written into state law, and could be rescinded or underfunded in future years.
- 7 **Allow mail ballots postmarked by Election Day to be counted if they are received before the results are finalized during the county canvass.** Almost a third of states give voters a grace period for their mail ballots. This rule increases voter access, especially for voters in rural areas, and is a practice followed by states from Alaska to West Virginia.¹²

Caroline Fry

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Barbara Smith Warner

NATIONAL VOTE AT HOME INSTITUTE

EXPAND EARLY VOTING

BACKGROUND

Early voting allows North Carolinians to register to vote and cast their ballot, all in one place, in the days leading up to Election Day. Now a vital component of North Carolina elections, it is absolutely essential that early voting be preserved – and improved – over the coming years.

Early voting is currently the most popular way to cast a ballot in North Carolina. In the 2006 midterm elections, less than one in five voters chose early voting. By 2024, more than 70% of voters chose this method.¹

WHY IS EARLY VOTING CRITICAL FOR NORTH CAROLINA?

Early voting allows voters to register to vote for the first time or to update their registration if needed. Under current law, voters do not have this ability on Election Day – meaning that those with registration issues will likely have to cast a provisional ballot, which may not be counted.

Early voting provides more options for voters. Many people can't take time off from work, school, or caregiving responsibilities on Election Day. Early voting provides greater access, especially for students, young voters, and lower-income citizens – groups that are more likely to move frequently and face other logistical hurdles.

Early voting reduces headaches on Election Day. When more voters have the chance to vote early, it can relieve long lines and stress on election administrators. Early voting can also reduce the need to divide precincts or open more Election Day polling sites.

EARLY VOTING FAST FACTS:

In North Carolina, the early voting period lasts 17 days, beginning on the third Thursday before Election Day and ending on the last Saturday before Election Day. Each County Board of Elections has the power to decide the number of early voting sites in the county, and where those sites are located. They also determine if early voting will be offered on weekends (other than the last Saturday before Election Day, which is required by law).

THREATS TO EARLY VOTING

North Carolina voters across the political spectrum love early voting – and are determined to protect it. A poll found that 70% of North Carolina voters opposed limiting early voting options, including majorities of both Republicans and Democrats.² Despite this, the North Carolina General Assembly has attempted to restrict early voting³ and eliminate same-day registration during early voting.⁴ As a result, the length of the early voting period (as well as the requirement for mandatory weekend voting hours) has changed several times:

- **2013:** House Bill 589 eliminated same-day registration and cut the first week of Early Voting. A federal court blocked the bill from taking effect.
- **2018:** Senate Bill 325 eliminated the last Saturday of Early Voting and required counties to offer uniform voting hours.
- **2019:** Senate Bill 683 restored the last Saturday of Early Voting and changed uniform weekday voting hours.
- **2023:** Senate Bill 747 created a more stringent mail verification process for voters using Same-Day Registration. A court order amended this process.⁵

HOW DOES NC COMPARE?

North Carolina offers fewer days of Early Voting (17) than the nationwide average of 20. Several Southern states have longer Early Voting periods than North Carolina, including our neighbors Georgia and Virginia.⁶



RECOMMENDATIONS

- ① **Require a minimum number of early voting sites that aligns with a county's population.** Under current law, each county is required to operate only one early voting site — even large counties with over 800,000 voters. We already have a template for how it can be done: during the COVID-19 pandemic, the N.C. State Board of Elections mandated a minimum number of early voting sites based on population size.⁷
- ② **Require early voting sites on or near college campuses.** College students often face transportation challenges and are more likely to use same-day registration. Residential colleges or universities that were used as early voting sites in 2020 had higher turnout for voters aged 18-25 when compared to other sites.⁸
- ③ **Ensure early voting sites are located in traditionally marginalized communities.** Early voting sites should be located in traditionally marginalized communities, not just in wealthier and/or predominantly white neighborhoods. Whenever possible, voting sites should be located near public transit routes.
- ④ **Allow counties to determine early voting hours, with some requirements for evenings and weekends.** Weekend and evening voting access will offer greater flexibility for voters who may not be able to vote otherwise. It is important to note that uniform voting hour requirements have been a financial strain on some counties; revisiting these rules could be beneficial.⁹
- ⑤ **State funding must be available to assist counties in securing early voting sites.** In 2022, the Rockingham County Board of Elections voted to remove 75% of their early voting sites after a county funding shortfall.¹⁰ This shows both the financial burden placed on counties and the need for financial support from the state.

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ENSURE VOTING ACCESS FOR PEOPLE WITH DISABILITIES

BACKGROUND

About one in four American adults has a disability, according to the U.S. Centers for Disease Control and Prevention. These include people who have impairments in hearing, vision, cognition, communication, dexterity, and mobility. And in the South rates are even higher. In North Carolina, approximately 17% of the electorate consists of voters with disabilities.¹

In the November 2024 elections, more than 40 million people with disabilities were eligible to vote, making up nearly one-sixth of all voters. The number of eligible voters with disabilities has risen by more than 5% since 2020. In total, 72.7 million eligible voters will either have a disability or live with someone who does, representing almost one-third of the electorate.²

Approximately 62% of voters with a disability participated in the November 2020 election, compared to just about 56% in the 2016 presidential election. This was largely due to states adopting policies that made it easier to cast a ballot during the COVID-19 pandemic. Although not all people with disabilities have trouble voting, barriers to voting can make it harder for many. According to a recent report one in nine disabled voters faced some sort of barrier to accessing the ballot box in the 2020 elections. This report also found that

people with disabilities were nearly seven percentage points less likely than non-disabled people to participate in that year's elections, even after adjusting for age. Barriers to voting faced by people with disabilities include overly complicated mail-in voting rules, physically inaccessible in-person voting and registration sites, and election materials that are written in unnecessarily complex language.³

Ahead of the 2024 election, 14 states passed more than a dozen restrictive voting laws that undermined voters with disabilities. These laws included measures that criminalize absentee ballot assistance and limit access to vote-by-mail.⁴ The same policies that have undermined turnout in communities of color have also impeded voting by people with disabilities.

RECOMMENDATIONS

Disabilities vary from person to person, so there is no single solution for making voting accessible to everyone. Providing a variety of voting methods allows people with disabilities to choose the one that works best for them. In addition to in-person Election Day voting, options like early voting, absentee voting, curbside voting, and ballot drop boxes offer options that meet the needs of many voters with disabilities.

Other policy recommendations that would increase election accessibility for disabled voters include:

1. Perform comprehensive checks on election systems and site accessibility and increase accessibility.
2. Eliminate restrictive voting laws that do not measurably improve election security.
3. Offer no-cost solutions for accessible voting, including prepaid postage for absentee ballots.
4. Enhance the enforcement of federal voting laws like the Voting Accessibility for the Elderly and Handicapped Act of 1984 (VAEHA) and the National Voter Registration Act of 1993 (NVRA).
5. Ensure that new policies and procedures do not discriminate against people with disabilities.
6. Provide election officials and poll workers training on the Americans with Disability Act and HAVA.

Voters with disabilities must have full and equal access to the ballot box. Democracy works best when all eligible voters can cast a ballot. Eliminating barriers that prevent North Carolina voters with disabilities from voting is vital for creating an inclusive and sustainable democracy in the state.

Kenya Myers

DISABILITY RIGHTS NORTH CAROLINA



IMPROVE POST-ELECTION COUNTING OF MAIL AND PROVISIONAL BALLOTS

BACKGROUND

In North Carolina, official election results are not available on election night. This is because each county board of elections must research provisional ballots, contact voters, perform election audits, hear election challenges, and finish counting mail ballots (including military and overseas citizen ballots). Each county election board then meets 10 days after Election Day to certify the official results at the statewide county canvass.¹ This 10-day period is absolutely critical to give local election officials the time they need to count every eligible ballot.

On Election Night 2024, it appeared that the Republican candidate for the North Carolina Supreme Court race was ahead of his Democratic rival. However, after all the ballots were counted – including processing and researching more than 65,000 provisional ballots² – the race was called for the Democratic candidate. Multiple recounts and careful election audits confirmed these results.

Many factors may have contributed to the evolving vote total. The 2024 election was the first general election in North Carolina to take place with a voter photo ID requirement, which likely led to increased provisional ballots compared to previous years. In addition, many mail ballots arrived on Election Day and needed sufficient time to be processed and counted by county election officials. The impact of Hurricane Helene may have also increased the number of provisional and mail-in ballots due to displaced voters.

Rather than accepting the difference between the preliminary election night numbers and the later official count as the result of these and other predictable, lawful factors, members of the North Carolina General Assembly perceived it as a failure of counting procedures and passed legislation drastically changing the process. Ostensibly a “hurricane relief” bill, Senate Bill 382 significantly shortened the period of time in which election officials can count provisional and mail-in ballots. It also reduced the time period that voters can correct minor mistakes to their ballots or provide identification for voting.³

These proposed changes fail to account for the operational realities that election officials face when processing thousands of mail and provisional ballots. As a result, the law will dramatically increase the likelihood that errors will be made in vote counting, and valid ballots will not be counted. The president of the N.C. Association of Directors of Elections spoke out against the bill, noting that the changes would not be feasible for election administrators and could “jeopardize the integrity of the election and voter confidence in the process.”⁴

RECOMMENDATIONS

North Carolina’s convoluted mail voting process must be updated for the 21st century. Here’s how we can start:

Allow provisional ballots to be researched and counted by the ninth business day after Election Day. The three-day deadline for SB 382 is unrealistic for many county boards across the state. This includes populous counties like Mecklenburg, Guilford, and Wake (that often have thousands of ballots to research and count), as well as those in rural counties like Robeson, Graham, and Northampton (who often only have one or limited staff members).

Allow voters to fix or “cure” their provisional and mail ballots in the nine days following Election Day. For example, this allows voters who forgot their photo ID at home to show it to their county board of elections. The changes in SB 382 give voters a mere 2.5 days to fix their ballots compared to the previous nine days; this includes the outreach counties must conduct to notify the voter of a curable issue. The significantly compressed timeline is arbitrary because the election results certification deadline has not changed.

Return the deadline to request a mail ballot to the Tuesday before the election. SB 382 shortens the mail ballot request timeline by one week. This change could have prevented tens of thousands of voters from being able to request a mail ballot.

Remove SB 382’s requirement that mail ballots be counted in an ongoing meeting starting at 5 p.m. on Election Day. This change forces underpaid election workers to work around the clock after a long day, causing fatigue and jeopardizing the accuracy of results. It will also require counties to have additional funding to hire more staff and pay for more tabulators – all while county board staff rush to research provisional ballots and contact voters in time to meet the changed deadlines.

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NORTH CAROLINA FOR THE PEOPLE

Katelin Kaiser
DEMOCRACY NORTH CAROLINA



EASE THE BURDENS OF SIGNATURE VERIFICATION FOR MAIL VOTING

BACKGROUND

Signature verification is the process by which election officials compare the signature of a voter on their mail ballot with other signatures in that voter's registration file to verify that the ballot came from the registered voter. As of October 2024, 31 states conduct signature verification on returned mail ballots.¹

At the time of this publication, North Carolina's county boards of elections are prohibited from using signature verification to exclude ballots.² Instead, North Carolina is among seven states that require the signature of at least one witness (in North Carolina's case, just one of two states requiring two witnesses) or a notary, in addition to the voter's signature on their mail ballot application, to confirm the voter's identity.³ Notably, none of the states requiring at least one witness or a notary also conduct signature verification on a voter's signature — an unusual and unnecessary burden on voters.

There are strong indications that leaders in the North Carolina General Assembly are working to pass signature verification legislation.⁴ If North Carolina added a signature verification requirement in addition to current requirements, it would be the only state that requires voters to have two witnesses (or notarization) and signature verification. Further, North Carolina law requires mail voters to include a copy of their photo ID along with their mail ballot.

PROBLEMS WITH SIGNATURE VERIFICATION

Over the course of its implementation, concerns have emerged that signature verification disproportionately burdens marginalized voting communities, causing their ballots to be rejected at higher rates after submission. There is particular concern for voters with disabilities who are unable to produce a consistent signature over time due to dexterity challenges,⁵ voters with Latine- or Hispanic-sounding names,⁶ and voters who have undergone a name change, including women, trans people, or domestic abuse survivors.⁷



Voter signature verification can inadvertently disenfranchise eligible votes. Individuals who are unable to produce a consistent signature over time due to age or disability, voters with Latine- or Hispanic-sounding names, and voters who have undergone a name change are at heightened risk.

SIGNATURE VERIFICATION PILOT PROGRAM

In 2023, the North Carolina legislature passed a law mandating a signature verification pilot program in 10 counties for the 2024 primary election. These counties were instructed to conduct signature verification on ballots without discounting any ballots.⁸ While the North Carolina State Board of Elections issued guidance to counties on how to conduct the program,⁹ they encountered significant hurdles with implementation – including identifying a vendor that could meet the General Assembly’s requirements and related delays.¹⁰

In January 2025, the State Board of Elections issued an updated report on the pilot program. The report outlined how signature verification required significant staff and monetary resources with limited benefit. About one in ten envelopes were initially rejected by the signature-matching software – but after review by county board staff, all but six envelopes were approved.* County boards also reported additional technical issues with the program.

**Because this was a pilot program – and no ballots were rejected based on signature verification – voters were not given notice and an opportunity to cure these issues, as would otherwise occur. Accordingly, the rejected ballots are not an indication that any of these ballots were improperly included in the 2024 primary count, as voters (if given the chance) may have cured the signature issue.*

RECOMMENDATIONS

- ① **Signature verification is not necessary as an additional measure given the current safeguards in place.** North Carolina already requires voters to have two witnesses – or a notary – sign their mail ballot, and include a copy of their photo identification. Given these safeguards, the addition of signature verification is unlikely to provide any additional security – but it is almost certain to present an additional barrier to eligible voters, including those with disabilities or other historically marginalized voters.
- ② **If signature verification is to be used at all, it should be used as an alternative mechanism to approve mail ballots that are missing two witnesses or notarization.** Under this process, signature verification would not be used to exclude any otherwise acceptable ballots, but it could be used to accept ballots with missing witness or notarization issues instead of the current practice of rejecting those ballots. If a county board did not find the signature to match, the voter would be provided notice and the opportunity to vote another ballot as is done under the current cure process.
- ③ **If the General Assembly decides to make signature verification a requirement under North Carolina law, it should replace the two-witness or notarization and photo ID requirements for mail ballots.** This would eliminate unnecessary redundancy and waste in our elections, allowing county boards to save on time and other costs. Ideally, the General Assembly would first study a proposed signature verification program to understand how it would compare to the current identification safeguards in place for mail ballots.
- ④ **No signature verification requirement should be implemented without safeguards for voters, including:**
 - A comprehensive study before signature verification is implemented to identify the best methods to prevent disenfranchisement of eligible voters (focusing on racial, ethnic, and language groups and disabled voters)
 - Clear guidance that County Boards of Elections should only be permitted to reject a signature upon a unanimous vote that the ballot signature does not match any signature on file for the voter;
 - A requirement that voters failing signature verification be given notice and allowed to “cure” their ballot by a variety of methods
 - Special protections and procedures for disabled voters, in consultation with disability rights advocates; and
 - Post-election analysis and audits of the program to ensure signature verification does not disproportionately cause the rejection of ballots.





SECTION 3

Strengthen Local Election Infrastructure



ADEQUATELY FUND OUR ELECTIONS

BACKGROUND

Adequate election funding is essential to our democracy. Consistent funding across election cycles – and equitable funding across the state – ensures that North Carolinians can register to vote, voting sites are fully staffed, and election systems are secure from attacks.

Despite their importance, elections in North Carolina have been consistently underfunded; the North Carolina State Board of Elections (NCSBE) often does not receive the investment they request from the North Carolina General Assembly. Making matters worse, legislation that changes election law often does not include funding for implementation – further contributing to financial shortfalls that must be made up by local tax increases or other sources, if at all.

Funding election administration at the state level is particularly important because it can ensure every community has the same access to free and fair elections, and that election budgets match the needs and responsibilities of local election administrators.¹

HOW ELECTION FUNDING IS USED

Each year, election funds are needed at both the state and local levels

STATE

The NCSBE is responsible for overseeing all elections conducted within the state. NCSBE staff provide vital support, guidance, and training for local election officials. Additionally, NCSBE staff investigate election law violations, maintain essential voting systems and databases, and ensure campaign finance compliance.

COUNTY

Each county board of elections (CBOE) is responsible for conducting elections within its county. CBOE staff register new voters and update voter records, purchase and maintain voting equipment, implement mail voting, run voting sites, count ballots, and conduct post-election audits.

SOURCES OF ELECTION FUNDING

Funding for elections comes from federal, state, and local governments:

Federal funding from Congress is sporadic and unpredictable.² Help America Vote Act (HAVA) funding has been the single biggest source of federal election resources in recent years. Between 2003 and 2021, North Carolina received approximately \$114 million in HAVA funding. However, this funding has been inconsistent – for example, North Carolina received no federal election funds for elections from 2010 to 2018.³

Federal budget proposals to address the inadequacy of federal funds have failed to gain support.⁴ As a result, in 2024, North Carolina received just \$1 million from a federal Election Security grant, despite significant demands on and threats to election staff during the presidential election.⁵

State funding typically comes from the NCGA's annual budgeting process. These funds are provided to the NCSBE for staffing and operations, but usually are not passed on to counties. For Fiscal Year 2024-25, the state elections budget was \$9.9 million, remaining essentially the same as the prior year.⁶

Despite the expectation of record voter turnout in North Carolina, additional election funding was only distributed to certain counties in late 2024 as a result of Hurricane Helene's

devastation in western North Carolina. In that instance, the N.C. General Assembly appropriated an additional \$5 million for emergency measures to support election administration in the region.⁷

GRANT FUNDING BLOCKED BY STATE LEGISLATURE

In response to the COVID-19 pandemic, nonprofit organizations provided election funding to North Carolina county boards of election. Although nearly every county in the state benefited from this funding, Senate Bill 747 went into effect over the governor's veto and included a ban on local governments accepting private funds for election administration.⁸

Local funding for elections is appropriated in North Carolina by the county commissioners via all 100 counties' annual budgeting process. Because this funding is contingent on a county's revenue, research has shown significant disparities between how much counties spend on elections per voter. Most local election budgets constitute a very small percentage of their county's operating budget – typically less than 1% of their total annual budget.⁹

FUNDING DEFICITS

In 2024, the NCSBE requested funding for the state's election management system and technology improvements and other updates to the campaign finance reporting system. These funds were not fully appropriated and, as a result, the state was unable to improve its technology or address staffing shortages ahead of the high-profile presidential election.

NCSBE REQUESTED VS. ALLOCATED FUNDS, FY 2023-2024*

ITEM	REQUESTED	ALLOCATED**	SHORTFALL
CAMPAIGN FINANCE SYSTEM MODERNIZATION	\$5,113,818	\$0	-\$5,113,818
ELECTION INFO SYSTEM MODERNIZATION (SEIMS)	\$8,492,592	\$5,600,000	-\$2,892,592
IT INFRASTRUCTURE STAFF	\$234,137	\$0	-\$168,814
COUNTY SUPPORT TECHNICIANS	\$422,064	\$253,238	-\$168,826
CAMPAIGN FINANCE AUDITORS	\$168,814	\$0	-\$168,814
DATA STAFF	\$317,085	\$158,543	-\$158,542
PREP WORK FOR NEW SECURE FACILITY	\$150,000	\$0	-\$150,000
NETWORK ANALYSIS TO DETECT MALICIOUS ACTIVITY	\$140,000	\$0	-\$140,000
WEB MANAGER	\$100,472	\$0	-\$100,472
IN-PERSON VOTING SPECIALIST	\$84,412	\$0	-\$84,412

*Includes requests above baseline budget. Not a complete list.

**Several appropriations were made using nonrecurring, federal funding – in contrast to the agency's request for recurring state funding. Using nonrecurring funds for permanent staff positions poses significant challenges to maintain consistent staffing levels. Additionally, federal funding is inconsistent and in sharp decline from previous years.

North Carolina's consistently inadequate election funding hurts voters — especially in low-income and rural counties. A lack of funding at the state level is also felt at the county level, as the state provides a significant amount of technology, support, and training to the counties. This has resulted in voting site closures¹⁰ and precinct consolidations, creating additional barriers to voting access.¹¹

MORE DEFICITS COMING SOON

The income tax cuts that primarily benefit the richest North Carolinians and out-of-state, profitable corporations have reduced state revenue and shifted the pressure on local governments to raise local property taxes and fees. Over time, as the corporate income tax goes to zero, the state's budget will shrink by a third, forcing further reductions in services — including election administration.

GLIMMERS OF HOPE: LOCAL VOTER-LED FUNDING VICTORIES

In 2023, the Chatham County commissioners amended their budget to include a full-time Elections Systems Technician position to the Board of Elections after increased pressure from residents on the importance of adequate election funding to the community. The commissioners also approved a 7% pay increase for employee pay raises while also providing an additional \$4,400 pay increase for each employee.¹²

In 2023, after a presentation by state and local advocates on correlations between low election funding and diminished voter turnout, Onslow County officials secured an additional \$200,000 for elections. The county had previously been the lowest-funded per-voter county in the state.¹³

RECOMMENDATIONS

- ① **The NCGA must provide consistent, reliable, and sufficient election funding to the NCSBE.** To that end, the NCGA should be obligated to thoroughly review NCSBE funding requests. If any requests are not fully-funded, they should be required to explain their decision in writing. Providing sufficient election funding is essential to ensuring election experts are hired and retained, and that North Carolina's voting system is not vulnerable to security breaches.
- ② **The NCGA must create a contingency fund for counties faced with election budget shortfalls.** Additionally, the NCGA should create a way for counties to apply for and secure these funds in a timely manner.
- ③ **The NCSBE must end the practice of relying on federal election funds to pay for permanent state election staff.** Federal funding is notoriously inconsistent, whereas year-round election staff are necessary to maintain a secure voting system.
- ④ **Analyze election funding across the state in an effort to identify spending deficits.** This research could help establish a required minimum amount, per voter, that counties must spend on elections each year.
- ⑤ **Include funding for implementation within any voting bill introduced into the NCGA.** Unfunded mandates place an undue burden on state and local election officials to implement without being given the financial means to do so. To this end, any future prohibitions on election funding must include new and permanent sources of election funds.

Alexandra Sirota
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Jackson Sailor Jones
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SUPPORT ELECTION WORKERS

BACKGROUND

Election workers are the backbone of our democracy. Yet today, their jobs are more challenging than ever, marked by high pressure, low pay, and a hostile political climate. If North Carolina's elections are to run smoothly and securely, we must invest in the people who make them possible — providing competitive compensation, resources, and the safety they need to do their jobs.

HIGH TURNOVER AMONG COUNTY ELECTION DIRECTORS

More than half of county election directors in North Carolina have left their jobs since 2019.¹

The North Carolina State Board of Elections oversees the Statewide Election Information Management System (SEIMS), which counties use to register voters, update voter rolls, and perform post-election canvassing. Managing this system requires experienced IT and cybersecurity professionals, who are increasingly hard to recruit and retain.² At the same time, North Carolina's election infrastructure is under attack by malicious foreign actors — making these roles absolutely critical.³

The state board of elections provides vital support and training to counties. This includes Field Support Specialists who provide on-demand assistance across the state. However, these specialists have dwindled in recent years, and they must cover increasingly large numbers of counties. A request by the N.C. State Board of Elections to fund more support staff for the 2024 election was not fulfilled by the legislature.⁴ For more information, see “Adequately Fund Our Elections,” page 45.

In North Carolina, state law only requires each county board of elections to have one paid staff member: the county elections director.⁵ This role comes with immense responsibility, including ensuring that elections are administered fairly, securely, and in compliance with the law. Election directors often work around the clock during election season. But despite these pressures, they can earn as little as \$12 per hour under state law.⁶



HOSTILITY AND HARASSMENT

“What some [county election directors] have shared is that the fuel is just not in the fuel tank any longer. Election professionals have faced continued hostility and harassment.”

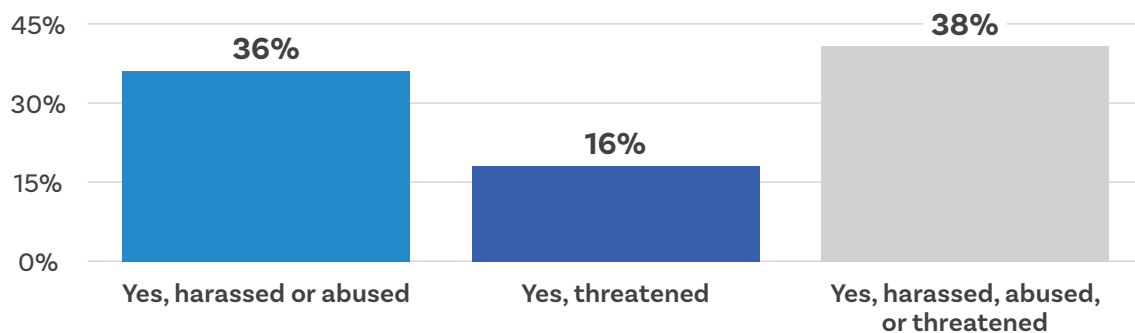
— KAREN BRINSON BELL, FORMER NCSBE EXECUTIVE DIRECTOR⁷

Since the 2020 presidential election, election officials across the country have experienced threats and harassment at unprecedented levels. According to a 2024 survey of nearly 12,000 election officials, more than one in three reported being harassed, abused, or threatened in the recent past.⁸ Reports of intimidation include threats of violence and death to election officials and their family members, as well as threats of mass shootings in election offices. For example, in Onslow County, a voter attacked poll workers during the 2024 primary election.⁹

More than 1 in 3 local election officials have experienced threats, harassment, or abuse

Have you ever been harassed or abused because of your job as a local election official?
Have you ever been threatened because of your job as a local election official?

Among all local election officials, n=928



POP UP MESSAGES OFFERED THE FOLLOWING DEFINITIONS:

HARASSED: Persistent, uninvited behavior, attention, or actions that cause distress, fear, or discomfort, such as stalking.

ABUSED: Demeaning, derogatory, or offensive comments, gestures, or actions that upset, belittle, and/or humiliate.

THREATENED: Explicit or implicit expressions communicating an intention to harm, injure, or cause damage to an individual or others associated with them, implying imminent risk to a person's well being and safety.

Source: Brennan Center for Justice, 2025

North Carolina political leaders have fueled this hostile environment. A large number of North Carolina Republicans have repeated false claims that the 2020 election was stolen — bolstering the conspiracy theory and casting doubt on the integrity of local and state election officials.

- IN 2022, the Surry County Republican Party chair aggressively confronted the county Elections Director, threatening to get her fired or have her pay decreased on multiple occasions after he demanded illegal access to the county's vote tabulators.¹⁰
- IN 2024, North Carolina Senate Leader Phil Berger made inflammatory remarks alleging election officials were counting ballots “until somebody you want to win wins.” Karen Brinson Bell, then executive director of the North Carolina State Board of Elections, asked Berger to retract his statement, noting it could lead to acts of violence against election workers.¹¹

RECOMMENDATIONS

- ① **Ensure consistent and competitive pay for election workers.** The state board of elections is chronically underfunded (see page 45 for more information), which has directly resulted in staff overwhelm, high turnover, and challenges finding and retaining staff.¹² At the local level, counties must pay election workers competitive salaries to help reduce high turnover rates.
- ② **Ensure election workers have the technology they need to do their jobs.** In 2023, the N.C. State Board of Elections requested funding to modernize their campaign finance and election systems, which staff describe as “antiquated, inefficient, and vulnerable to defects”.¹³ However, the state legislature appropriated less than half of the amount requested.¹⁴
- ③ **Consult election workers when considering changes to election administration.** When significant changes to election operations are proposed, they often do not adequately consider how feasible the changes are to implement. Lawmakers should regularly consult the N.C. State Board of Elections, as well as the N.C. Association of Directors of Elections, before introducing new legislation.
- ④ **Every change to election administration must include funding and staff support for election workers to learn and implement the new system.** Too often, election laws change without any funding for implementation – particularly for support staff needed to assist county election workers.
- ⑤ **Invest in the safety and security of election workers.** The Safeguard Fair Elections Act would establish new protections for poll workers and election officials against intimidation and harassment.¹⁵ State funding should be available for security improvements.
- ⑥ **Build on existing work to ensure county election staff have expertise in complex and rapidly changing election law.** One example of this is the “HUBS” program, which creates working groups of county and state election officials to share expertise and best practices in election administration.¹⁶
- ⑦ **The NCSBE should share templates, trainings, and resources with counties to both prevent duplicative efforts and ease administrative burden.** One example is an online poll worker training system, which some larger counties offer but many smaller counties cannot afford.

Caroline Fry

INSTITUTE FOR SOUTHERN STUDIES



INCREASE PUBLIC ACCESS AND ENGAGEMENT IN ELECTIONS

BACKGROUND

Public participation is a cornerstone of any healthy democracy. But this includes more than voting; to have a thriving, accountable, and responsive government, the public must be engaged in the government's work. Federal and state legislators, county commissioners, city councils, and County Boards of Elections all serve the public – and the public must have meaningful access to their meetings and decision-making processes.

PUBLIC PARTICIPATION IN LOCAL ELECTIONS

County Boards of Elections (CBOEs) make critical decisions that directly impact how elections are run, including choosing voting sites, reviewing provisional ballots, certifying election results, and hearing election protests, voter challenges, and candidate challenges.

As with other governmental bodies, CBOE meetings are generally open to the public, with a few exceptions.¹ In addition to observing, the public sometimes plays an important role in decision-making. For example, the process of choosing early voting sites often includes community feedback.

However, there is significant variance in how North Carolinians can engage with their local election boards. For example, some counties have dedicated time and money to building intuitive, user-friendly websites, making it easy for residents to access election information.

In other counties, often due to limited staff and resources, the public does not have the same options to participate. While some counties stream their meetings online, others do not. Even in counties that do stream CBOE meetings, members of the public often encounter technical issues when attempting to access them. As a result, voters and the public may be left out of key decisions that will affect them.

Additionally, voters whose votes have been challenged, protested, or who have cast a provisional ballot may not always have the means to attend a County Board of Elections meeting to receive an update on their ballot status. County boards of elections must ensure these voters have an opportunity to receive timely updates on the status of their ballot.

LACK OF ACCESS TO THE NCGA

The North Carolina General Assembly provides a great example for what NOT to do. Hidden within the 2024 state budget was a provision allowing state lawmakers complete authority over destroying their records, shielding them from public records requests.² Moreover, General Assembly leaders have used procedural rules to keep the public from knowing what legislation they are working on. This occurred with 2024's Senate Bill 382, a measure the state House voted on only a few hours after it was released to the public.

BUILDING PUBLIC TRUST

Public trust in elections has declined steadily in recent years, with a significant drop following the 2020 election. Conspiracy theorists and elected leaders alike have used the public's lack of understanding about how elections work to their advantage, accusing election officials of rigging elections. The effects of these falsehoods are dire: One in three Americans believes that the 2020 election was illegitimate, with this number slowly increasing over time.³

In response, public and nonprofit leaders across North Carolina have launched innovative programs to improve transparency and understanding of election issues. These efforts have

created a base of North Carolinians who trust how the system works, because they know the people running it and understand the mechanics. A few examples include:

- **FORSYTH COUNTY'S ELECTION ACADEMY PROGRAM** seeks to educate citizens about how elections are prepared and conducted in the county.
- **NORTH CAROLINA ELECTIONS ADVOCATES** are volunteers who commit to engaging with their local board of elections – attending meetings and advocating for increased funding and Early Voting sites. This program is run by Democracy North Carolina and Common Cause North Carolina.
- **THE NORTH CAROLINA NETWORK FOR FAIR, SAFE AND SECURE ELECTIONS**, a nonprofit effort supported by The Carter Center, hosted 24 town halls across the state in 2024 to provide information about the electoral process, build trust in our voting system, and strengthen civil discourse.⁴

RECOMMENDATIONS

- ① **Ensure every county board of elections offers virtual meeting access for public meetings.** Virtual public meetings are now the norm – and are necessary for those who are homebound or without transportation. In addition, a call-in line should be available to those without internet access to allow them to listen and participate in meetings. Recordings of past meetings should be warehoused on the county election board's website, along with meeting minutes. Counties could look to the North Carolina State Board of Elections as a model: For years, they have streamed live audio and video of their meetings, and have made corresponding materials and recordings available on their website.
- ② **Require counties to include clear instructions for how residents can access and participate in meetings – including methods for public comment.** This includes posting agendas at least 48 hours before each meeting, clearly indicating when the public may provide input. Members of the public should be able to submit comments during online meetings, by phone, and by email.
- ③ **Include explanations of what is happening and why at all public meetings.** Members of the public sometimes do not understand the processes taking place, and therefore are not able to engage. For example: when absentee ballots are being reviewed to determine if they should be counted, what are board of elections members looking for and why? If a meeting will be held in a closed session, why are they doing so?
- ④ **Dedicate funding for county election board public engagement.** This includes money for virtual meeting equipment, such as microphones and cameras. The state and counties should also provide funding to ensure that every CBOE has a dedicated outreach coordinator, whose role is to interact with the community, provide community education events, post on the CBOE's social media pages, fulfill public records requests, and help register voters.

Many county BOEs have only one full-time staff member. While the NCSBE has employees who provide on-demand support to county election staff across the state, that support is limited. County staff should be encouraged to help county elections boards to the extent they are available: For example, the county's website manager could provide assistance to help CBOEs stream their meetings. County Commissioners should also work to completely fulfill CBOE funding requests for additional staff by incorporating them into the county's annual budget.
- ⑤ **Explore creative, engaging ways for the public to learn about elections – with opportunities to continue their education by serving as poll workers.** An initiative like Forsyth County's Election Academy program (above) is a great example.

PROTECT THE INDEPENDENCE OF ELECTION ADMINISTRATION

BACKGROUND

For more than a century, elections in North Carolina have been overseen by a state board of elections and run by local boards of elections. These bodies are bipartisan – meaning that both Republicans and Democrats serve as board members – and are independent from the state legislature.¹

But over the past decade, the state legislature has attempted to gain more control over election boards, giving itself the power to both pass election laws and influence who administers these laws. North Carolina must commit to independent and bipartisan election boards that are shielded from partisan influence.

BACKGROUND: WHO RUNS ELECTIONS IN NC?

NORTH CAROLINA STATE BOARD OF ELECTIONS (NCSBE)

An independent agency housed under the state's executive branch. This agency oversees all elections, performing essential and time-sensitive work such as certifying election results.

- Board members vote to make decisions.
- Staff are led by an Executive Director, who serves as the state's chief election official.

COUNTY BOARD OF ELECTIONS (CBOE)

Agencies overseen by the NCSBE and administered as a part of municipal government. The CBOE conducts elections within the county, including running voting sites and maintaining voter registration rolls.

- Board members vote to make decisions.
- Staff are led by a County Director of Elections, who serves as the chief election official for the county.

NC LEGISLATURE'S ATTEMPTS TO CONTROL ELECTIONS

The separation of powers is a fundamental principle of the U.S. Constitution, designed to prevent any one branch of government from becoming too powerful. This is reflected in North Carolina elections: The state legislature creates election laws, and the state and county boards of elections administer elections and enforce election laws.

For more than a decade, the North Carolina legislature has attempted to gain more control over the state and county boards of elections. This includes multiple attempts to appoint board members, inspect voting equipment, and fire election officials. These powers are not typically reserved for the legislature; for example, only four states in the U.S. allow their state legislature to play a role in appointing their chief election official.²



TIMELINE

STEPS TAKEN BY THE NORTH CAROLINA GENERAL ASSEMBLY TO CONTROL ELECTIONS

2016

Passed a law giving the legislature the power to appoint N.C. State Board of Elections board members,³ which was challenged in court and struck down.⁴

2018

Attempted to pass a ballot measure shifting state board appointment power to the state legislature. The measure failed, with 62% of voters voting against it.⁵

2021

Passed a law removing NCSBE's ability to independently settle some election-related lawsuits, giving the Speaker of the House of Representatives and the President Pro Tempore of the Senate more power.⁶

2021

Members of the N.C. House Freedom Caucus threatened to force their way into the Durham County Board of Elections office to "inspect" voting equipment, in violation of state election law.⁷ Members of the caucus also introduced a bill to allow unspecified individuals to fire election officials for undefined reasons.⁸

2023

Passed a bill giving the legislature the power to appoint state and county board of elections members and the state executive director.⁹ This law was challenged in court and ultimately not implemented.¹⁰

2024-2025

Passed a bill giving the State Auditor the power to appoint board of elections members and placing the N.C. State Board of Elections budget under the Auditor's control.¹¹ The bill was passed days after the 2024 election, in which a Republican candidate for State Auditor won. A state trial court struck down the law,¹² but a three-judge appeals court panel later upheld transferring control of the agency to the state auditor.¹³

THE IMPACT OF HYPER-PARTISANSHIP ON ELECTIONS

The “Big Lie” that the 2020 election was stolen has thoroughly saturated North Carolina politics. This has resulted in the hyper-partisanship of election officials and the vilification of state and county election administrators. (For more information on this subject, see page 48)

This hyper-partisanship has directly impacted North Carolina elections. In 2022, two Surry County board members refused to certify their county’s election results based on disagreements with both the state board of elections and court rulings. Both members were removed from the board for this incident.¹⁴

Similarly, prior to the 2024 general election, a Henderson County board of elections member sent a letter to Republican legislators asking for changes to be made to election law. The letter threatened, “If you do not intervene immediately either legislatively or legally, we are going to lose NC to the Dems in November which will likely mean we lose the country.” Despite the overt partisanship, because it was not clear if the letter was intended for public consumption, the board member was not officially reprimanded for her actions.¹⁵

RECOMMENDATIONS

- ① **End the practice of changing state and county election boards to consolidate political power.** Control over election boards has become a political football, with a seemingly endless stream of changes (and resulting court battles). As much as possible, election administration should be isolated from partisan politics.
- ② **Establish clear guardrails between the state legislature and election administrators.** This includes expressly forbidding the legislature from having any role in choosing board members or hiring and firing election staff.
- ③ **Require election board members and staff to act in the best interest of North Carolina voters – not their political party.** At present, these individuals are restricted from making public statements in support or opposition of candidates for office, as well as ballot referenda, and they may not solicit funds for candidates.¹⁶ In addition, they should be prohibited from acting in their official capacity to interfere with an election in order to benefit their political party or candidate of choice.
- ④ **Allow unaffiliated voters to serve on election boards.** Unaffiliated voters make up the majority of voters in North Carolina, yet under current law, they are unable to serve on state or county boards of elections. Unaffiliated voters deserve a seat at the table in the administration of our state’s elections.
- ⑤ **Limit the number of members from each political party that can sit on election boards.** State law should explicitly name that nearly-equal numbers of members from different parties (and unaffiliated voters) should sit on both state and county election boards.
- ⑥ **Maintain an odd number of board members to avoid partisan gridlock.** An evenly-split board could lead to significant delays regarding key election decisions, such as certifying final election results and hearing election challenges. This could result in a deluge of emergency litigation, throwing elections into disarray.
- ⑦ **Create new pipelines for poll observers and poll workers to serve on the boards of elections.** Nonpartisan organizations train volunteers to be engaged in their boards of election as well as to work as poll workers, and could be consulted for names of outstanding volunteers.

Ann Webb
COMMON CAUSE NC

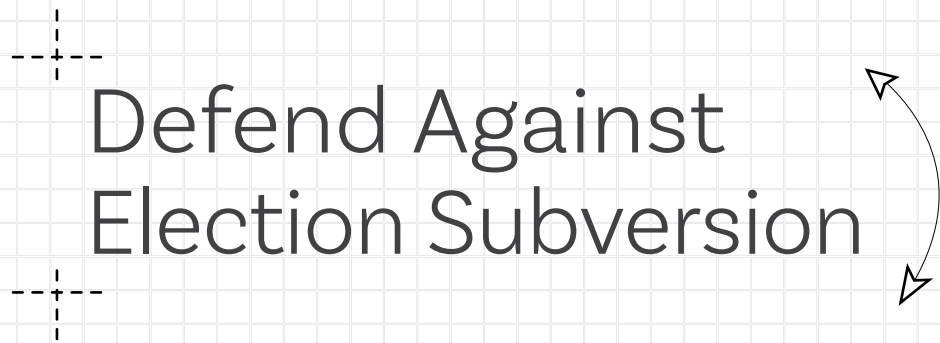
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The background of the slide is a photograph of a park. On the left, there is a pond with a white railing and a small bridge. The trees have vibrant autumn foliage in shades of orange, red, and yellow. On the right, there is a paved path with a concrete curb and some fallen leaves. The central area of the slide is covered with a light gray grid pattern.

SECTION 4

The title is centered on the grid. To its left are two decorative crosshair-like symbols, one above and one below the text. To its right is a curved double-headed arrow pointing both towards and away from the text.

Defend Against Election Subversion

SAFEGUARD FAIR ELECTIONS

BACKGROUND

When we vote, we depend on a vast array of people, systems, and legal protections. This includes the poll workers who provide us with a ballot, a tabulation process that ensures ballots are counted accurately, and election laws that protect our right to vote. Our democracy hinges on a decentralized, bipartisan network of skilled election administrators who oversee this process.

The foundations of our democracy were gravely threatened in 2020. As we learned from the January 6th committee hearings, President Trump and his allies mounted an all-out effort to force state and local officials to falsify election results, part of the “Big Lie” that incorrectly claimed Trump had won the election. In one example of their pressure campaign, Trump targeted a Georgia election official, who faced threats and ultimately left her position.¹

The Big Lie has led to the continued politicization of election administration. Starting in 2021, state legislatures across the country passed dozens of laws to seize control of election administration and criminalize election officials.² In North Carolina, this included an ultimately successful effort by Republican lawmakers to gain control over appointments to elections boards. Senate Bill 382, which Republicans passed in the final days of their veto-proof majority in the General Assembly, moved control of the North Carolina State Board of Elections (NCSBOE) to the office of the N.C. State Auditor, an office won by a Republican just weeks before.³

In order to safeguard against election subversion and sabotage, we must ensure that election officials receive the training and protection they need to do their jobs. We must build guardrails around election administrators, shielding them from partisan efforts to manipulate elections. And we must continue to improve our systems for counting ballots and guaranteeing their results are correct, without allowing partisan actors to hijack our democratic processes.

RECOMMENDATIONS

During the 2023 legislative session, pro-democracy advocates worked with legislators to file Senate Bill 313, the Safeguard Fair Elections Act.⁴ If passed, this legislation would make it a crime to harass election officials; protect voters from intimidation and coercion; ensure elections are certified and decided based on fact, not political fiction; prohibit sham ballot reviews; and prevent outside interference with the election process.

PROTECT VOTERS FROM INTIMIDATION

North Carolina has a long history of voter intimidation incidents. Today, more than 50 years after the passage of the Voting Rights Act, voter intimidation and deceptive election practices continue to target our state’s historically disenfranchised voters. (For more information, see “Protect Voters from Intimidation,” page 22)

The Safeguard Fair Elections Act would create new legal protections for voters, prohibiting individuals from threatening someone for voting or registering to vote. This includes those who knowingly challenge a voter’s right to vote on fraudulent grounds, or advising someone that they cannot vote when they can. The bill would also create new protections for workers, forbidding employers from coercing employees to vote or support a specific candidate. The legislation also provides the victims of voter intimidation with a legal right to bring lawsuits against their perpetrator, while creating a restitution fund that violators must pay into. The act would also create a uniform voter intimidation reporting system.

PROTECT ELECTION OFFICIALS FROM INTIMIDATION

Since the 2020 presidential election, election officials across the country have experienced threats and harassment at unprecedented levels. According to a 2024 survey, more than one

in three election workers reported being harassed, abused, or threatened in the recent past.⁵ (To read more about recent attacks on North Carolina election officials, see “Support Election Workers,” pg. 48)

The Safeguard Fair Elections Act would prohibit individuals from intimidating or preventing an election worker from performing their official duties, allowing the N.C. State Board of Elections (NCSBOE) and district attorneys to hold perpetrators accountable. The act would also ensure that election administrators are adequately compensated; funding shortages and problems with recruiting skilled workers have been documented in recent years. Lastly, the bill would prevent personal information about election officials and their families from being used maliciously.

DISQUALIFY ANY PUBLIC OFFICIAL WHO REFUSES TO CERTIFY AN ELECTION WITHOUT EVIDENCE

The certification of North Carolina’s election results is conducted by the N.C. State Board of Elections (without the involvement of the General Assembly). In 2020, four of the five NCSBOE board members voted to certify the state’s 2020 election results. This was the first time that a member has dissented from a unanimous certification vote in recent history.⁶ In 2023, two members of the Surry County Board of Elections were removed for refusing to certify their local elections, despite stating that they believed the election was conducted lawfully.⁷

The Safeguard Fair Elections Act would make certain that a public official cannot refuse to certify the actual results or count of an election without providing substantial, scientifically supported evidence. Public officials who break from this would be forced to resign from office.

PROHIBITING SHAM BALLOT REVIEWS AND STRENGTHENING ELECTION AUDITS

Following the 2020 presidential election, calls from North Carolina lawmakers to conduct sham election reviews intensified. Unlike legitimate election audits – which North Carolina already implements – sham reviews are conducted by third parties who may be politically motivated to skew election results, untrained in election administration, or both. These reviews have led to the decertification of highly sensitive and secure voting equipment, ultimately costing taxpayers millions of dollars.⁸ (For more information, see “Strengthen Election Audits,” pg. 66)

The Safeguard Fair Elections Act would forbid these types of politically motivated and unreliable third-party sham ballot reviews. In addition, North Carolina’s audit system would be further developed, including the use of risk-limiting audits following each general election.

PREVENT POLL OBSERVERS FROM INTERFERING WITH ELECTION PROCESSES

Poll observers are individuals appointed by a political party to monitor one or several voting sites. Unfortunately, the rules regarding how poll observers must announce themselves and behave within the voting site are outdated. Problems with poll observers interfering with the voting process have been reported – including harassing voters and attempting to enter restricted areas.⁹

The Safeguard Fair Elections Act would create common-sense standards to ensure poll observers can do their jobs without interfering with the election (or voter privacy). The act would require observers to complete a standardized statewide training before acting as an observer, and complete additional training at least once every two years. Under the act, observers would also be required to sign an oath pledging to refrain from electioneering and interfering with the election. Lastly, it would require observers to wear clear identification, including the observer’s name, role, and partisan affiliation.

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REDEFINE HOW LEGISLATIVE AND EXECUTIVE BRANCH ELECTIONS CAN BE CONTESTED

BACKGROUND

Contested elections occur when a losing candidate challenges the legality or validity of the results. North Carolina law gives state legislators the option to decide contested legislative races and elections for governor and other executive branch positions. And shockingly, the outcome can't be reviewed by courts.

This system opens the door to politicians changing the outcome of an election. Efforts to subvert the 2020 presidential elections and the 2024 North Carolina Supreme Court race highlighted the dangers of allowing election results to be contested for partisan and political reasons.

In a 2013 law review article, election law expert Joshua Douglas of the University of Kentucky found that only 13 states give legislatures the power to decide contested gubernatorial elections. Nearly all of these states are in the South, and some of these rules are antiquated remnants of Jim Crow.¹

The North Carolina Constitution states that contested races for governor or other "Council of State positions shall be determined by a joint ballot of both houses of the General Assembly." The statute implementing this provision specifies that once an intent to contest the results is filed with the state House, any lawsuits are halted.²

What happens after a race is contested? The House speaker and Senate president each appoint five lawmakers to a joint committee, and both must choose two members of the minority party. The committee issues a recommendation to a joint session of the legislature for a "final determination" of the election.

Legislators "shall determine which candidate received the highest number of votes," if the dispute is over who won the election. If they can't decide who got more votes, they can order a new election or take any other action that is "necessary and proper." If the legislature determines that a candidate wasn't qualified to run, it orders a new election. Lawmakers' decisions "may not be reviewed" by the courts.

Former Gov. Pat McCrory considered invoking this legislative process after the 2016 election, in which Democratic challenger Roy Cooper defeated him by about 10,000 votes. Durham County delivered tens of thousands of ballots late in the night after technical problems caused delays, and McCrory's team expressed "grave concerns" about the "sudden emergence" of the ballots. They went on to suggest widespread fraud and accused more than 100 voters of illegally voting. Bob Orr, a former high court justice, advised McCrory to contest the outcome, but the governor ultimately declined to ask lawmakers to intervene. In Orr's conversation with McCrory, he noted that the system of allowing legislators to settle contested gubernatorial elections had been created by Democrats a decade earlier.³

In the spring of 2005, members of the Democratic-controlled legislature voted along party lines to create a process for deciding a contested election.⁴ The 2004 race for education superintendent had yet to be decided. The Democratic candidate led by more than 8,000 votes, but her Republican opponent had successfully sued to stop the certification of her victory. At the time, the North Carolina Supreme Court had its first Republican majority in nearly a century;⁵ it had ruled that thousands of mail ballots that the Republican challenged shouldn't have been counted, because they were returned to the wrong precinct.⁶

The legislature passed the statute giving itself final authority to resolve executive branch elections. The courts were divested of jurisdiction over contested elections. Then the legislature declared the Democrat the winner, because she received more votes.

Besides settling some executive races, North Carolina lawmakers also have the power to resolve disputed elections for their own chamber. Senators deal with disputed Senate races, and the House does the same for its own elections. Nearly every other state has a similar system. The judiciary plays a role in some states, such as deciding issues of fact about the number of votes cast.

State law also allows the North Carolina legislature to decide who won the presidential election in the state if the governor still hasn't "proclaimed" the results by the time the Electoral College meets. Lawmakers are supposed to make their decision align "with their best judgment of the will of the electorate," but the decision can't be reviewed by the courts.⁷

Under the current statutory scheme, the North Carolina State Board of Elections retains the power to order new elections in the event of widespread irregularities that taint the results, such as the mail ballot election fraud in a 2018 congressional race. The board can also order new elections if eligible voters were disenfranchised or ineligible voters cast ballots, but only if the number of votes at issue could've changed the outcome.⁸ A majority of state and local election board members currently belong to the State Auditor's political party.

RECOMMENDATIONS

- 1 **Allow courts to review Council of State and General Assembly election contests.** Because the legislature is ultimately a partisan body, giving the judicial branch oversight is essential for ensuring that elections are not decided for partisan reasons.
- 2 **Rewrite the law governing the state legislature's role in deciding contested elections.** New standards should ensure that legislators use factual data when making decisions regarding the outcome of elections, to prevent malfeasance.
- 3 **Ultimately, amend the North Carolina Constitution, removing the legislature's role in deciding contested elections.** Election outcomes should not be decided by legislative bodies—instead, they should be decided by election boards (who have expertise in election administration) with oversight from the courts.

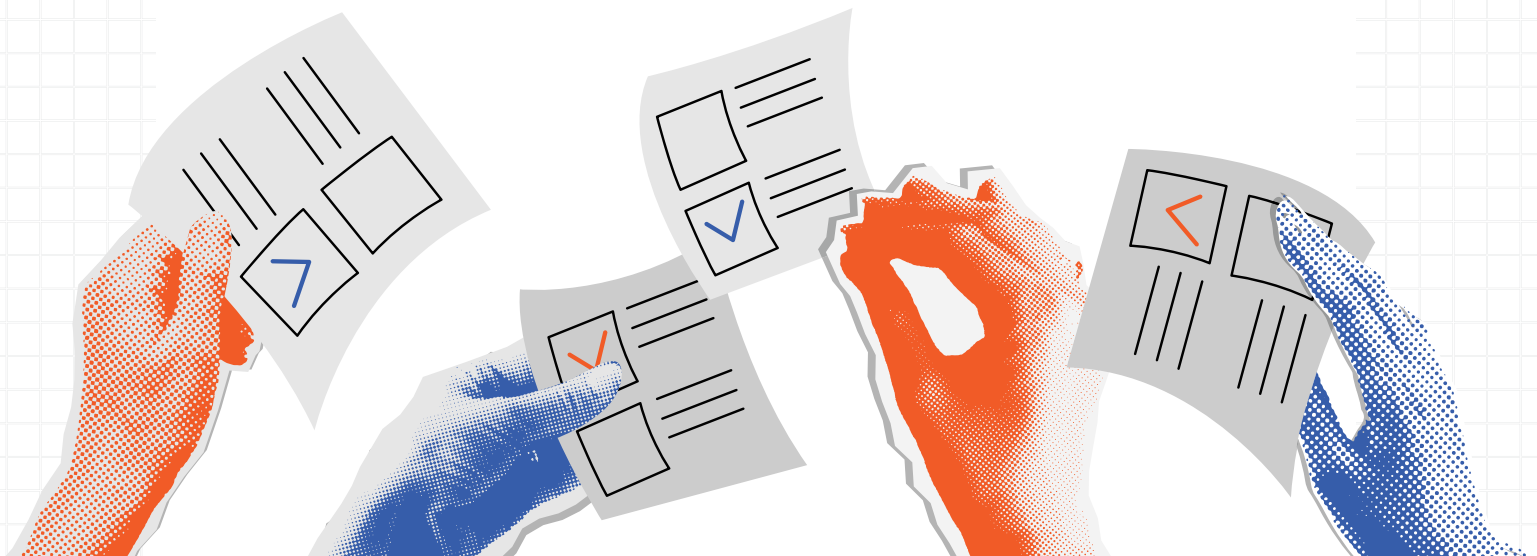
In the current political climate, candidates are increasingly questioning the legitimacy of election outcomes. North Carolina lawmakers should act to ensure that, if this happens here, there's a better way to resolve the dispute and protect the integrity of elections. The state should ensure that the outcome of every election is determined by the voters, not politicians.

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COMBAT ELECTION DISINFORMATION

BACKGROUND

Americans experienced an unprecedented amount of disinformation during the 2024 election.¹ This phenomenon is especially pernicious when disinformation is used or amplified by political leaders as evidence of election fraud – a pattern that has become commonplace in American elections. Efforts to disinform voters are a constant threat to our democracy, and must be taken more seriously.

Election disinformation refers to deliberately false or misleading information designed to manipulate public perception of the election process or its outcomes. While the motivations behind its creation can vary, the primary goals are often to influence election results or to erode public confidence in the integrity of the electoral system.

Examples of election disinformation include communications providing the wrong election date, stating incorrect election rules, and false claims about election integrity/security, election results, and voter intimidation. The most common means of disseminating disinformation today are through social media platforms like Facebook and X, junk websites, untrustworthy media outlets, search engines like Google, email, text messages, and robocalls.

NewsGuard – an organization that tracks election-related disinformation found online – identified approximately nine new false claims per week during the 2024 election.² In 2024, Russia, Iran and China planted election-related disinformation in the U.S. by using networks of bogus social media accounts and websites, as well as paying right-wing influencers to peddle pro-Russian content. This included fake videos that appeared to show mail ballots being destroyed.³

DISINFORMATION TARGETING VOTERS OF COLOR

There is a long history of targeting voters of color with disinformation to keep them away from the polls. Disinformation-based voter suppression is not new in the South, but the emergence of innovative technologies has allowed bad actors to increasingly target communities of color as they have gradually accumulated more political power. New technologies have led to more systematic efforts to suppress voters of color through “racialized disinformation” delivered via mail, robocalls, and other mass communication channels.

A few recent examples include:

- **DURING THE 2016 ELECTION,** Black voters were directly targeted by Russian bots in online efforts to spread disinformation. Fake social media accounts that appeared to be Black users exploited racial tensions in an attempt to suppress voter turnout in Black communities during the 2016 presidential election.⁴ This was done again in 2022, as fake accounts sowed doubts about the voting process and encouraged election boycotts.⁵
- **IN THE 2018⁶ AND 2020⁷ ELECTIONS,** operatives spread false information online in Latine communities, claiming that the U.S. Immigration and Customs Enforcement (ICE) officers were monitoring polling places.
- **IN THE DAYS BEFORE THE 2024 ELECTION,** false claims that white supremacists were planning to target Black women with violence were shared with Georgia voters.⁸

ATTACKS ON FACT CHECKING

Organizations that seek to investigate and debunk false claims posted online are under increasing attack. Incoming Federal Communications Commission Chairman Brendan Carr has demanded answers from US companies about their involvement in efforts to label or remove disinformation, claiming a “censorship cartel.”⁹ Third-party fact checking by Facebook and Instagram abruptly ended in January 2025.¹⁰

ARTIFICIAL INTELLIGENCE AND DISINFORMATION

New technologies have made it easier to create disinformation and harder to detect it. Artificial Intelligence (AI) tools can easily and cheaply create deepfakes — fake audio, photos, and videos that appear real. As AI technology improves at lightning speed, it is increasingly difficult to tell deepfakes from real content.

Deepfakes that feature candidates running for office are being used to manipulate voters and sway elections around the world. Beyond influencing voters’ perceptions of candidates, AI can also be used to disrupt the electoral process by spreading disinformation that may deter voter turnout. The effects of high-tech deception are likely to be especially severe in the South, a region with a history of election-related deceit, where voters already face increasing barriers to participation.

A few examples of how AI has been used to create deepfakes include:

- **NORTH CAROLINA:** In 2024, deepfake audio of congressional candidate Mark Walker stating he was not qualified for office was created and shared by a super PAC supporting his opponent.¹¹
- **GEORGIA:** Fake video seeming to show a Haitian immigrant with multiple Georgia IDs saying he would vote for Vice President Harris multiple times was spread widely in the days before the 2024 general election. The video was re-posted by leaders in the Republican National Committee, even after the video was exposed as part of a Russian disinformation campaign.¹²
- **NEW HAMPSHIRE:** A robocall featuring convincing deepfake audio of President Biden’s voice urged voters to stay home during the New Hampshire primary.¹³



DISINFORMATION CHAMPIONED BY ELECTED LEADERS

False claims about voter fraud in the 2020 election fueled a conspiracy theory that the election was stolen from Trump. This “Big Lie” has been so thoroughly disseminated that more than one in three Americans believe it to be true.¹⁴ Since the 2020 election, legislators in at least 30 states have used this disinformation as justification for enacting dozens of new restrictive voting laws.¹⁵ In other words, laws were changed to make it harder for people to vote based on a disinformation campaign – a clear example of why preventing election disinformation is vital.

This disinformation campaign continued into the 2024 election. In November, North Carolina Senate leader Phil Berger suggested wrongdoing in the counting of ballots, stating that, “We’re seeing played out at this point another episode of ‘count until somebody you want to win wins.’” Karen Brinson Bell, executive director of the N.C. State Board of Elections at the time, responded by asking Berger to retract his statement, writing, “I fear for the people running elections in this state ... that some misguided people will conclude from your statements that actions must be taken, perhaps through the use of threats or violence.”¹⁶

RECOMMENDATIONS

Given the way disinformation is dispersed, much of the response will need to move through Congress. Tackling issues such as social media algorithms promoting bad information requires national policy responses, such as those found in the Algorithmic Justice and Online Platform Transparency Act,¹⁷ or efforts to hold platforms accountable, as found in the Social Media Disclosure and Transparency of Advertisements Act.¹⁸

However, several measures can be taken to reduce election disinformation in North Carolina:

- ① **Prohibit the dissemination of information intended to misinform voters about how they can register to vote or cast a ballot.** This includes intentionally sharing incorrect election dates, deadlines for voting, voting methods and locations, and voter qualifications via social media and other online spaces.¹⁹
- ② **Require any election-related ad containing AI-generated or manipulated content to have a disclaimer.** Republican-controlled states including Mississippi, Alabama and Florida have enacted laws to require disclaimers on election-related deepfakes; states like Texas have gone further by banning them altogether.²⁰
- ③ **Allow voters who are impacted by election disinformation to sue creators of disinformation.** Providing a private “right to action” allows injured parties to sue the creators of disinformation directly, without having to rely on government agencies to enforce the protections.
- ④ **Fund the state and county boards of elections efforts to combat disinformation.** In recent years, the NCSBE has worked to flag and debunk popular myths in North Carolina elections.²¹ This should continue to be prioritized, as well as new and innovative efforts to combat disinformation.

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STRENGTHEN ELECTION AUDITS

BACKGROUND

In North Carolina, multiple election audits are conducted during and after every election to verify that every ballot was correctly counted. Audits can spot problems with voting machines, ballot coding, counting, or intentional data manipulation – and can bolster public confidence in the election process. Election audit reports are available on the North Carolina State Board of Elections (NCSBE) website.¹

Just as you would check your credit card statement for unauthorized charges, an election audit reviews ballots and procedures to detect errors and double-check election results. In North Carolina, all voters cast paper ballots – which are used in several election audits.

North Carolina conducts several types of audits after every election:

- **SAMPLE HAND-COUNT AUDIT:** Every county must hand count every ballot cast for one contest, such as governor, for two randomly-selected samples. These samples can be all ballots cast at an Election Day precinct, an early voting site, or all mail ballots cast in a county. At each county board of elections, bipartisan teams of trained volunteers count these ballots by hand; this total is then compared to the voting machine tabulations.²
- **PROVISIONAL AUDIT:** Following an election, data analysts research each of the provisional ballots that were cast. This information is sent to County Boards of Elections, or CBOEs, which may revise their decisions about whether to count specific ballots. This process can lead to additional ballots being included in the certified election results.
- **VOTER HISTORY AUDIT:** Every voter must sign a form before receiving a ballot. County election officials compare the total number of these forms with the total number of ballots counted via tabulator.

The NCSBE also compares voting data with government databases to identify voters who cast a ballot but may have been ineligible (for example, because they died before Election Day). This information is then passed on to counties, who perform further research and challenge ineligible voters.³ Possible violations of election law are reported to the attorney general or district attorneys.



SHAM ELECTION REVIEWS

Unlike legitimate post-election audits — which are generally conducted by election officials in full view of the public — several sham reviews have been conducted in the United States following the 2020 election. These reviews are conducted by outside parties who may be politically motivated to skew election results, untrained in election administration, or both.⁴ These so-called “audits” have damaged public trust, compromised the security of election equipment, and cost taxpayers millions of dollars. For example, in 2021, a third-party review conducted by Cyber Ninjas in Maricopa County, AZ did not produce evidence of voter fraud and cost the county nearly \$3 million.⁵

North Carolina has not been immune to such sham reviews. In October 2021, 16 North Carolina state legislators signed onto a letter calling for a “forensic audit” to be held in every state in the country.⁶ The same month, members of the state House Freedom Caucus threatened to force their way into Durham County Elections to examine voting equipment.⁷ Although this effort proved to be unsuccessful, conspiracy theories about the 2020 election continue to spread.

RECOMMENDATIONS

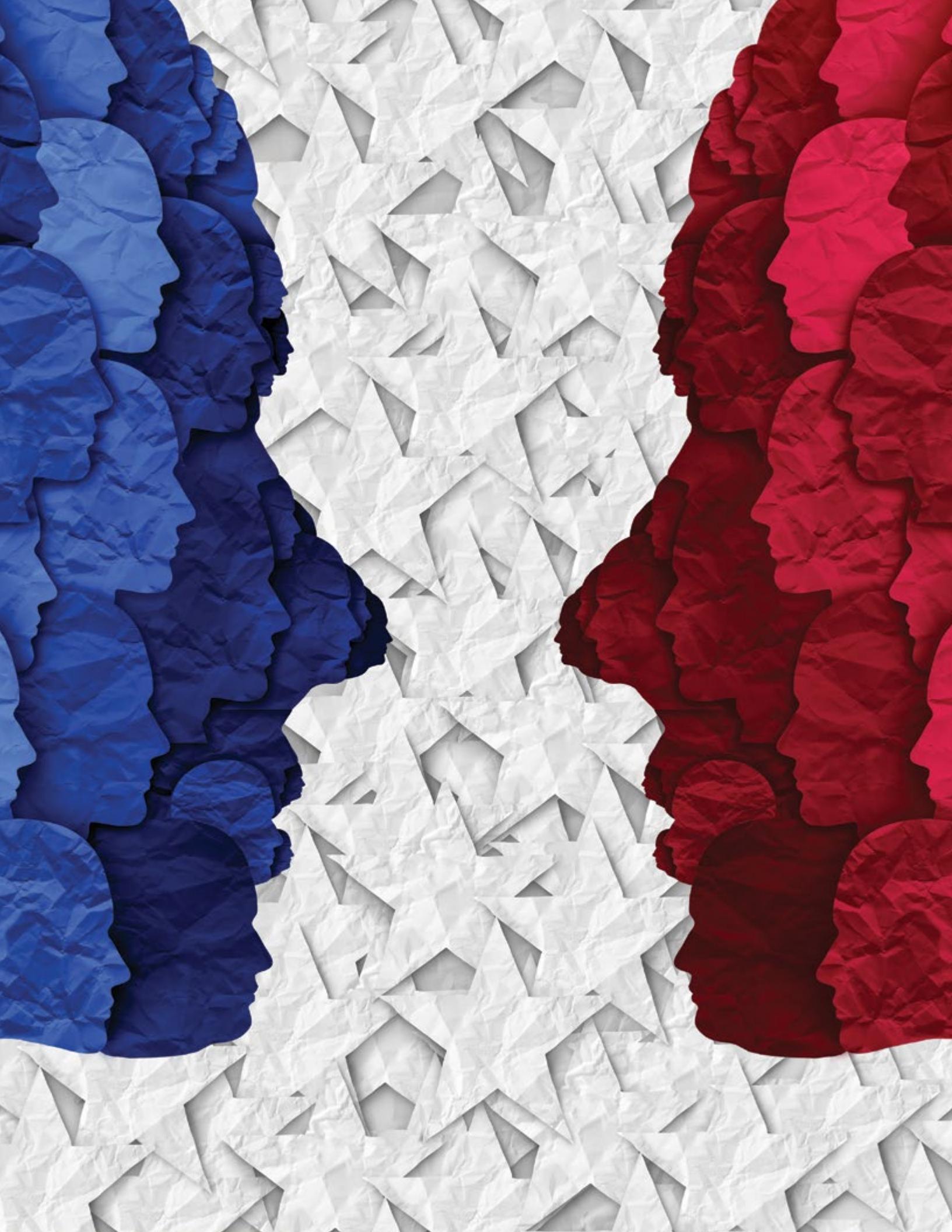
- 1 **Require risk-limiting audits (RLAs) or statistically representative and informative audits to be conducted following all statewide elections.** Tabulation audits that require statistically representative samples are generally the gold standard for election audits, providing statistical evidence that machine-tabulated ballot results are equivalent to what a full hand-to-eye recount would reveal. Election security experts and statisticians recommend these audits be conducted nationwide to find and correct erroneous electoral outcomes.⁸

For the first time in North Carolina history, 17 counties piloted risk-limiting audits during the 2021 municipal elections. However, RLAs have not been used since this time.⁹ A growing number of states across the country — including our neighbors Georgia and Virginia — have used risk-limiting audits successfully.¹⁰

- 2 **Expand Public Participation in Audits.** The public should be able to observe all key parts of election tabulation audits, and should be provided with the data to replicate decisions and calculations made in support of a tabulation audit. However, it is essential that these policies strictly protect ballot secrecy and privacy. Allowing additional participation will help build understanding and confidence in election processes.
- 3 **Prohibit Sham Ballot Reviews.** North Carolina should expressly prohibit unauthorized and partisan-led sham election reviews, which conflict with current law, undermine legitimate election processes, waste taxpayer funds, and threaten public trust in the democratic system.¹¹
- 4 **Increase Public Education on Election Audits.** While the North Carolina State Board of Elections has taken a good first step in providing some information about audits on their website, much more can be done to ensure the public is familiar with North Carolina’s audit processes.

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SECTION 5

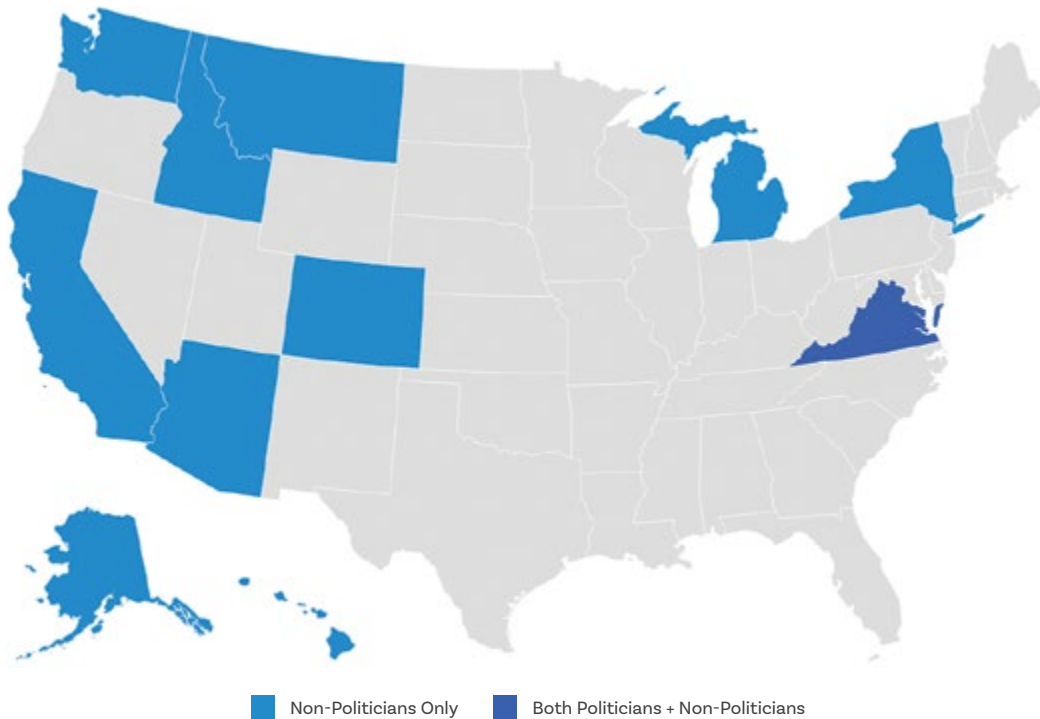


Promote Fair Redistricting and Representation



DRAW FAIR MAPS: REDISTRICTING REFORM

STATES WITH INDEPENDENT REDISTRICTING COMMISSIONS



Map: Caroline Fry, Institute for Southern Studies • Source: Ballotpedia: "Redistricting Commissions" • Created with Datawrapper

BACKGROUND

Every decade, North Carolina's Congressional and legislative voting districts — along with local boundaries for city councils and school boards — are redrawn. How those lines wind through counties and communities impacts elections and the priorities of our government for years to come.

The redistricting process is intended to produce voting maps that reflect population shifts as shown by the decennial U.S. census, guided by the principle of one person, one vote. But the sad reality is that for decades, politicians on both sides of the aisle in the North Carolina General Assembly have manipulated our districts through gerrymandering — stacking the deck by drawing maps that unfairly favor their own political party.

Gerrymandering is almost as old as our nation. But modern advances in mapping technology and more sophisticated data collection enable politicians today to rig our voting maps with even more pernicious effectiveness, splitting neighborhoods and treating voters as political pawns instead of constituents.

Gerrymandering has contributed to increased polarization in government and the creation of extreme policies that fail to consider the will of voters.¹ Black and brown voters have especially been hurt by gerrymandered districts, as politicians dilute their voting power by "packing" them into single districts or "cracking" them into multiple districts.²

THE IMPACT OF GERRYMANDERING IN NORTH CAROLINA

For many years, North Carolina has been at the epicenter in the fight to end both racial and partisan gerrymandering. Our state has a long history of legal battles resulting from gerrymandered voting maps — which have ultimately cost North Carolina taxpayers millions of dollars to defend in court.³

In 2022, the North Carolina Supreme Court issued a landmark decision in *Harper v. Hall* which ruled that partisan gerrymandering, like racial gerrymandering, violates North Carolina's constitution. As a result, the court ordered new legislative maps to be drawn for the 2022 election.

Consequently, North Carolina's 2022 congressional districts were among the fairest in the nation. The state elected seven Republicans and seven Democrats to the U.S. House, closely reflecting the political makeup of one of the country's most hotly-contested battleground states.

However, this didn't last long. Following the 2022 elections, Republicans gained control of the North Carolina Supreme Court. Just weeks after the new Supreme Court justices began serving in 2023, they took almost unprecedented action, agreeing to rehear the 2022 redistricting case *Harper v. Hall*. Ultimately, they ruled that partisan gerrymandering does not violate the state constitution, thus permitting state legislators to draw voting districts for partisan advantage.

Thereafter, the state legislature drew new districts for the 2024 elections. These districts were extreme partisan gerrymanders that heavily favored Republicans and significantly hurt voters of color.⁴ The Princeton Gerrymandering Project, which grades states for the fairness of their redistricting processes, gave these maps an F, saying that North Carolina is "one of the most extremely gerrymandered states in the nation."⁵

RECOMMENDATIONS

While legislative leaders have refused to embrace redistricting reform, North Carolinians clearly want an end to gerrymandering. According to a YouGov survey, some 89% of North Carolina voters oppose partisan gerrymandering, including 89% of Trump voters and 92% of Biden voters.⁶

Redistricting reform bills have been repeatedly introduced in the state legislature, including proposals co-sponsored by a bipartisan majority of North Carolina House members.⁷ Although none of those bills passed the General Assembly, it is heartening to see growing support for reform among Republicans and Democrats alike.

We must enact lasting redistricting reform that takes redistricting power out of the hands of politicians, and entrusts it with a nonpartisan citizens' commission that will draw our voting maps without racial or partisan gerrymandering. This process must be nonpartisan, with robust public input and full transparency.



Redistricting reform comes in different forms. Some states have a redistricting advisory commission that recommends plans, but allows the legislature to have final say. Some states have a back-up commission to step up and draw plans only if the legislature cannot agree on a plan in a timely fashion. Other states strive for an independent commission wherein legislators sometimes have a role in picking the commissioners but are not able to draw the district lines themselves. Lastly, some states have a political commission where either legislators or other elected officials sit on the commission but the legislature as a whole is not involved.⁸

Measures like House Bill 20 and Senate Bill 638 and Senate Bill 698 (all filed in 2025) provide for a constitutional amendment to change how district lines are drawn by creating a North Carolina Independent Redistricting Commission.⁹ The commission would draw districts to meet the following criteria: contiguous districts, minimizing the number of split communities of interest (including municipalities, census-designated places, precincts, and counties), compactness, electoral impartiality, and a prohibition on incumbent protection. The 15-member commission would be comprised of five Democrats, five Republicans, and five members from neither of the two largest parties. Applicants would meet strict criteria to limit partisan influence, including a prohibition on politicians or political party leaders. The commission would have the final say on maps.

To ensure public inclusion in the process, the commissions proposed in these measures must hold at least 20-25 hearings and make resources available to the public to permit them to draw their own maps, understand the process, and submit comments. Adoption of a plan requires a vote of at least nine members of the commission, including at least three members from each subgroup (Republicans, Democrats, and unaffiliated). If the commission is unable to adopt a plan, it must hire a special master to draw the maps, which would be adopted by the commission.

The public is hungry for a solution to gerrymandering that ensures voters choose their elected officials, and politicians don't choose their voters. The time for real redistricting reform is now.

Bob Phillips & Tyle Daye

COMMON CAUSE NORTH CAROLINA

Kyle Brazile

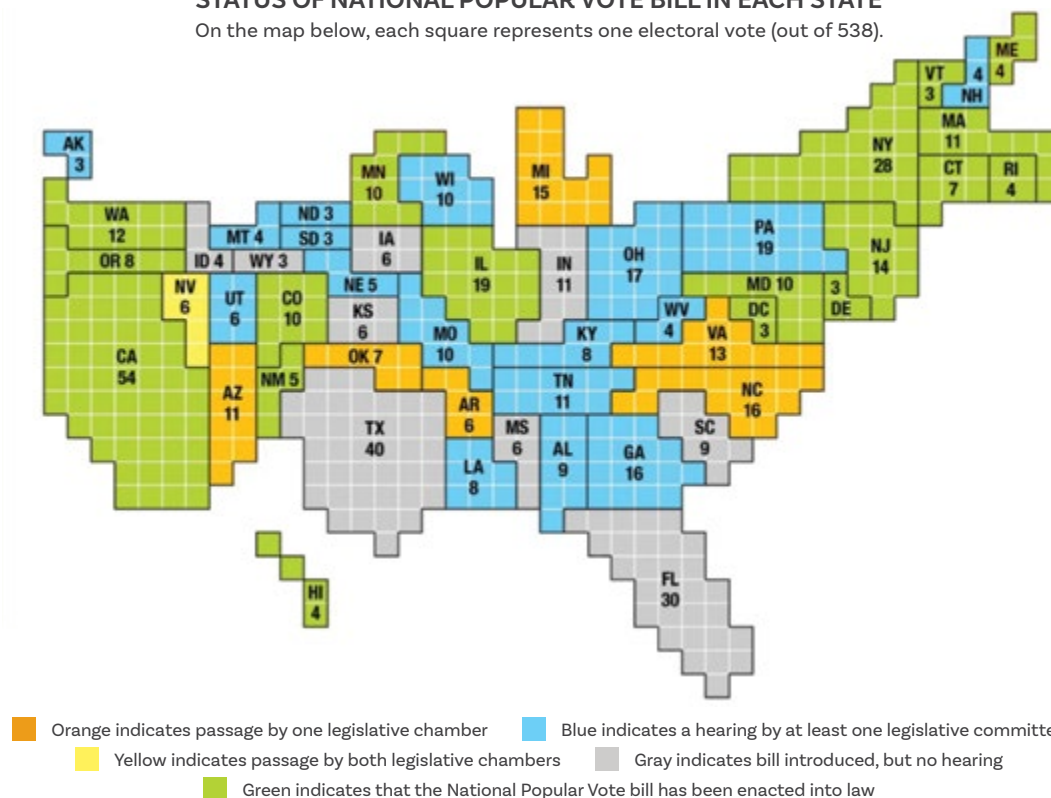
NC COUNTS COALITION



REFORM THE ELECTORAL COLLEGE: POPULAR VOTE STATE COMPACT

STATUS OF NATIONAL POPULAR VOTE BILL IN EACH STATE

On the map below, each square represents one electoral vote (out of 538).



Map design (various version) courtesy of Craig Barratt, Victor-Bobier, Jeff Pfoer, and Chris Pearson

BACKGROUND

One person, one vote is a fundamental tenet of democracy. However, this principle doesn't apply in the election of the most powerful official in the country: the president of the United States.

Instead of counting the votes of all Americans equally, the Electoral College creates a confusing system that gives voters who live in less-populated states more power. It has enshrined a system of minority rule that is out of step with America's increasingly urban and diverse population. For example, a majority of U.S. Supreme Court justices were appointed by presidents who lost the popular vote.

The Electoral College specifically weakens the voting power of large and fast-growing states like North Carolina. According to one analysis, North Carolina is the eighth-most underrepresented state in the country due to the Electoral College, undermining the voice of our state and voters in shaping national policy.¹

The Electoral College system has its roots in maintaining white supremacy. At its founding, three-fifths of the enslaved Black population was counted toward allocating electoral votes. Simultaneously, these individuals were denied the right to vote.

Historically, the Electoral College has subverted the will of the voters. On five occasions – 1824, 1876, 1888, 2000, and 2016 – the president and vice president have been elected without winning the national popular vote.² And the effects of these elections are felt for decades after; for example, a majority of the sitting U.S. Supreme Court justices were appointed by a president who lost the popular vote in their first election.³

Ending the Electoral College's skewed impact on our elections enjoys broad public support. A 2024 Pew Research Center poll found 63% of Americans want the popular vote, not the Electoral College, to decide who is president.⁴

RECOMMENDATIONS

While amending the U.S. Constitution to eliminate the Electoral College would be extremely difficult, there is a step the North Carolina General Assembly can take to move our state and country closer to one person, one vote.

The National Popular Vote Interstate Compact is an agreement among states and the District of Columbia to award all their electoral votes to the presidential candidate who wins the overall popular vote in the 50 states and the District of Columbia. The compact is designed to ensure that the candidate who receives the most votes nationwide is elected president, and it would come into effect only when it would be necessary to ensure that outcome.

Currently, the compact has been adopted by 17 states and the District of Columbia. Together, those states represent 209 electoral votes. The compact needs to be adopted by states totaling 270 or more Electoral College votes to go into effect and influence the outcome of future presidential elections.

In May 2007, a National Popular Vote by State Compact bill passed the North Carolina Senate but later died in the North Carolina House.⁵ Since then, members of the North Carolina General Assembly have filed similar bills several times, with House Bill 191 in 2023 being the most recent.⁶

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NORTH CAROLINA FOR THE PEOPLE

IMPLEMENT RANKED CHOICE VOTING

BACKGROUND

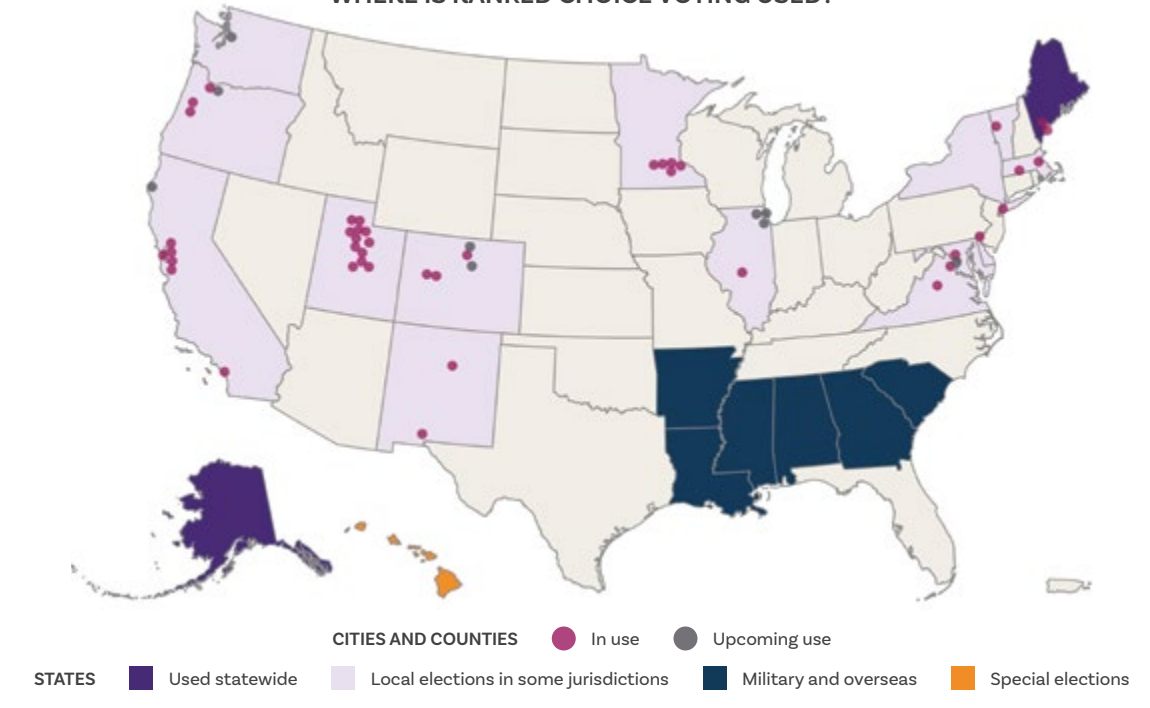
Our current election system, with its winner-take-all approach, has evolved into a system of reduced choices. Voters are pushed to choose from candidates of the two major parties that they often feel don't represent them. This has led to cynical attitudes toward elections and, in some cases, reduced voter participation.

In addition, due to the fact that most electoral districts strongly favor one party, primary elections often determine who will win a general election. Voter turnout is usually very low in primaries — 24% of registered North Carolina voters turned out in the 2024 primary elections, versus 74% in that year's general election¹ — meaning that a much smaller, less-representative group of voters is deciding the outcome of many elections. Ranked choice voting (RCV) addresses these issues and others with our current voting system.

MAJORITY RULE

With RCV, voters rank the candidates first, second, third, and so on. If there is no clear majority winner, the lowest vote getter is removed, and that candidate's voters' second choice votes are reassigned to the respective candidate(s). This process is repeated until one candidate has at least 50% of the vote plus one, and that candidate is declared the winner. This ensures that the winner of a contest will always have received a majority of the vote and, therefore, will represent the choice of more voters.

WHERE IS RANKED CHOICE VOTING USED?



One of the advantages of ranked choice voting elections is that the winner in a one-seat race will have broader support among voters. Currently a race with three or more candidates is won by the candidate who receives the greatest number of votes. This means that a candidate in a three-way contest can win while receiving only 34% of the vote.

With its instant runoff characteristics, RCV (especially with open primaries with all candidates on one ballot) ensures that the candidates with the broadest appeal move forward from the primary to the general election.

COST SAVINGS

Ranked choice voting offers a significant savings by eliminating the need for runoff elections. A statewide Republican primary runoff election held in May 2024 was estimated to cost \$4 million to select nominees for just two offices.² The runoff election was necessary because both races attracted many Republican candidates, resulting in no one candidate receiving 30% of the vote during the primary. The instant runoff feature of ranked choice voting would have delivered a result during the original primary counting process, saving the state millions of dollars.

INFRASTRUCTURE IN PLACE

A 2023 study found that 97% of all North Carolina county voting systems are RCV-capable; this leaves only three low-population counties in need of voting system upgrades to make the entire state RCV-ready.³ This relatively small upgrade investment would return millions of dollars in savings over multiple election years.

TRUE VOTER CHOICE

Ranked choice voting provides the option for third-party candidates to receive a first-choice selection from all of their supporters without the concern that they will be a spoiler for one of the major party candidates. This “spoiling” effect occurred in several races in the 2024 election.⁴

RCV may encourage more voter participation because voters will know that they aren’t limited to choosing between the two major parties to ensure that their vote “counts.” Instead, they can vote their preference for a candidate who best represents their views and then rank the remaining candidates if their first-choice candidate does not win. Of course, voters who prefer to vote for only one candidate will always have the option to do so.

MILITARY AND OVERSEAS VOTERS

Ranked choice voting provides an efficient way for voters living outside of the country to participate fully in an election cycle, and is used by several Southern states including South Carolina and Georgia.⁵ By eliminating run-off elections, RCV saves the time that has been needed historically to mail out and receive ballots if a run-off is required. Often the run-off election is scheduled within weeks of the primary, so turnaround time is too short for the run-off ballots to be mailed, voted, and returned for counting. This denies overseas voters full participation in the election. Instead, under RCV, only two elections — primary and general — would be needed each cycle.

RECOMMENDATIONS

It is time for North Carolina to implement ranked choice voting. North Carolina would join 62 jurisdictions from Alaska to Maine that have implemented some form of ranked choice voting.⁶ With the North Carolina voting machine infrastructure 97% in place to implement RCV, it is just a matter of deciding to move forward.

We recommend the following steps to implement ranked choice voting in North Carolina:

1. Require every single-seat election to be determined by a 50%-plus-one majority of votes.
2. Pilot RCV in a select number of municipalities to demonstrate how RCV will work in the state.⁷
3. Approve RCV for all primary and local government elections with three or more candidates.
4. Provide funding to upgrade the voting systems of the three North Carolina counties whose voting machines are currently unable to implement RCV.
5. Build awareness of RCV among election administrators and voter advocacy groups. This includes sharing RCV educational resources, including best practices and lessons learned from RCV elections throughout the U.S. One example is the information provided by the Ranked Choice Voting Resource Center (based in Kinston).

Allen Ramsier

BETTER BALLOT NORTH CAROLINA

IMPLEMENT PROPORTIONAL REPRESENTATION

BACKGROUND

Proportional representation (PR) is the most common way that democratic governments around the world elect members to their legislative bodies.¹ There is a growing movement for proportional representation within the United States, with PR now used in cities from Virginia to California.² North Carolina should seriously consider integrating proportional representation into our local and state legislative bodies.

In proportional representation, multiple winners secure seats in rough proportion to the votes they receive. This necessitates multimember districts — where each geographic constituency elects more than one representative. Seats are allocated based on the relative vote share received by various parties or candidates, allowing multiple parties to win seats. Essentially, the number of seats held should be based on the number of votes won. For example, if 50% of voters support Party A, 30% of voters support Party B, and 20% support Party C, they get 5, 3, and 2 seats respectively.

By contrast, winner-take-all elections — in which a single candidate who receives the most votes represents the entire district — are how we currently elect U.S. congressional delegations, as well as the North Carolina legislature. Under winner-take-all rules, a slim majority of voters can control 100% of seats, leaving everyone else effectively without representation.

Adopting proportional representation would solve three pressing problems plaguing North Carolina:

- ① **Ensures more adequate representation for historically marginalized groups:** Winner-take-all elections are a carry-over from British rule, and were designed to protect the interests of wealthy, white, male land-owners. Over time, advocates have won voting rights for women, people of color, and young Americans — but the system for choosing winners has not changed. The result has been a historic under-representation of these groups in positions of elected leadership in North Carolina.³
- ② **Corrects for gerrymandering:** Single-member districts are highly vulnerable to gerrymandering, a practice where voting district boundaries are manipulated for partisan reasons. This issue is particularly pronounced in North Carolina, where recent redistricting efforts have faced legal challenges for eroding Black voting power and achieving a Republican super-majority in the state legislature. Research has shown that even some of the most gerrymandered maps in the nation would produce fairer outcomes if these districts were combined into multimember districts and seats were allocated to parties proportionally.⁴
- ③ **Creates truer representation:** Winner-take-all systems often result in a significant proportion of voters who “lose” — and are often only represented leaders who are diametrically opposed to their policy positions. By contrast, proportional representation ensures that nearly all voters have some form of representation, instead of simply having voted for a losing candidate. This is particularly important for independent and third-party voters, who often feel pressured to support mainstream candidates for fear of “wasting” their vote.

RECOMMENDATIONS

- ① **Implement ranked choice voting in state and local elections.** The creation of multi-member districts must be coupled with the creation of a ranked choice voting system to ensure those districts lead to truly proportional outcomes — rather than empowering a simple majority to win all seats. Ranked choice voting allows voters to rank their choices in order of preference, and is ideal for multi-winner districts.
- ② **Establish an independent, nonpartisan commission to study and make recommendations about the use of proportional representation in North Carolina.** The commission should consist of electoral experts, legal scholars, civic leaders, and a balanced representation of political affiliations. Because election reform is inherently complex and often politically contentious, this commission could foster consensus, ensure rigorous research, and craft public education.
- ③ **Establish multimember districts for state legislative elections.** The North Carolina Legislature should amend existing laws to replace single-member districts with multi-member districts for both the State House and Senate. These districts could be designed to elect enough seats to ensure effective proportionality and diverse representation without becoming unwieldy. In addition to revising North Carolina General Statutes, this may also require amending the state constitution.

Melissa Price Kromm & Beatrice Beaubrun
NORTH CAROLINA FOR THE PEOPLE

Kyle Brazile
NC COUNTS COALITION





SECTION 6



Heighten Transparency and Combat Corruption



BROADEN DISCLOSURE LAWS AND PROMOTE GOOD GOVERNMENT

BACKGROUND

North Carolinians deserve a government that is transparent and where elected officials are held to the highest ethical standards. Strong ethics and transparency standards help ensure that lawmakers act in the best interests of the people, rather than their own self-interest or the interests of their party. Implementing ethics and transparency rules can also increase the public's confidence in lawmakers and government.

Over the years, various reform proposals have been introduced in North Carolina to improve ethics and transparency. The following recommendations outline ways to increase accountability and public trust in our state government.

RECOMMENDATIONS

- 1 **Close the Digital Disclosure Loophole.** It is vital that we protect against foreign spending and influence in our elections. This lack of transparency means that voters are left in the dark about who is attempting to influence them, and there is little accountability for bad actors – including foreign nationals, who are legally barred from spending on U.S. elections. This is how trust in the democratic process erodes. To provide sufficient transparency and accountability to safeguard our political system, we must fix loopholes in election spending disclosure rules that don't cover digital election advertising. At present, digital ads that are seen on the internet (including social media) are not required to include a "Paid For By" disclaimer. We must update this rule to ensure that voters have the information they need to interpret political messages and make choices in their interests – and that reporters and government watchdogs can hold political actors accountable.

In 2019, advocates worked with North Carolina lawmakers and experts to create legislation to close the digital election spending loophole.¹ This legislation narrowly defined qualified digital ads as those placed online for a fee, and required most campaign entities supporting or opposing candidates or those engaging in electioneering communications (ads and other widely-distributed materials that mention a candidate 30 days prior to an election) to place disclaimers on their qualified digital ads and file a qualified digital communication disclosure report.

A later version of the bill adds a \$1,000 election spending threshold for digital ads to qualify for disclosure, ensuring that it is not overly burdensome to grassroots candidates or individuals who wish to have their voice heard but are not keenly aware of campaign finance disclosure rules. Unfortunately, both pieces of legislation never advanced beyond first reading, despite overwhelming public support for laws that strengthen donor disclosure.²

- 2 **Increase the Frequency of Campaign Finance Reports.** The public is affected every day by the decisions of their elected representatives, and has the right to know when a campaign contribution or the access it buys contributed to the introduction of a bill, the tabling of an amendment, or a vote on legislation. Secret outside money groups often spend vast sums of money to influence elections, but the source of that money is often not disclosed to the voting public in a timely fashion. By requiring them to file campaign finance reports sooner, voters are provided with a clearer idea of who is funding these organizations before heading to the polls. Advocates proposed North Carolina House Bill 919 in 2013 to increase the frequency of secret outside money disclosure close to an election.³

- ③ **Bring Campaign Finance Reporting Into the 21st Century.** The State Board of Elections should be directed through legislation to create a more accessible and modernized database for campaign finance disclosures. This system should include electronic filings and copies of advertisements from political committees, candidate committees, independent expenditure committees, and unregistered outside spending committees, making it more accessible for public consumption. The New York Board of Elections offers a good model for review.⁴ Implementing similar tools in North Carolina will require investment in cybersecurity and data infrastructure.
- ④ **Restore 60-Day Electioneering Disclosure Window.** Electioneering communications – ads or broadcasts that mention a candidate and reach a certain size of audience – are currently only disclosed if aired within 30 days before early voting. This narrow window limits transparency. North Carolina should return to the previous standard of requiring disclosure of electioneering communications within 60 days before early voting begins.
- ⑤ **Strengthen Revolving Door Restrictions.** The revolving door is a practice in which former public officials benefit from their government service by becoming lobbyists or strategic consultants after leaving office, then selling their inside connections and knowledge to corporate interests. This common practice muddies whether public officials are representing the public or corporate interests. North Carolina law states that no former legislator may register as a lobbyist for six months after leaving office. Advocates argue the mandatory waiting period must be extended from six months to at least two years after leaving office, if not more. The most recent legislation to address this problem extends the mandatory waiting period to four years.⁵ Broader reforms could also include applying these standards to legislative staff, executive branch employees, and appointees.
- ⑥ **Increase Transparency and Predictability at the North Carolina General Assembly.** It should be easier for average citizens to keep track of important policy debates. The Sunshine Act, introduced in 2019, includes several provisions to increase transparency in the legislative branch:⁶
 - Livestreaming and searchable archives of legislative sessions and committee hearings
 - Public release of agendas at least 24 hours in advance
 - Conducting legislative business only between 7 a.m. and 9 p.m.
 - Ending “gut-and-replace” bill tactics that are not germane to the original bill author’s intent
 - Require budget provisions to include the name of the requesting legislator

These reforms would make the legislative process more open and accountable. Similar transparency standards should also be considered for the executive and judicial branches.

- ⑦ **Repeal the Political Money Laundering Loophole in North Carolina House Bill 237.** Passed in 2023, House Bill 237 removed the requirement that federal political committees must register with the State Board of Elections.⁷ This effectively allows political organizations to hide their spending in North Carolina elections. By no longer requiring these campaign finance reports on the same schedule and in the electronic, searchable format as North Carolina political committees, North Carolinians are denied access to information about who is spending big money to influence their elections.

This seemingly minor change in law makes it easier for big-money special interests to influence North Carolina elections while avoiding being directly connected to those activities. It allows federal political committees and organizations – including those that can raise unlimited funds from individual mega-donors – to make unlimited contributions to state and local party committees and affiliated party committees as long as they maintain a separate account for those individual donations. Further, House Bill 237’s broad language could allow even federal super PACs that comply with source restrictions under North Carolina law to donate directly to candidates and other state political committees. These changes create opportunities for donors to play shell games to obscure their contributions by routing large political donations through federal political

committees or organizations, which are not required to timely report their North Carolina election spending in the same manner as other political committees.

The change in the law could allow a legislative leader to funnel big money from special interests donors through a 527 political organization into their “affiliated party committee” to benefit specific candidates. Or traditional federal PACs, like those for wealthy special interests, could donate funds during the regular legislative session on a bill affecting their business, creating more pay-to-play politics. Some state political committees — like state political parties — are also registered with the FEC.

⑧ **Ban the Use of Building Funds for Legal Battles.** North Carolina Senate Bill 382, passed in the lame-duck session of 2024, allows political parties to use their party headquarters building funds to pay for legal actions, like a lawsuit in court or a protest with the State Board of Elections, or to make donations to a candidate’s legal expense funds.⁸ Unlike other campaign contributions, building funds may accept unlimited corporate contributions. Thus, this creates a system where corporate campaign contributions could fund a never-ending cycle of political partisan litigation schemes, which are a contributing factor to disinformation about election security.⁹

⑨ **Undo the Dark Money Shield Bill:** In 2025, the North Carolina General Assembly overrode the governor’s veto to pass Senate Bill 416.¹⁰ The legislation imposes significant restrictions on the public disclosure of donors, extending beyond traditional charitable organizations classified as 501(c)(3) by the IRS to include politically-active nonprofit entities such as 501(c)(4) social welfare organizations, 501(c)(5) labor unions, and 501(c)(6) business leagues. These classifications encompass many of the organizations most frequently engaged in political advocacy and election-related activities. The bill thereby enhances the ability of affluent special interests to obscure their financial influence on the political process, even in cases where they expend substantial sums to shape electoral outcomes.

Critically, Senate Bill 416 also eliminates existing transparency requirements for Legal Expense Funds, creating a significant loophole in campaign finance law. Under prior law, elected officials were required to disclose the sources of funding used for their legal defenses. However, this new law permits candidates to establish such funds without any obligation to reveal donor identities, raising serious ethical concerns. For example, during a recent judicial election, Supreme Court candidate Jefferson Griffin attempted to invalidate more than 65,000 ballots. Public disclosure laws at the time revealed that his legal fund had received a \$5,000 contribution from a sitting judge on the Court of Appeals, which could have been involved in hearing the election litigation — information that provoked legitimate concerns regarding judicial impartiality and potential conflicts of interest.¹¹ Under the provisions of Senate Bill 416, such a contribution would remain undisclosed, depriving voters of critical information and undermining public confidence in the judiciary.

Furthermore, the legislation allows individuals or entities with state contracts to make anonymous contributions to the same lawmakers responsible for awarding those contracts.

Rather than protecting donor privacy, this provision facilitates a political environment ripe for quid pro quo arrangements and exacerbates the risk of institutional corruption. In sum, Senate Bill 416 represents a substantial rollback of transparency and accountability in North Carolina’s political system, and should be repealed.

Melissa Price Kromm

NORTH CAROLINA FOR THE PEOPLE



STRENGTHEN COORDINATION LAWS

BACKGROUND

For our democracy to be effective, candidates and elected officials have to answer to their constituents – not wealthy special interests. Campaign contribution limits reduce the undue influence of wealthy donors, guarding against political corruption and ensuring that officeholders are accountable to the people they represent.

In line with federal law and other states, North Carolina limits contributions by anyone giving directly to a candidate or coordinating their political spending with a candidate. Because coordinated spending is just as valuable to candidates as direct contributions, coordination between outside spenders and their preferred candidates must be regulated to prevent big donors from indirectly bankrolling campaigns while evading contribution limits.

The U.S. Supreme Court's 2010 Citizens United decision, together with subsequent court decisions, opened the floodgates for supposedly "independent" groups to accept and spend unlimited amounts of special interest money in our elections. As outside spending has exploded, the legal lines separating "independent" and "coordinated" spending have become critically important.

However, most state laws have not been updated to reflect this new reality. Many coordination laws focus on particular expenditures and do not address the sophisticated relationships that exist between campaigns and outside spenders.¹ For example, at the federal level, super PACs are often formed or managed by a candidate's former staff, thereby using those staffers' unique knowledge of the candidate's campaign to guide the super PAC's spending in a way that is most beneficial to the candidate, all while dubiously claiming to be independent.²

North Carolina's coordination law is similar to federal law:³ A coordinated expenditure occurs when a person makes an expenditure "in concert or cooperation with, or at the request or suggestion of" a candidate or the candidate's campaign.⁴ These coordinated expenditures are considered contributions⁵ and are subject to contribution limits.⁶ But to be effective, these standards should be updated to address specific conduct that candidates and spenders use to illicitly work in tandem.

In federal campaigns and in North Carolina, candidates and independent groups have pushed the boundaries of "coordination" to evade contribution limits. These schemes include sharing employees, fundraising efforts, and campaign materials, without a direct agreement between the candidate and the nominally independent group regarding expenditures. Outside groups and candidates may try to evade coordination laws by hiring the same firm for their campaign services, using the common firm to informally coordinate their strategy.⁷ At the federal level, candidates have gone so far as to tell the public that a super PAC is their preferred PAC and appear at events to help the PAC fundraise, even though the PAC is supposed to operate independently and is prohibited from coordinating with the candidate. If a candidate can solicit large contributions from a supporter to a supposedly "independent" PAC supporting the candidate, the contribution limit to candidates is eviscerated.⁸

Most recently, in a brazen example of obvious coordination, Elon Musk exploited a massive hole in federal coordination rules by using his super PAC to spend over \$230 million in support of Trump's candidacy, including field canvassing programs directly coordinated with the Trump campaign.⁹ Musk's coordinated canvassing program reached close to 11 million households in battleground states,¹⁰ including North Carolina.¹¹ The scheme allowed Musk to spend enormous sums working hand-in-glove with the campaign—circumventing contribution limits—while cynically claiming to be "independent."

Candidates across the country have also increasingly used a practice known as “redboxing” to evade coordination rules while overtly coordinating with outside spenders.¹² “Redboxing” involves candidates’ publication of campaign materials, messaging, and strategy on their public campaign websites, with explicit signals about the kinds of ads that supportive super PACs should run, often set out in an actual bright red box on the candidate’s website.¹³ Although the signals — like the phrase “voters need to see on the go,” which means the campaign wants the super PAC to amplify the message on social media platforms — are meaningless to the general public, they provide direct guidance to super PACs on how to most effectively support the candidate.

RECOMMENDATIONS

North Carolina’s coordination law should be updated to cover the ways that candidates and ostensibly independent groups work together. These policies focus on the relationship between a campaign and an outside spending group, defining the ways they may and may not work together.

First, the law should be amended to provide holistic standards for determining whether expenditures are coordinated and thus are subject to contribution limits. Current law refers only to explicit requests or suggestions. In general, these standards should apply to any expenditures by outside groups that have certain connections or contacts with the candidate’s campaign. These connections or contacts should include the following:

1. A candidate, candidate’s family member, or campaign official has a role in forming or managing the group making the expenditure.¹⁴
2. A candidate fundraises for the group making the expenditure or appears at the group’s fundraising events.¹⁵
3. The group makes the expenditure relying on nonpublic information about the campaign that is provided by the candidate or others involved in the campaign.¹⁶
4. The group making the expenditure employs a former employee or associate of the candidate,¹⁷ or uses a common vendor also providing services to the campaign.¹⁸

If a group with these types of connections to a candidate’s campaign makes certain types of expenditures to benefit the candidate, the expenditures should be considered coordinated and subject to contribution limits. The types of expenditures covered by an effective coordination law should include partisan voter activity, political advertising, or research and support for these activities that benefit a particular candidate.

Second, when a group republishes a candidate’s campaign materials or uses information from a candidate’s redbox to run ads supporting the candidate, the expenditure should be considered a coordinated expenditure.¹⁹

Finally, North Carolina law should provide strict guidelines for how a group can engage in independent spending without running afoul of the coordination law when working with common vendors or former campaign employees. Implementing effective firewall policies that meet this necessary standard would permit these groups to make independent expenditures without their activities being considered coordination.²⁰

Aaron McKean
CAMPAIGN LEGAL CENTER

ENSURE VOTERS' "RIGHT TO KNOW" ABOUT MONEY BEHIND ELECTIONS

BACKGROUND

Unlimited secret campaign spending has become one of the most pernicious problems in American politics. In 2024 alone, dark money groups – nonprofits and shell companies that spend on elections without revealing their donors – unleashed more than \$1.9 billion into federal elections. This was an increase over the \$1 billion spent in 2020.¹

This avalanche of secret political spending stems largely from the 2010 U.S. Supreme Court *Citizens United v. FEC* decision, which granted corporations and unions the ability to spend unlimited amounts of money to influence elections through “independent” expenditures.

At the heart of the court’s decision, however, was a near-unanimous conclusion that it is within the constitutional purview of legislatures to require transparency of the identities of political spenders and contributors, giving voters the ability to know who is paying for campaigns to influence their decisions at the ballot box. In the *Citizens United* ruling, eight of the nine justices affirmed that:

“The First Amendment protects political speech, and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.”²

If voters know who is speaking, the logic goes, then the risk of corruption (or appearance of corruption) resulting from “independent” spending is reduced.

Unfortunately, in the decade following *Citizens United*, U.S. laws regulating disclosure have largely failed to deliver on the court’s endorsement of transparency. Unlimited “independent” spending has surged – and, along with it, “dark money” where the identity of donors is obscured.

Not only is “dark money” spending not transparent; as a primary source of attack advertising,³ it promotes divisiveness and polarization in political discourse.⁴ It also allows special interests to achieve undue credibility in their campaign communications, giving deceptive, highly-targeted messages more persuasive power by distancing them from the big-money sources that fund them. Dark money is also a key mechanism by which foreign actors have sought to sway our national elections.⁵

North Carolina has not been immune to the surge of dark money spending in elections. Secret spending has played a growing role in North Carolina elections over the last decade in both federal and state-level elections.⁶ The ability to spend unlimited amounts of money in secret has given an outsized voice to wealthy donors,⁷ and has come to shape public opinion in the form of political activism masquerading as journalism.⁸

RECOMMENDATIONS

There is a common-sense solution to curb the problem of dark money in politics that has gained traction in states from Alaska to Arizona: giving voters a “right to know” who is trying to influence their vote. The vast majority of American voters believe they should have this right.

Voters’ Right to Know bills contain measures requiring some or all of the following:

- Political advertising expenditures above a certain threshold disclose their true source of funding (in other words, a natural person or corporation).
- Political ads include a disclaimer stating the true-source identities of the top contributors to a campaign.
- Information about the true sources of political expenditures are publicly available in an online, accessible format.
- An independent, nonpartisan agency is granted the authority to oversee and enforce compliance with rules surrounding the transparency of political spending.

Voters across the country are demanding greater transparency in election spending:

- In 2018, North Dakota voters passed a citizen-initiated constitutional amendment requiring public disclosure for all campaign expenditures over \$200.
- In 2020, Alaska voters passed a measure mandating that independent expenditures over \$2,000 disclose their true sources of funding.
- In 2022, Arizona voters passed an initiative (with over 70% support) requiring groups making independent expenditures over \$50,000 on statewide races and over \$25,000 on local races to disclose the true sources of contributions above \$5,000.⁹
- In 2024, Oregon passed a bill with provisions on original source disclosure and ad disclaimers that are substantially similar to the Arizona law.¹⁰

North Carolina has the opportunity to join this growing movement for transparency and accountability in our elections. To preserve the integrity of our elections, North Carolina must act to ensure voters can identify who is truly behind political messaging, fulfilling the U.S. Supreme Court’s vision of transparency as a guard against corruption in our electoral system.

Jim Heerwagen
VOTERS’ RIGHT TO KNOW



EXPAND OPPORTUNITY WITH VOTER-OWNED ELECTIONS

BACKGROUND

The relentless pressure to raise money to finance campaigns distorts every aspect of our democracy. The cost of running for office in North Carolina has steadily increased, posing what amounts to a wealth barrier to serving as an elected official. It's not uncommon for candidates seeking a seat in the state House or Senate to raise \$250,000 or more for their campaign. In 2020, candidates for the North Carolina Supreme Court raised an average of nearly \$1.2 million, and Court of Appeals races averaged more than \$269,000.¹

The rising cost of running for office means candidates often spend more time dialing for dollars than talking to voters about the issues. The growing wealth barrier not only hurts the diversity of candidates who seek public office, but also creates conflicts of interest when elected officials accept large sums of money from special interests whose issues they will be making decisions about in the executive, legislative, or judicial branches.

The public believes that Big Money spending and special interest influence are problems in need of a solution. For example, a 2023 Pew Research poll found that 85% of the U.S. public believes the cost of political campaigns makes it hard for good people to run for office, and 58% believe it's possible to implement laws that would reduce the role of money in politics.²

North Carolina has an opportunity to expand political opportunity for all by ensuring that any candidate with a broad base of support – not just those with a lot of money or access to wealthy donors – can run for elected office.³





RECOMMENDATIONS

To expand opportunity and access to public office, and build trust in our elected officials, North Carolina should adopt voter-owned elections. Voter-owned election programs enable candidates to receive public funds if they can demonstrate strong support from a wide range of small-dollar donors.

North Carolina has successfully used such programs in the past for judicial races, select Council of State races, and even a pilot program for local officials. These programs were widely and successfully used by Democratic and Republican candidates before being dismantled under pressure from Big Money interests.⁴ It is time to bring these programs back, modernized and improved.

PUBLIC FINANCING MODELS

There are several ways to structure voter-owned elections:

-  **Matching Funds:** Candidates are given public money that matches the amount of small donations, amplifying grassroots support.
-  **Block Grants:** Qualified candidates receive a lump sum of money and agree not to raise money from private sources.
-  **Democracy Vouchers:** Voters receive vouchers to donate to participating candidates, who then receive equivalent public funds.
-  **Hybrid Systems:** Combine elements of the above, such as initial block grants followed by donation-matching.

States and localities across the country have found creative ways to fund voter-owned public-financing programs. One researcher identified more than 40 examples of bonds, fees, surcharges, and other creative means to collect resources that can be used for public financing.⁵

There are four key areas where North Carolina can move forward on expanding opportunity through voter-owned elections:

- ① **Local voter-owned elections.** A simple first step would be to allow North Carolina localities to create small-donor public financing programs, or provide tax credits or rebates for small-donor contributions. Democracy advocates backed House Bill 621 in 2015, which authorized localities with populations greater than 50,000 to implement local voter-owned election programs.⁶ This would allow local governments to design their own public financing systems and provide incentives for small-dollar contributions.
- ② **Judicial voter-owned elections.** Reinstate North Carolina's lauded judicial public financing program for statewide judicial elections. This program, formerly known as the Voter-Owned Elections Fund, provided block grants to judicial candidates who met certain fundraising qualifications, and was funded by a fee on lawyers and a voluntary tax checkoff. North Carolina House Bill 737 introduced in 2015 would have increased the amount of public financing from the state's previous system to address the dramatic rise in spending by outside groups in the wake of the 2010 Citizens United decision.⁷ A hybrid program with an initial block grant to those who qualify, followed by small-donor matching grants, could help create a more level playing field in the current environment.
- ③ **Executive branch voter-owned elections.** To increase opportunities for candidates in the executive branch, North Carolina could reinstate a public financing program for executive offices such as the Commissioner of Insurance, State Superintendent, and State Auditor. The 2007 voter-owned elections program for these offices was highly effective, and similar programs could be refined to adjust for the post-Citizens United environment, where outside spending can overwhelm campaigns.⁸
- ④ **Legislative voter-owned elections.** Voter-owned public financing options should be extended to all N.C. General Assembly races. One model for this program could be Maine's public financing system, in which candidates demonstrate their grassroots support by collecting \$5 qualifying contributions from voters in their district, and agree not to raise or spend any private money. They are then given public support from the Maine Clean Election Fund to run their campaigns.⁹

North Carolina has the opportunity – and the precedent – to lead the nation in building a democracy that is truly of, by, and for the people. Voter-owned elections are a powerful tool for expanding opportunity, increasing representation, and restoring public trust in government.

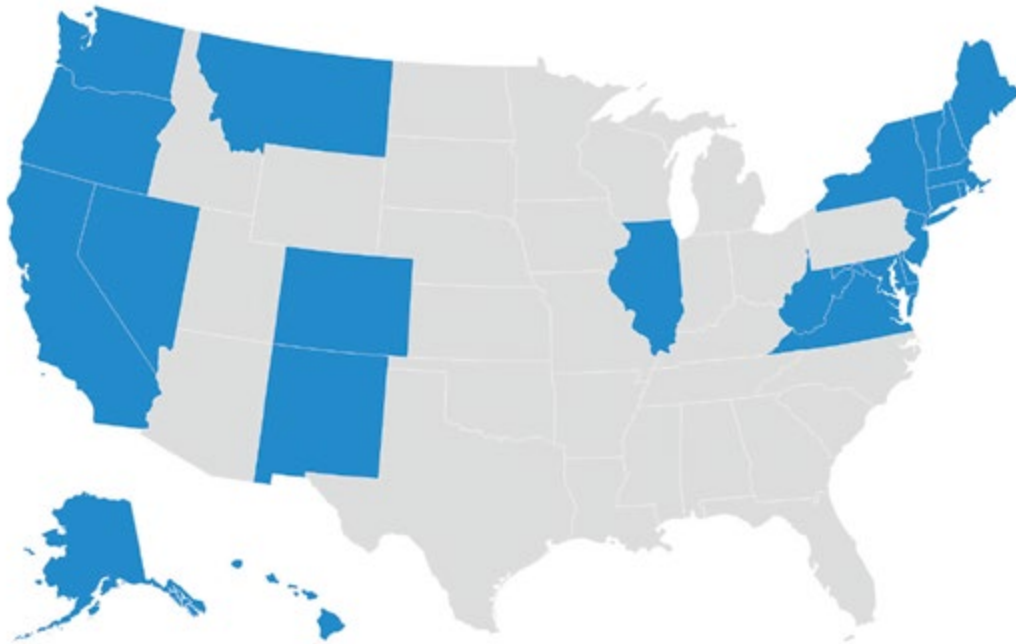
Melissa Price Kromm

NORTH CAROLINA FOR THE PEOPLE



OVERTURN CITIZENS UNITED

STATES THAT HAVE CALLED FOR OVERTURNING CITIZENS UNITED



Map: Lekha Shupeck, The Institute for Southern Studies, March 2025 • Source: United for the People • Created with Datawrapper

BACKGROUND

A government “of, by and for the people” is the most basic promise of American democracy. However, in 2010 the U.S. Supreme Court’s Citizens United decision undermined this promise by ruling it is unconstitutional to limit the amount of money that corporations can spend on elections.

Corporations and special interest institutions should not be able to buy control of our democracy. Elected leaders must come together to remove unlimited corporate spending from politics.

The Citizens United ruling has given special interests an unfair advantage over the will of the people. Corporations are not people, and they should not be allowed to buy political influence through unlimited advertising, or purchase control over public policies. Before Citizens United, corporations could spend money on political activities that took a stance on specific issues and stopped short of directly endorsing or attacking candidates. Direct advocacy had to be done through political action committees, which are subject to more oversight and regulation.

Today, 15 years later, corporate interests can funnel contributions directly into groups that don’t have to disclose their donors. These groups, in turn, can buy unlimited amounts of media or other activities directly attacking or supporting candidates. Citizens United helped set off a tidal wave of corporate and special interest spending. In the 2024 elections, \$1.9 billion in “independent” spending by outside groups poured into the presidential race alone.¹

RECOMMENDATIONS

North Carolina should join a growing number of states voicing opposition to the Citizens United decision and its damaging impact on our democracy. The North Carolina legislature can pass a resolution calling on Congress to overturn the Supreme Court’s Citizens United v. FEC decision. Neighboring Virginia recently became the 22nd state to pass a resolution supporting a constitutional amendment to overturn Citizens United.² There is already a groundswell of

support for such a measure in the state: So far, 15 municipalities in North Carolina have joined 800 cities and towns across the country in passing resolutions calling for an amendment to overturn the Citizens United decision.³

In North Carolina, several legislative resolutions have been introduced with the same goal. In 2015, House Joint Resolution 125 was filed at the legislature requesting that Congress amend the U.S. Constitution and overturn the Citizens United decision.⁴ North Carolina can take action now to join the growing movement against skyrocketing special interest spending and return politics to everyday people.

States are exploring other approaches to address the avalanche of corporate spending unleashed by Citizens United. In Montana, a 2026 ballot initiative would amend the state's constitution to block corporate and anonymous "dark money" political spending in elections. Rather than restricting corporate speech directly, the initiative takes a different route: it exercises the state's ability to define what corporations are allowed to do to conduct business, and removes political spending power from the list. This is a legal authority every state has, but none have exercised in more than a century.⁵

Melissa Price Kromm

NORTH CAROLINA FOR THE PEOPLE



REFORM THE CITIZEN LEGISLATURE

BACKGROUND

North Carolina's compensation for legislators is among the lowest in the country. Among Southern states, Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, Virginia, and West Virginia all offer a higher base salary to legislators than North Carolina's rate of \$13,951 a year, with a \$104 per diem for expenses.¹ North Carolina legislative pay has not been increased in more than 25 years, and the current per diem rate is based on the 1993 federal reimbursement rate.

The low pay offered to lawmakers presents a significant barrier, particularly for younger and less affluent North Carolinians, making it difficult for them to serve in public office. As a result, representation in the legislature skews towards those who are independently wealthy or retired. In fact, the majority of North Carolina legislators in 2023 listed their profession as "retired."²

Additionally, low pay can open the door to ethical conflicts. For example, complaints have been filed against legislators for using campaign funds to cover living expenses, including the costs of housing.³

The low pay for North Carolina legislators is excused on the grounds that the General Assembly is ostensibly a part-time legislature. However, in reality, it is a hybrid legislature, moving towards being full-time. North Carolina's legislative sessions have no fixed start and end dates, meaning that a session can go on for an indeterminate amount of time. For example, the 2021-2022 long session lasted a record-breaking 15 months. This long and unpredictable schedule is especially difficult for those with families or demanding jobs.

RECOMMENDATIONS

The first step toward reform is to increase the base compensation for members of the North Carolina General Assembly over the 2024 annual base rate of \$13,951. Due to the political optics of raising pay for politicians, legislators could tie their yearly salary to starting teacher salaries.

Second, reimbursements for per diem and travel expenses must be increased. In 2021, bipartisan legislation was filed to bring the reimbursement rates in line with 2019 federal rates, beginning in 2023, but the bill didn't advance.⁴

Finally, reform is needed to clarify whether North Carolina is a part-time, hybrid, or full-time legislature. If the terms and expectations of serving in a General Assembly seat are clarified, candidates and lawmakers will know what they're signing up for when they serve in elected office.

Melissa Price Kromm

NORTH CAROLINA FOR THE PEOPLE



SECTION 7

Ensure Fair and Impartial Courts



RETURN TO NONPARTISAN JUDICIAL ELECTIONS

BACKGROUND

During his confirmation hearing for the U.S. Supreme Court in 2017, Justice Neil Gorsuch said, “There’s no such thing as a Republican judge or a Democratic judge.” Ideally, this should be the case: Partisan politics has no place in the courtroom.

However, in 2016, North Carolina became the first state in nearly a century to shift from nonpartisan to partisan judicial elections. The shift has left the state out of the mainstream: Only seven states still use partisan elections for their appellate courts.¹

Judges are not politicians, and making our judicial institutions partisan further threatens the public’s trust in fair and impartial courts. We expect judges to rule based on the law and the facts, not political allegiances. The integrity of our courts depends on public confidence that the judiciary is not simply another political branch of government, but a fair and impartial decision maker for all.

RECOMMENDATIONS

North Carolina can help restore independence to our courts and bolster public confidence in the judiciary by once again making all judicial elections nonpartisan. Nonpartisan judicial elections will help ensure that qualified judges, rather than political operatives, serve on courts and better insulate the judicial branch from political pressures.

Melissa Price Kromm

NORTH CAROLINA FOR THE PEOPLE



REFORM JUDICIAL ETHICS RULES TO MINIMIZE THE ROLE OF WEALTHY DONORS

BACKGROUND

North Carolina's judicial elections have become more politicized — and more expensive — in recent years. Millions of dollars have poured into elections for the state Supreme Court, often from special interest groups. The Brennan Center for Justice found that the 2022 North Carolina Supreme Court election was the costliest judicial election in state history, with candidates and outside special interest groups spending more than \$17 million. These numbers are only expected to rise in coming years, as millions of dollars flood into judicial elections across the country.¹

Unlike most other states with judicial elections, North Carolina judicial candidates can personally solicit campaign contributions. As a result, lawyers and businesses with a stake in a court's rulings often fund these justices' campaigns. In 2014, an incumbent justice reportedly told a group of wealthy lawyers and corporate executives at a fundraiser that he “looked forward” to seeing them in court.²

Until 2013, candidates for North Carolina's appellate courts could rely on public financing instead of wealthy donors to fund their campaigns. Candidates could receive public funds by raising a certain number of small contributions and pledging not to accept larger donations. But the N.C. General Assembly ended the program, leaving judicial candidates to rely on private contributions, even when they present a clear conflict of interest. Without public financing, candidates in the last six elections for the North Carolina Supreme Court have had no choice but to raise large contributions from wealthy donors.

As these conflicts of interest have grown more common, judicial ethics enforcement has become highly politicized. Republicans have targeted Democratic justices with ethics complaints, including one filed just weeks before the justice was on the ballot.³ In 2023, a ProPublica report revealed that the N.C. Supreme Court refused to discipline two Republican judges who admitted to breaking ethics rules.⁴

RECOMMENDATIONS

North Carolina could take several steps to reduce the conflicts of interest and politicization of the courts:

- 1 **Prohibit judicial candidates from personally asking for campaign contributions.** Many states that elect trial or appellate judges prohibit candidates from directly asking potential donors for campaign cash, including Georgia, Kentucky, and Louisiana.⁵ Some states allow judicial candidates to establish committees that solicit contributions on their behalf, which aligns with the American Bar Association's model judicial ethics rules.⁶

The North Carolina legislature should pass a law prohibiting judicial candidates from personally asking for campaign contributions. Most states with judicial elections ban personal solicitation, due to the risk that the public will perceive judges as beholden to campaign donors. Additionally, changes to the Judicial Code of Conduct could implement these reforms administratively.

The legislature or court could go further and prohibit judges from soliciting contributions to independent groups supporting their campaign, and from coordinating with these groups, including speaking at their events.

Bans on personal solicitation have received support from judges across the political spectrum. For example, Justice Ruth Bader Ginsburg and Chief Justice John Roberts both joined the U.S. Supreme Court's 2015 decision to uphold Florida's ban on personal

solicitation. Roberts wrote that, “Judges, charged with exercising strict neutrality and independence, cannot supplicate campaign donors without diminishing public confidence in judicial integrity.” He discussed the pressure that lawyers could feel to contribute when “the same person who signed the fundraising letter might one day sign the judgment” in their case.⁷

- 2 **Create a new system for determining when a judge should be recused from hearing a court case.** North Carolina’s judicial ethics rules require judges to sit out of cases “in which the judge’s impartiality may reasonably be questioned.”⁸ In other words, anytime there’s a reasonable question about potential bias, the judge shouldn’t hear the case. But when it comes to the state Supreme Court, the justices themselves decide when the rules require them to sit out a case.

Legislators should pass a law ensuring that, when a party asks a judge to sit out a case due to a conflict of interest, their request receives fair and independent consideration. Most importantly, someone besides the challenged judge should get to decide whether recusal is appropriate.

In 2019, the North Carolina Supreme Court took the decision of whether to recuse out of the hands of individual justices. But when recusal motions were filed in the fall of 2021, the court debated whether to let individual justices or the remaining justices decide on recusal. In December 2021, the court voted to let the individual justices decide. The justices did, however, require that recusal decisions be made public. And they left individual justices with the option to refer the issue to their colleagues.⁹

Lawmakers can undo the court’s ruling and reinstate the system of independent consideration of recusal.

Fifteen states allow for independent review of motions to recuse supreme court justices, including Texas, Tennessee, Georgia, Louisiana, and Mississippi.¹⁰ The states have different processes for handling recusal requests. In Texas, if a party asks a justice of the state supreme court to step aside, the justice must either remove themselves from the case or submit the matter to the remaining justices. In Alaska, anytime a justice denies a request for their recusal, the request is transferred to the rest of the justices for a final decision.¹¹

- 3 **Require the independent consideration of ethics complaints.** For decades, the N.C. Judicial Standards Commission investigated ethics complaints against justices of the state Supreme Court, and a panel of N.C. Court of Appeals judges determined whether the justices violated their ethical obligations. But in 2013, the legislature changed this system to give the state Supreme Court the sole power to decide when judges violated ethics rules.¹² And unless the court decides to impose a sanction, the process isn’t public.¹³

Legislators should repeal the 2013 change and reinstitute the three-judge panel to adjudicate ethics complaints against high court justices. Justices shouldn’t be asked to police the ethics of their colleagues.

- 4 **Require attorneys and parties to disclose campaign contributions.** In order for conflict-of-interest rules to be effective, lawyers and parties before a judge must be aware of conflicts of interest. Weak disclosure rules make it difficult to know when a lawyer or a party has spent money to support the judge who is hearing their case.

The legislature should pass a law requiring attorneys and parties to disclose this information. North Carolina law can require attorneys and parties before a judge to file a disclosure affidavit listing any of their campaign contributions, independent expenditures, or contributions to independent spenders to benefit the judge. These disclosures could resemble those that corporations must make in federal court about corporate relationships that may not be immediately apparent.

The Brennan Center for Justice recommends imposing “rigorous disclosure standards on litigants and their counsel” to ensure that judicial ethics rules can prevent conflicts

of interest. In a 2011 report, the group provided recommended language for a disclosure affidavit.¹⁴

The court can add a rule to the Rules of Appellate Procedure requiring attorneys and parties to file a disclosure affidavit listing any campaign contributions, independent expenditures, or contributions to independent spenders, made to benefit the judge. These disclosures would resemble the disclosures that corporate entities must make in federal court about corporate relationships that may not be immediately apparent.

Billy Corriher
PEOPLE'S PARITY PROJECT

Douglas Keith
BRENNAN CENTER FOR JUSTICE

INCREASE DISCLOSURE OF JUDICIAL FINANCIAL CONFLICTS

BACKGROUND

In 2021, the Wall Street Journal reported that it had identified 131 federal judges who failed to recuse in 685 cases between 2010 and 2018 in which they held a financial interest in one of the parties.¹ Two of these judges — one appointed by President Reagan and another by President Obama — preside over courts in North Carolina. After the report was made public, Congress acted swiftly to pass a law cracking down on these conflicts of interest.

While the Journal's investigation and subsequent legislation focused on the federal courts, state courts should also provide these measures of public transparency. State and federal courts both derive their power from the public's faith in their impartiality, which requires meaningful public access to the information necessary to confirm that judges are not using their offices for financial benefit.

Luckily, the North Carolina State Ethics Commission already provides lower court judges' and Supreme Court justices' annual financial disclosure reports. These reports, called Statements of Financial Interest, are posted within a reasonable timeframe in an easy-to-use, searchable online database — access that is rare by national standards.

But a second disclosure, comprising the gifts and reimbursements that judges and justices received during the prior year, called the Report of Gifts and Quasi-Judicial or Extra-Judicial Income Sources, is only available by emailing the N.C. Supreme Court clerk's office.

RECOMMENDATIONS

North Carolina's judges and justices should be required to disclose when they buy or sell a stock within 45 days of the purchase or sale. This would allow judges to be more cognizant of their conflicts of interest, and litigants and the public to assess any potential judicial biases. For similar reasons, annual judicial gift reports should be posted online, similar to annual judicial disclosure reports.

Gabe Roth
FIX THE COURT





SECTION 8

Protect the
Right to Protest



PROTECT THE RIGHT TO PROTEST

BACKGROUND

Vibrant, effective protest movements have helped secure the rights and freedoms we now take for granted. Without the Civil Rights Movement, for instance, we would not have been able to receive equal access to education. Without the suffragette and Civil Rights Movements, neither of the authors writing this article would have the right to vote. Everything from the five-day work week, to protections for immigrants, to marriage equality, were won with the help of community-driven protest movements.

For marginalized communities, protest remains an essential tool for amplifying voices and demanding justice in the face of systemic oppression. Protest is not merely a right; it is a vital mechanism for addressing the inequities inherent in other democratic processes. As attacks on voting rights and judicial integrity escalate, public demonstrations provide a critical outlet for engagement and resistance.

RECENT LEGISLATIVE ATTACKS ON THE RIGHT TO PROTEST

In the past few years, the North Carolina General Assembly passed a series of bills attempting to dilute the right to protest. These laws are widely regarded as being a direct response to the Black Lives Matter protest movement¹, and are part of a national legislative backlash against calls for racial justice and police accountability.²

Not only do anti-protest laws suppress free speech — they seek to criminalize Black and Brown communities, and foster a narrative that protests are inherently dangerous. These laws disproportionately impact Black communities and students, chilling participation in protests addressing systemic racism and police brutality.

N.C. HOUSE BILL 805 (2021)

This bill, vetoed by Governor Roy Cooper, aimed to criminalize peaceful demonstrations, allowing law enforcement to arbitrarily label protests as riots. The bill also mandates that a judge, not a magistrate, set bail for those accused of rioting or looting, potentially holding individuals arrested at protests in jail for up to 48 hours. It also allows property owners to sue protestors for damages up to three times the property's value, disproportionately burdening low-income individuals.³

N.C. HOUSE BILL 40 (2023)

This bill emerged just days after millions demonstrated across the country for Tyre Nichols, a Black man fatally shot by police in Memphis, Tennessee. House Bill 40 significantly increases the punishment for protesting and makes protestors liable for substantial civil damages to individuals harmed by a protest.⁴ The bill was passed into law without the governor's signature.

N.C. HOUSE BILL 237 (2024)

This bill bans the use of masks during protests, reviving a long-dormant anti-mask law.⁵ Citing recent demonstrations against Israel's military campaign in Gaza, this legislation also increased penalties for protestors engaged in road blockades. Such measures clearly aim to deter collective action and stifle political dissent.

The suppression of protest is not just a violation of constitutional rights — it is a threat to democracy itself. When lawmakers pass vague and punitive bills, they send a chilling message: dissent will not be tolerated. This is particularly dangerous in North Carolina, where student activists and marginalized communities have historically driven progress, from the Greensboro sit-ins of 1960 to the Raleigh Black Lives Matter protests of 2020.

POLICING PROTEST: A DANGEROUS ESCALATION

The militarization of law enforcement in North Carolina has further escalated tensions between protesters and the state. During the 2020 Raleigh Black Lives Matter protests, police deployed tear gas and rubber bullets indiscriminately,⁶ echoing a broader trend across the U.S. According to Amnesty International, law enforcement used unnecessary force against protesters 125 times in a matter of days in 2020, including multiple incidents in North Carolina.⁷

This militarized response is not just dangerous — it deters lawful assembly. Protesters who were tear-gassed in Raleigh in 2020 reported respiratory issues, injuries, and psychological trauma, chilling participation in future demonstrations. Such tactics serve to silence dissent, especially when paired with punitive legislation.

TARGETING STUDENTS AND MARGINALIZED VOICES

Students and marginalized communities have been disproportionately affected by these measures. In 2023, at UNC-Chapel Hill, several students were suspended for participating in demonstrations opposing U.S. military involvement in Gaza. Activists accused the university of failing to uphold due process and using disciplinary measures as a tool to suppress dissent.⁸

Similarly, the escalation of penalties for protest-related offenses disproportionately impacts communities of color. An analysis of the police response to Black Lives Matter protests in 2020 found police were three times more likely to be present at racial justice protests than other demonstrations, and racial justice protests were more than seven times more likely to be met with high-level policing including riot police, state police, and the National Guard.⁹



RECOMMENDATIONS

To protect the right to protest, North Carolina should take the following steps. Through these measures, North Carolina can reaffirm its commitment to democracy and the rights of its citizens.

- ① **Repeal recent anti-protest legislation.** Repeal House Bill 237 and House Bill 40, which were passed specifically to target and criminalize protesters.
- ② **Repeal anti-mask laws.** Seventeen states, including North Carolina, have anti-mask laws, which have historically been used to target protesters. During the COVID-19 pandemic, such laws posed public health risks. The rise of facial recognition technology enables both the government and private parties to surveil and possibly harass protesters, creating significant privacy and safety concerns.¹⁰
- ③ **Limit police use of “less-lethal” weapons.** Police reliance on tear gas, rubber bullets, and sound cannons escalates violence. According to Amnesty International, such weapons injured over 1,000 protesters nationwide during the 2020 uprisings. These weapons should never be used at assemblies protected by the First Amendment, especially if minors are present.¹¹
- ④ **Reform riot laws.** Public order laws (such as unlawful assembly, disorderly conduct, and rioting) that have overbroad provisions are often used to arrest peaceful protesters. Some states have introduced bills to modify these laws, limiting their potential for abuse. In that vein, legislation like House Bill 40 must be amended to prevent the criminalization of peaceful assembly.
- ⑤ **Expand protest-specific training for law enforcement.** Police assigned to protests should be required to complete de-escalation training. This could significantly reduce incidents of excessive force, as seen in Raleigh during the 2020 Black Lives Matter demonstrations.
- ⑥ **Adopt municipal laws protecting the right to protest.** Cities that are often the sites of protests, like Charlotte and Raleigh, should pass laws protecting the right to assemble within their boundaries. Cities can look to Washington D.C.’s First Amendment Rights and Police Standards Act for guidelines.
- ⑦ **Require police officers present at protests to identify themselves.** In order to enhance law enforcement’s accountability during demonstrations, law enforcement officers should prominently display identification, including a name or badge number, as well as their law enforcement agency.
- ⑧ **Strengthen the restrictions of guns at protests.** Armed individuals intimidate and discourage people from exercising their rights to speech and assembly. The presence of guns at protests also poses a very real threat to public safety, including the well-being of demonstrators.
- ⑨ **Ensure due process for student activists.** Institutions like the University of North Carolina must adopt transparent processes for handling disciplinary actions against protesters. Students should not face suspension or expulsion for exercising their First Amendment rights.

The stakes are high. But history teaches us that even in the face of repression, movements for justice endure. The courage of North Carolina’s protesters — past and present — proves that the fight for progress will continue, no matter the obstacles.

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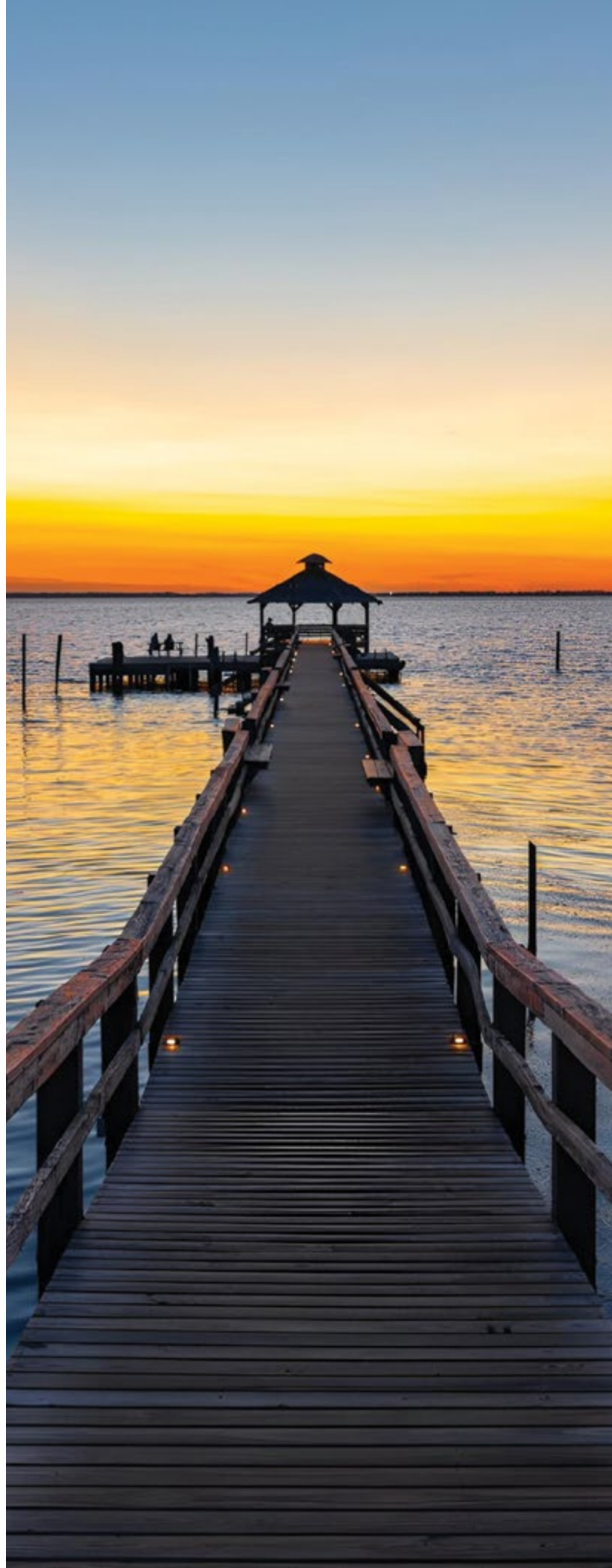
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SECTION 1

IMPROVE VOTER REGISTRATION AND LIST MAINTENANCE

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