

August 22, 2023

RE: Veto Senate Bill 747 (Election Law Changes.)

The Honorable Roy Cooper
Delivered by Email

Dear Governor Cooper:

On behalf of the **27 undersigned organizations**, we respectfully request that you **veto Senate Bill 747 (Election Law Changes)**. **Senate Bill 747 is the latest in a slew of voter suppression bills flooding state legislatures across the nation.** These bills seek to change existing laws under the guise of “election integrity.” However, Senate Bill 747 dismantles trust in our elections by disenfranchising eligible North Carolina voters at no fault of their own.

Mail Voting

Following historic voter turnout in North Carolina’s 2020 Election, including record absentee voting with over 1 million mail-in ballots cast,¹ state lawmakers have continuously introduced proposals to curb absentee voting, disproportionately impacting Black, Latine, Asian American, and Pacific Islander, and Indigenous voters. Senate Bill 747 is their latest effort.²

Senate Bill 747 requires election officials to throw away all mail-in ballots received after 7:30 pm on Election Day. This unnecessary change potentially denies thousands of North Carolinians – including older adults, people with disabilities, rural voters, and veterans – the opportunity to have their votes counted.

If Senate Bill 747 was in place for the 2020 Election, over 13,000 valid mail-in ballots would have been thrown away.³ Under current law, mail-in ballots are counted as long as they are postmarked by Election Day and received within three days of Election Day. For more than a decade, North Carolina voters have relied on this three-day period as a safeguard against Postal Service delays, especially when voters are deliberating over difficult candidate decisions close to Election Day.

The North Carolina General Assembly enacted our current law in 2009 with near-unanimous bipartisan support.⁴ In a growing trend, at least ten states have followed North Carolina’s lead since 2009 to provide extra time for late-arriving ballots postmarked by Election Day.⁵ North Carolina should not roll back these vital freedoms based on partisan fear-mongering.

¹ [2020 General Election Turnout](#), North Carolina State Board of Elections.

² See June 21, 2023 letter from NAACP North Carolina re: Senate Bill 747 <https://forwardjustice.org/wp-content/uploads/2023/06/NAACP-NC-Letter-to-Legislature-re-SB-747.pdf>

³ Strengthen Mail Voting, Blueprint For A Stronger Democracy, p. 32. <https://www.southernstudies.org/sites/default/files/NCDemocracyBlueprint23.pdf>

⁴ Senate Bill 253 enacted in 2009, <https://www.ncleg.gov/BillLookup/2009/s253>

⁵ California (2014), Illinois (2013), Kansas (2017), Mississippi (2020), Nevada (2019), New Jersey (2018), New York (2020), Texas (2017), Utah (2009), and Virginia (2020).

Election Challenges

Senate Bill 747 allows any voter in a county to challenge absentee ballots (not just within their precinct). This applies to both mail-in absentee ballots and early voting ballots. This provision finishes the job that started in House Bill 589, which changed the challenge law for every other type of voter challenge except absentee ballots.⁶ Anti-voter extremist groups, who deny election results in bad faith, weaponize this provision to challenge voter eligibility en masse, in turn discounting valid votes.

The law's implementation of a voter assistance log requirement targets community leaders.

Election denial extremists could again weaponize this information to defame or baselessly accuse those simply trying to help their neighbors. Imagine a driver or staff person from a residential healthcare facility who helps multiple voters; or a trusted community figure who assists people with literacy challenges; or an immigrant community leader helping those who don't read English. All could become subject to damaging public accusations of voter "fraud." Voters with disabilities would likely bear the brunt of the "chilling" effect on civic participation caused by this requirement.

Juror Excusal Lists

Senate Bill 747 uses faulty jury excusal records to try to identify and purge alleged noncitizen voters, once again whipping up baseless xenophobia to stigmatize undocumented communities and reduce access to the vote in the process. Jury excusal records are not an accurate method of ensuring proper list maintenance of North Carolina's voter rolls and will almost certainly result in eligible voters being erroneously removed from the voter rolls without notice or explanation. Senate Bill 747 also increases the potential for certain groups to target specific voters for the purpose of intimidating and suppressing their votes, as the jury excusal records related to citizenship status are public records.⁷

Many other attempts at purging immigrant voters from the voter rolls have proven unsubstantiated and only place new administrative burdens on our election officials. Senate Bill 747 will require additional processes to be incorporated into the state's list maintenance program. This includes that local boards of elections must send additional removal notices, file voter challenges, and conduct hearings when it appears that an individual voter prior to obtaining citizenship. These added responsibilities will take valuable time, money, and resources from State and County Boards that could otherwise be channeled toward voter education and outreach.⁸

Poll Observers

Senate Bill 747 prioritizes the rights of partisan poll observers over the right to have a safe and secure voting environment that is free from the threat of intimidation. This is especially true for Black voters and their families in North Carolina, who faced violent and hostile voting places at the hands of partisan poll observers and watchers during the Jim Crow era. The legacy of racist

⁶ House Bill 589, enacted in 2013, <https://www.ncleg.gov/BillLookup/2013/HB%20589>

⁷ *Voter Integrity Project NC, Inc v. Wake Cnty Bd. of Elec.*, 301 F. Supp. 3d 612, 620 (E.D.N.C. 2017).

⁸ [Senate Bill 250 Veto Letter, Democracy North Carolina, 2019.](#)

voter intimidation continues to impact Black voters alongside Latiné, Asian / Pacific Islander Americans, and Indigenous voters today. When a poll observer is authorized to “listen to conversations between a voter and election official that take place in the voting place, provided the conversation is related to election administration,” it crosses the line into an opportunity for voter intimidation and suppression, reminiscent of Reconstruction-era tactics by the Ku Klux Klan.

Senate Bill 747 authorizes a level of activity in the voting enclosure that has the potential to be disruptive not only to voters but also to election officials who have the important task of administering free and fair elections. A letter to the North Carolina General Assembly from the Election Boards Association of North Carolina, a bipartisan group of county board members, and letters from other County Boards of Election state that the poll observer changes would be “disruptive, impossible to supervise, and increase rather than reduce voters’ concerns about secure and secret balloting”.⁹ Moreover, with North Carolina recognizing five political parties, there is a real potential to create a challenging and confusing atmosphere.

These concerns are not immaterial, but real. In 2022, a North Carolina State Board survey of county election directors found violations by poll observers in 15 counties, such as harassing voters and attempting to enter restricted areas to view confidential voting records.¹⁰

Signature Verification Pilot Program

While the signature verification pilot program will only apply to 10 counties, the North Carolina General Assembly fiscal research and North Carolina State Board of Elections estimated the cost to administer the pilot at \$1.9 million. At this time, these funds have not been allocated for the 2024 Primary. Senate Bill 747 is an unfunded mandate with an untenable three-month timeline to implement the program.

North Carolina currently has a robust verification system for absentee ballot requests and ballots themselves, guaranteeing security against the rare-to-nonexistent threat of absentee ballot voter fraud.¹¹ Under North Carolina law, a voter is required to provide several pieces of personal identifying information, a photocopy of an acceptable photo ID (or an ID Exception Form), and vote in the presence of two witnesses (or a notary) that must sign the application and properly complete the application.¹² If signature verification were implemented fully, North Carolina would be the *only* state in the country requiring both signature verification and a notary or two-witness signature.

According to the U.S. Election Assistance Commission, a “non-matching signature” was the number one reason for a rejected absentee ballot.¹³ A voter’s signature can change for many reasons. Physical factors, such as age, illness, injury, medication, eyesight, alcohol, and drugs;

⁹Election Board Association of North Carolina letter, July 12, 2023

<https://www.documentcloud.org/documents/23875784-eba-nc-2023bills-julyletter#document/p1>

¹⁰ Hannah Schoenbaum, [N. Carolina commission rejects restrictions on poll watchers](#), AP News (Aug. 26, 2022).

¹¹ Democracy NC, [Countering Dubious Claims of Voter Fraud in North Carolina](#) (March 2021)

¹² N.C.G.S. § 163-231(a); N.C.G.S. § 163-230.1.

¹³ Sarah M.L. Bender, [Algorithmic Elections](#), 121 Mich. L. Rev. 489, p. 509 (2022).

mechanical factors, such as pen type, ink, writing surface and body position, and paper quality; and psychological state of mind as well as the environment, can all alter the appearance of a handwritten signature.¹⁴

Further, studies have repeatedly found that older adult voters, voters with disabilities, Black and Latine voters, and first-time mail-in voters experience higher rejection rates.¹⁵ Automatic signature verification software is also more likely to invalidate signatures by individuals who have undergone a name change, including women, transgender people, or domestic abuse survivors.¹⁶ Senate Bill 747 would require 10 counties to administer an unnecessary signature verification pilot program, which may inevitably lead to discrimination against certain cast their ballot.

Election Funding

If enacted, Senate Bill 747 would undermine election administration officials' ability to properly fund elections, worsening the voting experience for North Carolinians across the state. The state legislature continues to fail their constituents by denying adequate funding to elections – the fundamental process of our democracy.

Senate Bill 747 would prohibit the State Board of Elections, County Boards of Elections, and County Commissioners from accepting nonprofit grant funding to ensure our local elections run smoothly. Although the government should always provide appropriate funding for election administration, it is the experience of election administration officials that this does not happen as requested.¹⁷ In 2020, almost every County Board of Elections in the state received grant funding, totaling 4.1 million dollars (97 out of 100 counties).¹⁸

In 2020, nonprofit grant funding was necessary to keep voters safe and ensure accessible elections during the COVID-19 pandemic. Grant funding was used to pay for essential election necessities, such as personal protective equipment, poll worker hazard pay, and educational mailers to voters. These grants were widely available to all counties, and many of our small and rural counties benefited greatly from these additional funds.

Importantly, Senate Bill 747 offers no appropriations to offset the lost revenue and leaves election administration officials without the necessary support. Cutting off necessary funding without providing an adequate substitute is a disservice to our local election administrators and voters. Moreover, in 2021, County Boards of Elections consolidated precincts, eliminated one-stop

¹⁴ Tomislav Fotak et al., Handwritten Signature Identification Using Basic Concepts of Graph Theory, 7 WSEAS Transactions on Signal Processing 145 (2011); Lila Carpenter, Signature Match Laws Disproportionately Impact Voters Already on the Margins, ACLU Blog (Nov. 2, 2018).

¹⁵ David A. Graham, Signed, Sealed, Discarded, The Atlantic (Oct. 21, 2020).

¹⁶ Kyle Wiggers, Automatic Signature Verification Software Threatens to Disenfranchise U.S. Voters, VentureBeat (Oct. 25, 2020)

¹⁷ NC Election Budgets and Marginal Funding Decisions, Southern Coalition for Social Justice (Feb. 2023).

¹⁸ Per the North Carolina State Board of Elections, three counties did not receive funding for the following reasons: Perquimans was non-responsive, Macon was not authorized by county management, and Pasquotank declined because their CBOE was awarded bonuses from other funds and the CBOE wanted other CBOEs that did not have funding to benefit.

voting options, and faced funding shortages resulting in the use of outdated voting equipment.¹⁹ Additionally, some counties have had their budget requests for new voting equipment turned down, which safeguards keeping our elections secure.

When our elections are well-funded, all North Carolinians have access to the ballot box.

Senate Bill 747 is costly for North Carolina and calamitous for all voters. State lawmakers had the opportunity to ensure local election officials had the necessary financial support to run fair, safe, and accessible elections; they had the opportunity to make good on the promise of a democracy where all North Carolinians have a genuine say in our future.

They failed in every aspect.

Their proposed changes impose new barriers on older adult voters, college students, disabled voters, rural voters, and those who vote by mail, and reinforcing discrimination against communities of color across the state. We cannot – and will not – return to a North Carolina where a privileged few determine the fate of our communities at the ballot box. Do not allow North Carolina to lead the march to Jim Crow 2.0 on your watch.

We urge you to veto Senate Bill 747.

Respectfully,

ACLU of North Carolina
Action NC
Advance Carolina
Common Cause North Carolina
Democracy North Carolina
El Pueblo Inc.
Emancipate NC
Equality NC
Forward Justice Action Network
Friends of the Earth
Institute for Southern Studies
League of Women Voters
NAACP North Carolina
North Carolina Black Alliance

NC Counts Coalition
NC State AFL-CIO
North Carolina Budget & Tax Center
North Carolina Asian Americans Together
North Carolina Association of Educators
North Carolina Council of Churches
North Carolina Justice Center
North Carolina League of Conservation Voters
North Carolinians Against Gun Violence
North Carolina Voters for Clean Elections
Planned Parenthood Votes! South Atlantic
Pro-Choice North Carolina
Southern Coalition for Social Justice

¹⁹ [Democracy NC County Board of Elections Funding Research, 2021.](#)