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ELECTION PROTECTION IN NORTH CAROLINA:

A Report from the 2022 Midterms





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Southern Coalition for Social Justice, founded in 2007, partners with communities of color and economically disadvantaged communities in the South to defend and advance their political, social, and economic rights through the combination of legal advocacy, research, organizing, and communications.

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Democracy North Carolina is a nonpartisan organization that uses research, organizing, and advocacy to strengthen democratic structures, build power among disenfranchised communities, and inspire confidence in a transformed political process that works for all.

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Special thanks...

This Report would not be possible without the hard work and dedication of our valued friends and partners in the North Carolina Election Protection Coalition, the countless volunteers who monitored voting sites and answered voter calls to the hotline, the Lawyers' Committee for Civil Rights Under Law who administer the 888-OUR-VOTE (NC-specific) and 866-OUR-VOTE (national) hotlines on behalf of the National Election Protection Coalition, and all the other activists and organizers throughout the state who have fought to maintain and expand the fundamental right to vote at a time when those rights are under attack.

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INTRODUCTION

Voting may seem like a simple action, but it takes time, preparation, and resources to cast a ballot and have it count. Voters may encounter hurdles such as long wait times, difficulty accessing their polling place, or general uncertainty or misunderstandings about how to vote. For some voters, those hurdles may create an environment that feels uninviting, confusing, or outright hostile; in some situations, those hurdles ultimately cause disenfranchisement. Once a ballot is cast, county boards of elections (CBOEs) must follow processes required by North Carolina law to count all eligible ballots before being certified, and results must be audited by the North Carolina State Board of Elections (NCSBE) to verify the accuracy of the count. Understanding voting procedures and methods, election systems, and election administration provides transparency and ensures voters that our elections are free, fair, and secure.

In North Carolina, voters face ever-changing laws and policies impacting how they vote, which contributes to uncertainty, frustration, and disparate experiences at the polls, particularly for Black, Latiné, Indigenous, Asian American and Pacific Islander (AAPI), rural, low-income, disabled, LGBTQIA+, and student populations. For decades, activists and advocacy groups across the state have helped voters by answering voter questions in real time and resolving issues at the polls. Those efforts include fighting against voter suppression laws through organizing, mobilization, and litigation to ensure every eligible vote is counted.

In this tradition, Southern Coalition for Social Justice (SCSJ), Democracy North Carolina (Democracy NC), Lawyers' Committee for Civil Rights Under Law, and dozens of

partner organizations manage the North Carolina Election Protection Hotline at 888-OUR-VOTE (the "Hotline") during each election cycle, receiving thousands of calls from North Carolina voters on a range of topics. The primary function of the Hotline is to be a source of non-partisan, trusted, accurate, and timely information for North Carolina voters. Some voters call for basic information like locating their voting site, while others call to report inadequate curbside voting amenities or incidents of voter intimidation.

Following the 2020 Election, an election that saw record highs in terms of voter turnout and calls received, SCSJ and Democracy NC published the 2020 Election Protection Report, which provided data-driven findings and recommendations based on the Hotline calls from that cycle.¹ In this current report, the next in the Election Protection series, SCSJ and Democracy NC have analyzed thousands of calls made to the Hotline during the 2022 Midterms Elections to understand, among other things, what issues North Carolina voters continue to face when exercising their right to vote, what impacted accessible voting, where there is a need for advocacy, and which policies must be protected or advanced to safeguard democracy. Drawing from a decade of experience answering voter questions and concerns, the Election Protection reports anticipate how new voting policies will create even more barriers to our most marginalized neighbors.

As we prepare for the 2024 Election and beyond, we hope the highlighted voter experiences received by the Hotline and the data-driven recommendations from this series of reports provide insight into what our democracy can look like when it works for all North Carolinians.

¹ "2020 Election Protection Report." Southern Coalition for Social Justice and Democracy NC, <https://democracync.org/wp-content/uploads/2022/02/ElectionProtectionReport-web-2.pdf>.

/// THE 2022 MIDTERMS AT A GLANCE: ELECTION PROTECTION COVERAGE AND RESULTS

Coverage and Process

Democracy NC and SCSJ, with support from the Lawyers' Committee and state partners within the NC Election Protection Coalition, staffed the Hotline and its Escalation Team throughout the 2022 Midterms election cycle. In doing so, Democracy NC and SCSJ:

- Supported voters, poll monitors, and canvass monitors for extended periods during the May Primary Election and the November General Election, including the entirety of Early Voting, Election Day and canvass, **for over a period of 50 days of total coverage and operation.**
- **Received and handled in real time nearly 3,500 support tickets** representing issues faced by voters and on-site voter protectors.
- Provided **individualized guidance to over 2,500 voters** about their voter eligibility, voting requirements, and voting options (both manner and location).
- Trained and supervised all Hotline volunteers, **including over 60 new Hotline workers, with a total of 85** volunteers completing at least one shift during the General Election.
- Coordinated in real-time with Democracy NC's Vote Protectors program, which trained **over 800 volunteers to monitor nearly 130 voting sites in 25 counties for the Primary Election and almost 300 sites in 51 counties for the General Election.**
- **Triaged certain high risk incidents** – such as reports of voter intimidation, barriers to access for voters with disabilities, and delayed polling place openings – to ensure that partners with specialized expertise, such as Forward Justice for voter intimidation and Disability Rights North Carolina for accessible voting, could step into action and seek to remove barriers to voters as soon as they are reported.
- Supported efforts to monitor County Board of Election (CBOE) canvass and certification meetings to document disenfranchisement issues, such as election protests and voter challenges, in which **68 community advocates were placed in 41 counties** in partnership with You Can Vote, Common Cause North Carolina, and other state partners.

Once the election results were certified and all Hotline calls were logged and resolved, a team of researchers at Democracy NC and SCSJ coded and analyzed the call logs — or “tickets” — from the entirety of the 2022 Midterms cycle to learn from voters’ questions, concerns, and experiences across the state and identify prevailing issues and barriers to voting. This data from the Hotline – which is maintained by Lawyers’ Committee through their Our Vote Live system – provides an informative snapshot of North Carolina voters’ perspectives and experiences, which guides this report’s recommendations for improving voting policies and processes and filling gaps in election law, administration, education, and access.

² Hotline staff would direct certain types of voting issues directly to an “Escalation Team.” This was a specialized team of North Carolina-based attorneys, who would follow up with the caller, inform county and state election officials about the problem, and request action be taken to address the issue in a timely manner. Such issues include those that prevent (or could prevent) callers from voting or registering, ongoing specific problems related to a voting site or county, and reports of voter intimidation or other forms of voter suppression.

Results Summary:

Hotline Calls by Type (2022)

Most Common Issues from Hotline Calls

CATEGORY	# OF CALLS	% OF ALL CALLS
Questions / Info Requests	2487	72.95
Other	185	5.43
Questions / Info Requests Voter ID & Registration	112	3.29
Intimidation & Electioneering	79	2.32
Polling Place Access	62	1.82
Questions / Info Requests Mail-in / Absentee	55	1.61
Questions / Info Requests Other	53	1.55
Questions / Info Requests Board of Elections / SOS	52	1.53
Questions / Info Requests Polling Place Access	44	1.29
Voter ID & Registration	31	0.91

Most Common Issues within 'Questions / Info Request' Category

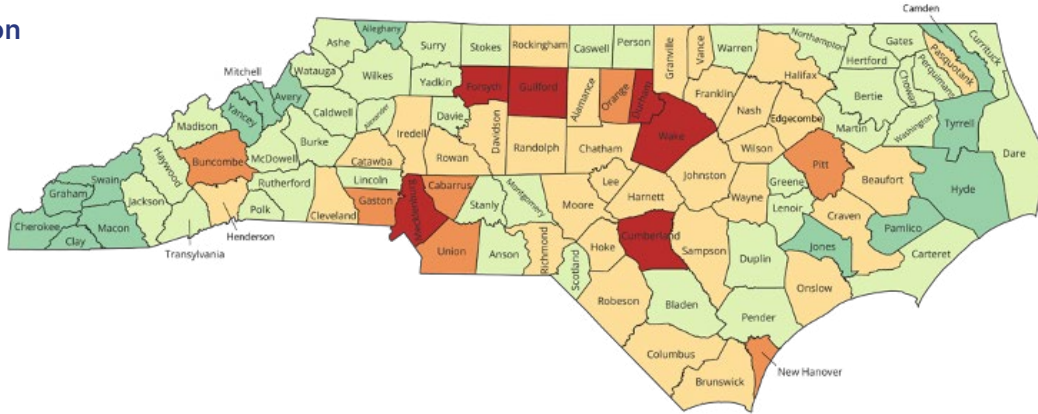
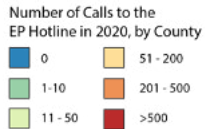
SUBCATEGORY	# OF CALLS	% OF ALL CALLS
(Question) In-Person Voting	1457	58.58
(Question) Absentee/Mail-In Voting	349	14.03
(Question) Registration	228	9.17
(Question) In-Person Voting (Question) Registration	162	6.51
(Question) Registration (Question) In-Person Voting	74	2.98
(Question) In-Person Voting (Question) Absentee/Mail-In Voting	51	2.05
(Question) EP Program	36	1.45
(Question) In-Person Voting (Question) Disability Access	25	1.01
(Question) Disability Access	24	0.97
(Question) Absentee/Mail-In Voting (Question) In-Person Voting	21	0.84



Hotline Calls by County (2020 & 2022)

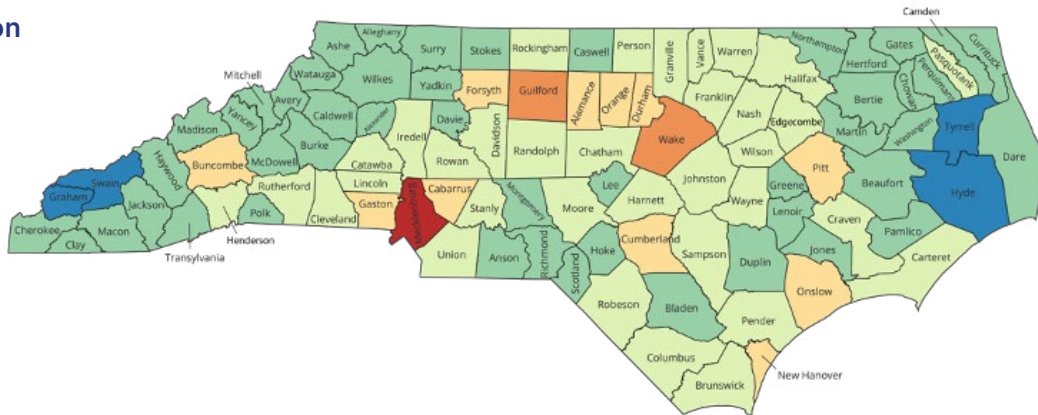
In 2020, the Hotline received 12,977 calls from all 100 counties in North Carolina. Because it was a presidential election year and an election administered under unprecedented conditions related to the ongoing COVID-19 pandemic, voter turnout and engagement with the Hotline reached record levels. The impact of the pandemic on that election was apparent from the fact that 25% of all calls were related to voting by mail.

Calls to the Election Protection Hotline by County in 2020



During the 2022 Midterms Election, the Hotline received 3,745 calls from 96 of North Carolina's 100 counties. 35% of those calls were related to Early Voting, which, based on turnout, is the preferred method of voting for North Carolinians.

Calls to the Election Protection Hotline by County in 2022



Although the overall volume of calls was smaller relative to the 2020 presidential election year, the calls received during the 2022 Midterms Election carried over themes from 2020, such as questions about voter registration status, polling place locations, provisional ballots, and deadlines for voting-by-mail and Early Voting. The data also showed consistent Hotline engagement by voters across the state, but, especially in high population centers like Wake, Guilford, and Mecklenburg counties, and in counties in the Eastern and Northeastern portions of the state where the electorate includes a significant number of Black voters, such as in Pitt, Edgecombe, Nash, Wayne, and Halifax counties.

/// LESSONS FROM THE MIDTERMS: EARLY VOTING IN 2022

The Hotline received over 1,300 calls concerning Early Voting (EV) during the 2022 Midterms, which was nearly 35% of all calls during Hotline operation. This was an increase from 2020 where roughly 20% of the calls addressed EV, which provides flexibility, accessibility, and convenience to North Carolina voters. During the EV period, voters are able to cast a ballot at any EV site in their county and may register to vote or update their existing voter registration all in a single trip using same-day registration. This method of “One-Stop Early” voting provides multiple opportunities in the days preceding Election Day, including weekends, to access the polls and avoid potential barriers to voting that can arise on Election Day, such as long lines or registration issues. In 2022, over 2 million of the 3,786,904 total ballots were cast at EV sites, making it the preferred way to vote in North Carolina.³

Voting Method	Number of Voters Who Voted	Total Percentage
One-Stop Early	2,010,355	53%
Absentee By-Mail	187,746	5%
In-Person Election Day	1,578,545	41.7%
Provisional	10,258	0.3%
Total Ballots Cast	3,786,904	

Data from the Hotline for the 2022 Midterms illustrates the continued benefits to North Carolinians of a full and robust Early Voting period.

³ Compared to 1,578,545 votes cast in person on Election Day. “2022 General Election Turnout.” North Carolina State Board of Elections, ncsbe.gov/results-data/voter-turnout/2022-general-election-turnout.

North Carolinians Utilize the Hotline for Information About Early Voting

For many voters who called the Hotline, Early Voting was presented as a possible solution to their voting concerns, especially when they had missed the deadline for registering to vote or had issues receiving their absentee by-mail ballots. The unique features of One-Stop Early Voting (e.g., same-day registration and multiple EV sites) could often address the voter’s particular circumstance. Unfortunately, for callers with similar issues who waited until Election Day to seek help, options were more limited. Those voters, if it was determined they were ineligible to vote on Election Day, were advised to update their information before the next Election or utilize EV next time.

Caller requested an absentee ballot a month ago and hasn't received it. Caller has health problem and can't stand in line at polling place. // I looked him up in Ballot Trax. It says they mailed his ballot four weeks ago, so I gave him his CBOE phone number and suggested he call them. I also mentioned that curbside voting is an option for voters who can't stand in line. I texted him his nearest early voting location, dates, and times.

* Text bubbles reflect notes from hotline calls from NC voters.

Caller is concerned that they may have thrown out their absentee ballot. Wants to know what to do.

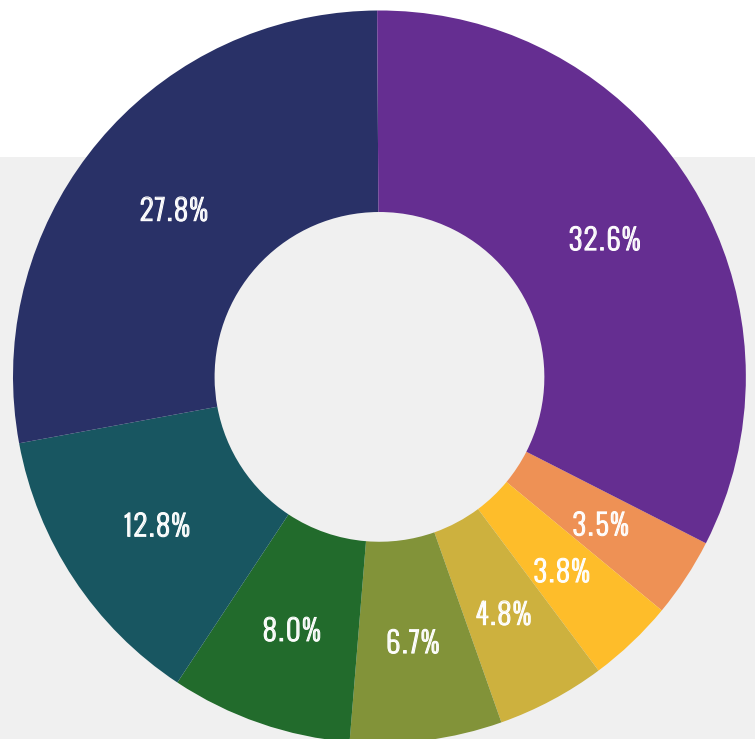
Hotline calls concerning Early Voting covered a wide array of topics and issues, as reflected in the image below. The researchers coding the Hotline data tracked at least 35 unique reasons, with nearly one-third of the calls (32.6%) falling into an “All other questions” catch-all, which illustrates how fact-specific and individualized the calls can be. The other leading issue categories were:

- Location and hours (27.8%);
- General questions, referring to One-Stop Early Voting and Election Day (12.8%);
- Voting site operations, including polling place voting, curbside voting, provisional ballots, and election worker misinformation (8.0%); and
- Interactions with the county board of elections (6.7%).

Many of the calls related to Early Voting are straightforward and easy to answer for the Hotline’s trained volunteers. However, the takeaway from these interactions and their frequency is that there are a significant number of voters who are not receiving adequate information about EV and Election Day processes and details. The North Carolina State Board of Elections website and the websites of some county boards of elections provide helpful information, but voters would benefit from having basic information, like EV location and hours, communicated more clearly and more often.

Call Frequency by Issue

- Questions about registration for voting
- Questions about being unaffiliated
- Questions about registration, including criminal records, general information, inactive status, missed deadline, needing to update information
- Interactions with the County Board of Elections
- Voting site operation
- General questions, refers to one-stop and ED
- Location and hours
- All other questions



Voters Continue to Have Questions About Voter Registration Status and the Voting Process

Voters often called the Hotline to ask about their voter registration status, how that status would affect their voting process, and what ballots they would receive. Common voter registration questions included whether the caller was considered an “active” or “inactive” voter, if their party affiliation had been updated after they attempted to change it, or how a recent move or changes to their name or demographic information may impact their ability to register and vote.⁴ The reported confusion about voting status commonly resulted in voters having issues obtaining their correct ballots or never receiving them at all. Callers who flagged these issues during the Early Voting period usually had better outcomes because of the flexibility of “One-Stop” voting.

Although Early Voting is considered a “One-Stop” process, as voters can use same-day registration to fix registration issues and vote at the same time, calls received by Hotline show North Carolina voters need clarifying information about voter registration and the voting process so confusion or uncertainty is not a deterrent to making it to the polls.

⁴ A voter who is labeled as “inactive” is still a registered voter and can vote. A voter becomes “inactive” when failing to respond to certain mail during the list maintenance process conducted by local boards of elections. “Understanding Voter Registration List Maintenance.” Southern Coalition for Social Justice, 3 March 2021, <https://southerncoalition.org/resources/understanding-voter-registration-list-maintenance/>.

Caller wanted to know how to register to vote during the early voting period. Caller thought she needed to pre-register to register to vote during the early voting period.

Voter moved to a new address in the same county, looked himself up and found he's inactive status, and wanted to know whether he needed to re-register.

Caller was able to successfully vote but was asked by the poll worker to provide their address information because their status was inactive. Caller wanted to know what inactive means and how this happened.

Caller used DMV website to update her information and was concerned that she had accidentally unregistered herself from the voter rolls and wanted confirmation about her registration status.

Caller wants to know if she changes party registration, will she still be able to vote in the general? She has attempted to update her voter registration online but was unable to do so. The website was unclear and frustrating to her, and she's tried calling the DMV multiple times about it, but the DMV was unhelpful.

Caller wanted to double-check they voted at the right polling site. Caller expressed they were upset because her voter registration was incomplete with regard to gender and race even though they completed it when she registered to vote.

Caller asked if she should vote on Election Day or during Early Voting. She has heard that if she votes during Early Voting, her ballot will be trashed.

Recommendations for Creating a More Inclusive Early Voting Process

The voter experience from the 2022 Midterms, as documented by the Hotline data, confirms the continued need for the full range of changes recommended in the 2020 Election Protection Report as it relates to Early Voting, voter registration, and voter access and transparency.⁵ We highlight a few of those again below:

- **Allow voters to register or update their registration on Election Day.** North Carolina already allows voters to register and cast a ballot at any EV site in their county and the benefit to voters of that option is profound, as the Hotline data demonstrates. However, North Carolina does not allow voters to make changes to their registration on Election Day. Currently, 20 states and the District of Columbia offer voters same-day registration on Election Day.⁶
- **Require weekend voting hours.** North Carolina only requires one day of EV on the weekend – the Saturday before Election Day. Providing people with more opportunities to vote outside

the workweek ensures voting is an available and convenient option, especially if a voter needs more time to find their polling place, learn what’s on the ballot, correct an issue with their voter registration, or, in some cases, if they need to return to the polling place.

- **Provide more information about voter registration status.** Status codes like “inactive,” “denied,” and “removed” continue to confuse voters. Little information is available online to help voters better understand their voter registration status and why it may change. Although the State Board of Elections’ (NCSBE) website (ncsbe.gov) contains helpful information about registering to vote and updating registration, more public information is needed on these statuses, along with what a voter can do to fix the issue.
- **Develop a voter advocate program.** As consistently documented by the Hotline, many voters do not know who to turn to if they need information about voting, how to register to vote, or have a problem while voting. The NCSBE should recruit and train a group of voter advocates who could assist voters in real-time. These advocates would be aware of North Carolina voting rules and serve as a mediator between the voter and the voter’s county board of elections staff.



⁵ “2020 Election Protection Report” (pp 42-44, 46). Southern Coalition for Social Justice and Democracy NC, <https://democracync.org/wp-content/uploads/2022/02/ElectionProtectionReport-web-2.pdf>.

⁶ “Same-Day Voter Registration.” National Conference of State Legislatures, 31 Jan. 2023, <https://www.ncsl.org/elections-and-campaigns/same-day-voter-registration>.

/// LESSONS FROM THE MIDTERMS: VOTING BY MAIL IN 2022

While COVID-19 presented numerous challenges and barriers for voters in 2020, it also gave North Carolinians a glimpse of what a more convenient and secure election system could look like. In most elections, mail-in ballots (also known as absentee-by-mail voting or vote-by-mail) only constitute 3-5% of ballots cast, but in 2020, that number surged to 18%. Perhaps not surprisingly, 25% of Hotline calls in 2020 were related to questions and concerns about voting by mail.

Fewer calls were made to the Hotline about vote-by-mail in the 2022 Midterms following the rollout of vaccines and the end of lockdown orders. This corresponded with a decrease in the number of voters who utilized voting by mail in 2022, with 187,745 North Carolina voters casting their ballot by mail (approximately 5% of total voters).⁷ Nevertheless, the Hotline received a broad range of calls from voters interested in voting by mail, from which we learned the following information:

- Many voters had an explicit need to vote by mail, and common reasons included disabilities, illnesses, injuries, lack of reliable transportation, and voters who recently moved; and
- A significant number of voters simply preferred to vote by mail because they found it more convenient.



Voting by Mail in North Carolina is Complicated and a Source of Confusion for Voters

Continuing a trend from the 2020 Election, the complexity of voting by mail remains a barrier, with confusion around the requirements for voting by mail and the various deadlines that must be met to ensure votes are counted.⁸ The 2022 Midterms Elections also reverted back to the two-witness requirement after it was temporarily modified to one witness during the 2020 Election for public safety and accessibility concerns. Many callers expressed uncertainty about the overall process of requesting, completing, and returning a ballot. Within this set of calls, multiple voters called to inquire about how to complete their container-return envelope and where their witnesses or notary must sign. Many of these voters expressed anxiety or concern about obtaining two witness signatures. This was likely a commonly reported experience because many voters voted by mail for the first time in 2020 under the prior law. Several callers referenced recent changes in the past few years which were unclear or hard to keep up with.

⁷ "Voter Turnout," North Carolina State Board of Elections, <https://www.ncsbe.gov/results-data/voter-turnout>.

⁸ "2020 Election Protection Report" (p 17). Southern Coalition for Social Justice and Democracy NC, <https://democracync.org/wp-content/uploads/2022/02/ElectionProtectionReport-web-2.pdf>.

Caller remembers in the past only needing one witness, but this year, it says she needs two. She wants to know if that is correct, if there was a change in law, and if she can witness herself.

Caller is concerned that he and his wife need an additional witness to sign. They are concerned with exposure to COVID and other people knowing how they voted.

Caller wanted to know if family members in the same household could serve as witnesses for completing the mail-in ballot and the deadline to submit their ballots.

Frequently, voters reported concerns about the status of their mail-in ballot at various points in the process. Strikingly, there was a large portion of callers who requested their ballots within the required timelines, but did not receive them, despite their ballots marked as “in transit” or “in the mail” on BallotTrax, an online tool that allows voters to track the status of their ballot.⁹ The Hotline continued to serve as a useful resource for voters who had questions about their mail-in ballot status. Voters with BallotTrax issues were directed toward alternative ways of checking their status online, such as through their voter history in the voter look-up tool or contacting their local board of elections. Callers who requested their mail-in ballot and registered on BallotTrax also reported that it failed to provide accurate information — some noting it never reflected their request for a ballot at all.

Caller wanted to double-check the status of mail-in ballot after BallotTrax showed the status was indeterminate (either not submitted or not received).

Caller requested an absentee ballot for his wife using the online portal, but the ballot has not arrived. Caller checked BallotTrax and it shows no request was submitted. He asked what to do and how long to receive another ballot.

Caller resides in Charlotte (and is registered to vote there) but is in Arizona. Caller requested absentee ballot be sent to Arizona address. Caller says BallotTrax did not show his request even though he sent the request at least two weeks ago. He has no way of returning to Charlotte to vote in person.

Voter requested absentee ballot online but has not received it yet // I helped her use BallotTrax, and it says the ballot was mailed almost a month ago. I advised her to call her county board of elections, and gave her the number.

⁹ “Ballot Tracking Available Again for Absentee-By-Mail Voters.” North Carolina State Board of Elections Press Release, 14 March 2022, <https://www.ncsbe.gov/news/press-releases/2022/03/14/ballot-tracking-available-again-absentee-mail-voters>.



Finally, there was a category of callers who expressed fear about getting in trouble or violating the law if they voted in person following issues preventing them from submitting their mail in ballot because they might be accused of trying to vote more than once.

Caller requested an absentee ballot but is not comfortable asking two people to be her witnesses. Caller wants to know if she can still vote even though she requested an absentee ballot but does not want to vote it.

Caller requested a mail-in ballot online, but didn't receive it. She would prefer to vote during early voting, but didn't know whether it was ok to vote in person after requesting a mail-in ballot.

Voter mailed her absentee ballot two weeks ago, but she has confirmed that it was never received. She wants to confirm that she can vote in person today without getting into any trouble.

Voter says that one hour ago received a text message from unknown source stating that ballot was rejected, mailed absentee ballot a week ago. She successfully voted in person but is concerned that she may have voted twice.

It bears noting that many voters who contacted the Hotline did not have a back-up plan for voting in case something went wrong. This problem affected voters who planned to use the vote-by-mail option the most. Voters who called the Hotline after not receiving their mail-in ballots close to or after the deadline often said they would be unable to vote in person because of scheduling conflicts or an inability to access transportation. These anecdotes highlight the stakes involved when it comes to getting voters timely and accurate voting information.

Recommendations for Improving the Voting by Mail Process

Despite these hurdles and potential pitfalls for those navigating the voting by mail process, voting by mail in North Carolina continues to be a popular option, and voters should have the freedom to choose how they cast their ballot during an election. Adopting the below changes, many of which were proposed in the 2020 Election Protection Report and remain relevant today,¹⁰ would improve and expand voter access for those voting by mail.



- **Allow voters to “opt-in” to mail voting for all future elections.** Most North Carolinians must submit a new request form for every election they want to vote by mail.¹¹ Voters in North Carolina, like those in at least five other states, should have the option to indicate they would like to vote by mail for all future elections and automatically receive a mail ballot for each election instead of requesting them every cycle.¹²
- **Offer secure drop boxes for returning mail ballots.** North Carolina is one of only 10 states that explicitly forbids counties from offering secure, standalone drop boxes where voters can deposit their absentee ballots. Drop boxes are a convenient, time-saving, and secure option that should be available to voters across the state.
- **Improve BallotTrax.** BallotTrax helps provide transparency and removes uncertainty about voting by mail. However, due to issues with printing barcodes, understaffing, or inconsistent use, BallotTrax may inadvertently cause voters more anxiety when there is an issue with mail tracking. Election officials must be trained on how to print and apply Intelligent Mailing Barcodes and use BallotTrax. If a county is having issues with BallotTrax services, voters must be timely notified and provided with an alternative way to track the status of their ballot.
- **Allow voters to pick up their mail ballot from their county boards of elections (CBOE).** North Carolina law prohibits voters from picking up their mail ballot from their CBOE office. This makes it impossible for voters who do not have a permanent residence, or who have mail deliverability issues, to receive their ballot, as well as voters who do not have time to wait for a new ballot to be mailed.

¹⁰ 2020 Election Protection Report” (pp 40-42). Southern Coalition for Social Justice and Democracy NC, <https://democracync.org/wp-content/uploads/2022/02/ElectionProtectionReport-web-2.pdf>.

¹¹ Currently, voters can request that a mail ballot be sent to them for all future elections in the same year “if the applicant reports that the voter has a sickness or physical disability that is expected to last the remainder of the calendar year[.]” N.C.G.S. § 163-226(b).

¹² “Table 3: States with Permanent Absentee Voting Lists,” National Conference of State Legislatures, 3 Jan. 2022, <https://www.ncsl.org/elections-and-campaigns/table-3-states-with-permanent-absentee-voting-lists>.



/// POLLING PLACE ACCESSIBILITY: FROM CURBSIDE VOTING TO POLL WORKER INTERACTIONS

As was the case in the 2020 Election, the Hotline received a troubling number of calls during the 2022 Midterms related to frustrations with inaccessible polling sites and poll workers who were unable to fully support voters, which, in some instances, created situations where a voter was unable to vote.¹³ Voting site accessibility means ensuring voting sites are easy to find, enter, and navigate, whether a person is using in-person or curbside voting.

A common issue reported by voters with disabilities was polling place access. Of the callers to the Hotline who identified themselves as having a disability or a limited ability, 13% called to report difficulty accessing polling sites.¹⁴ The Hotline data also suggested a racial correlation with voters who reported issues with curbside voting, accessibility, or voting with a disability – Black voters made up 42% of those callers within the tickets where race data could be collected. Calls ranged from how a voting site was operating — some were inaccessible, poorly organized, or confusing — to poll workers providing incorrect information or preventing people from voting.

Caller is assisting a voter who is disabled, reporting no one is covering curbside voting area. Caller went inside and found the handicapped booth was not available either. They ended up driving to a different early voting site where the disabled voter was able to vote.

Caller says there is not enough parking at this voting location and not enough support for curbside voters resulting in long lines, and saw one voter with a disability being discouraged from voting by a poll worker who told them to come back Tuesday after raising concerns about the wait time. The poll worker did not clarify this was the last day of early voting or make sure voter didn't need to update their address or register.

¹³ In 2020, the Hotline received over 400 calls from voters who had limited abilities or were calling on behalf of a voter that has a disability. The calls were questions and concerns that spanned mail voting, registration, and voting site operations. "2020 Election Protection Report" (p 29). Southern Coalition for Social Justice and Democracy NC, <https://democracync.org/wp-content/uploads/2022/02/ElectionProtectionReport-web-2.pdf>.

¹⁴ We are defining limited ability broadly as including disabilities, limited mobility, or any condition that inhibits participation without assistance.

Voters also called to report being asked by poll workers about their eligibility for curbside voting. In North Carolina, any voter may vote curbside if they cannot enter the polling place due to age or disability and must sign an affidavit affirming they are eligible to use curbside. As a result, poll workers are not permitted to ask for proof of disability or to ask other investigating questions from a voter presenting to use curbside voting.¹⁵ When poll workers ask about a voter's disability or reason for using curbside voting, it creates a voting experience where they may feel targeted or unsure if they are legally required to respond.

Voter tried to vote curbside, but two poll workers asked why they needed to use curbside voting and why they couldn't walk in and vote inside. Poll worker commented that the voter looked young. Voter said they voted curbside before and asked the poll workers if any rules had changed.

On Election Day, issues with curbside voting were exacerbated by long lines that blocked the area for curbside voting, parking lot traffic, and a lack of poll workers to manage the demand. Some voters also struggled to find handicapped parking, adequate signage, or poll workers for timely assistance.

Caller was a vote protector and was calling to report long wait lines for curbside voting at the site she was working. She said only one poll worker was assisting with curbside voting.

The experiences in these calls underscore the need to ensure polling place accessibility and availability to people with limited abilities and disabilities. All polling places must have accessible parking, curbside voting, and at least one accessible voting machine. As documented by the Hotline, when this does not happen, voting becomes time-consuming, frustrating, and a negative experience, which may result in voters being turned away and dissuade voters from participating in future elections. Poll workers must be adequately trained on updated voting procedures and rules as well as the importance of voting site accessibility and equally respect the legal rights of all voters so there is a fair and consistent voting experience.

Recommendations for Creating a More Accessible Polling Place and Voting Experience

- **Curbside voting must be adequately marked, attended, and offer a comparable voting experience to the in-person voting enclosure option.** Curbside voting is required to be available at every voting location throughout the state; however, curbside voting is not consistently set up, clearly marked with signs, and easy to locate for many voters. A statewide system must be developed with yearly appropriated state funds to ensure eligible voters can easily vote using curbside without leaving their vehicles or waiting indefinitely for assistance.
- **Require uniform statewide poll worker training.** Currently, there is no standardized training poll workers must receive before assisting voters. A statewide training provided by the NC State Board of Elections (NCSBE) would ease the burden on the counties to provide their own training while standardizing the information poll workers receive. Training by the NCSBE is essential to ensure poll workers understand new changes in the law. The training must include guidance to help ensure fairness in the voting process for people with disabilities (as required by the Americans with Disabilities Act).

¹⁵ "Numbered Memo 2020-20, Curbside Voting." North Carolina State Board of Elections, 1 Sep. 2020, https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2020/Numbered%20Memo%202020-20_Curbside%20Voting.pdf.

/// THE LASTING IMPACT OF NORTH CAROLINA'S VOTER PHOTO ID REQUIREMENTS

There has only been one election in North Carolina's recent history (the March 2016 primary election) in which voters were required to present a photo ID to cast a ballot.¹⁶ Yet, during the 2022 Midterms Election, the Hotline received a significant number of calls related to whether and under what circumstances identification was required for voting.

On April 28, 2023, the North Carolina Supreme Court reversed its previous decision in *Holmes v. Moore*, which found Senate Bill 824 – North Carolina's voter photo ID law – was passed by the North Carolina General Assembly with a racially discriminatory purpose, violating the Equal Protection Clause of the North Carolina State Constitution. As a result, the State Board of Elections and all 100 county boards of elections are preparing to implement voter photo ID in the upcoming 2023 Municipal Elections.¹⁷

As election officials, advocates, and voters prepare for the 2023 Municipal Elections, the Hotline provides insight on the barriers and confusion voters may face when required to bring a photo ID to vote.¹⁸

Voters Are Unsure What Documents are Necessary for Voting and May Have Difficulty Accessing What's Required

While there was no voter photo ID requirement in 2022, many callers contacted the Hotline to ask if they were required to present identification when voting. 176 of the

calls on this topic focused exclusively on voter photo ID requirements. Of those callers, 8.5% indicated that they did not have a photo ID and another 14.8% reported being unable to update their license before voting deadlines. These calls came from voters who were already on their way to a polling place and wanted to check whether they would need a photo ID to vote. Based on the often-rushed interaction between callers-in-transit and Hotline volunteers, it is reasonable to assume more callers fit these descriptions compared to what was documented.

The other most common inquiry around identification requirements concerned providing proof of residency when utilizing same-day registration. Under North Carolina law, same-day registrants must prove their residence by showing certain documents with their current name and address, which may include a North Carolina driver's license, other photo identification issued by a government agency, a utility bill, bank statement, or paycheck. A government issued photo ID is not required to register to vote, but is an approved document to prove residency. Voters trying to use same-day registration called the Hotline for a variety of reasons related to the proof of residency documentation. For example:

- Some voters could not update their driver's licenses in time for same-day registration during the Early Voting period. These voters had moved from other counties or states and could not update their addresses in time, but they had other acceptable documentation to vote.

¹⁶ For the March 2016 primary election, voters were required to present voter photo ID after the passage of House Bill 589, "VIVA/Election Reform," which implemented various changes to North Carolina's election laws in 2013. In 2017, the voter photo ID law was overturned and found racially discriminatory by a federal appellate court.

¹⁷ "Voter ID." North Carolina State Board of Elections, <https://www.ncsbe.gov/voting/voter-id>.

¹⁸ "North Carolina's Photo Voter ID." Southern Coalition for Social Justice, June 2023, <https://southerncoalition.org/resources/north-carolina-photo-voter-id/>.

- Other callers raised concerns that they had lost their IDs or couldn't easily locate them.
- College students and military personnel in particular had difficulty due to the number of times they moved. Even in-state college students struggled if the address on their driver's license reflected their home address before college or if they had switched housing recently without a chance to update it.

When talking with voters about voting requirements, it is important to distinguish between voter registration and voter photo ID requirements. As the below ticket demonstrates, questions around identification may be understood differently from one voter to the next and mistakes over which rules apply when registering to vote versus when presenting to vote can lead to inadvertent disenfranchisement.

Caller had moved within the county more than 30 days ago but hadn't updated her registration and her license also did not reflect her current address. She was told she could not vote. // I advised the caller that the voter can return today to update her registration at any one-stop voting site in the county.

Finally, it is important to recognize that the Hotline does not capture the number of voters who never made it to the polls or did not call the Hotline when faced with a question or issue related to voting requirements, like proof of residency and voter photo ID. Based on the calls received by the Hotline concerning identification, we can assume that some callers never exercised their right to vote because they believed they did not have photo identification and needed it to cast a ballot in the 2022 Midterms Election.

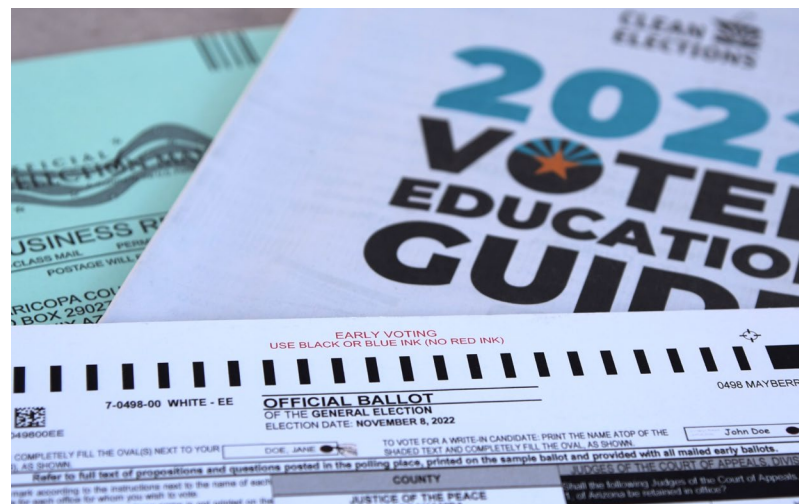


Timely and Accessible Voter Education on Photo ID Requirements is Essential

Documentation from previous Election Protection reports shows it is unlikely that all voters will receive information on the overturning of *Holmes v. Moore* and how that impacts their future voting experience.¹⁹ A majority of calls received related to photo ID were unaware of the requirements to vote during the 2022 Midterms Election. This was consistent with trends of general voter confusion regarding multiple aspects of the voting process, as discussed above. Unlike opening a bank account or traveling through airport security, voting is a fundamental right protected by our state and federal constitutions. Moreover, the justification for voter photo ID – e.g., claims of voter fraud – are extremely rare.²⁰

Requiring voters to show photo ID within the next few months will inevitably make it harder for some populations to vote. For example, a “matching analysis” performed by Dr. Kevin Quinn, Professor of Political Science and Statistics at the University of Michigan, showed that Black registered voters in North Carolina were nearly 1.4 times more likely to lack qualifying voter photo ID under the current law than white registered voters.²¹ In real world terms, that disparate possession rate translates into a voting process that will disproportionately harm Black voters’ ability to cast a ballot and have it count. Additionally, voters who are unable to get a driver’s license or a photo identification card due to access issues or non-reliable transportation, residents without a permanent home address, and transgender voters whose licenses or IDs might not reflect their correct gender will face significant and unnecessary barriers to access their right to vote — which may ultimately lead to disenfranchisement.

It is also expected that some North Carolina voters who possess acceptable forms of voter photo ID will nonetheless



arrive at their polling place without bringing what is needed to vote because of a lack of awareness of the current policies. The consequence of that is a negative, time-consuming experience that can frustrate voters and cause them to leave the polls without voting or simply not vote in future elections. Research from other states found voter confusion was enough to suppress votes in both Wisconsin and Texas because voters assumed they could not cast a ballot, even if they had acceptable forms of identification.²² In Wisconsin alone, fear of the previous voter photo ID law deterred an estimated 16,801 to 23,252 voters from casting their ballots in 2016.²³ This phenomenon has also been documented in North Carolina. After North Carolina’s voter photo ID law was repealed in 2016, voters without photo ID were still less likely to vote in the General Election that year as well as the 2018 General Election, even though photo ID was no longer required in those elections.²⁴

While clearly not a cure-all, timely and accessible voter education on the voter photo ID requirements must be a significant aspect of any voter photo ID rollout to mitigate the deterrent and disenfranchising effects of such a law, as documented in the social science on voter ID and in the experiences of voters calling the Hotline.

¹⁹ “From the Voter’s View: Lessons From the 2016 Election” (p 3). Democracy NC, https://democracync.org/wp-content/uploads/2018/01/PostElectionReport_DemNC_web.pdf.

²⁰ “Countering Dubious Claims of Voter Fraud in North Carolina.” Democracy NC, <https://democracync.org/research/countering-dubious-claims-of-voter-fraud-in-north-carolina/>.

²¹ “The Discriminatory Impact & Harm of North Carolina’s Voter Photo ID.” Southern Coalition for Social Justice, <https://southerncoalition.org/wp-content/uploads/2023/05/Voter-ID-Discriminatory-Impact-FINAL.pdf>.

²² “Study: Law Discouraged More Than Those Without Voter ID.” The Texas Tribune, 6 Aug. 2015, <https://www.texastribune.org/2015/08/06/study-law-discouraged-more-those-without-voter-id/>.

²³ “Voter ID Study Shows Turnout Effects in 2016 Wisconsin Presidential Election.” Elections Research Center at the University of Wisconsin-Madison, 25 Sep. 2017, <https://elections.wisc.edu/wp-content/uploads/sites/483/2018/02/Voter-ID-Study-Release.pdf>.

²⁴ “The Durable Differential Deterrent Effects of Strict Photo Identification Laws.” Grimmer, J. & Yoder, J., Stanford University, 10 Nov. 2019, https://www.dropbox.com/s/ggl2ry6dyqnpz00/voter_id_deter.pdf?dl=0.

COLLEGE STUDENT VOTING EXPERIENCES

During the 2022 Midterms Election, the Hotline received 80 calls about voting issues specific to college students.²⁵ Almost 30% of those calls involved reports of being turned away from their polling place, being unable to vote at their current residence, or having missed voting deadlines. The callers themselves often were parents of college students who wanted to confirm the voting information their child received was correct or wanted to report an issue at a polling place.

Amidst claims that “young people do not vote,” calls to the Hotline this cycle show that students who try to vote often encounter unreasonable barriers and hurdles to casting their ballot. The issues discouraging student voters from participating in elections or preventing them from voting at their preferred locations were consistent across the state, whether a student was voting on campus or at a polling place in their home county or precinct. College students are a particularly vulnerable population of voters who, in most cases, are voting for the first time. The barriers and challenges documented in previous sections of this report are compounded in the experiences of student voters, likely due to inexperience, lack of information, or misinformation.



Navigating Voter Registration is a Challenge for College Students

In North Carolina, college students can register and vote where they go to school if they physically reside in their school community and do not intend to return to their former home after graduation. Successfully registering to vote requires proof of residence, which means providing a document showing the student’s name and on-campus housing address or receiving a confirmation mailing at their registered address. Although having an address seems simple, this complicates registration for college students who rarely have permanent addresses on or near their college campuses. For example, first-year college students are likely to change their addresses at least two times within nine months (on the first and last days of the school year). Throughout a student’s tenure at a school, they may switch addresses multiple times by moving from residence halls to apartments or shared housing off-campus. Ultimately, this means that college students typically must update their registration every time they move to vote.

College students are also new to the voting process and may be unaware of the different methods to cast a ballot. The Hotline documented confusion surrounding Early Voting and same-day registration requirements, vote-by-mail, and provisional voting. One caller, for example, shared a concern about his ability to obtain his mail-in ballot since it was incorrectly mailed to his hometown address instead of his college address. As a result, he could not travel in time to his hometown to receive, complete, and cast the ballot or timely vote in person.

²⁵ This analysis only includes calls where the caller identified as a student or called on behalf of a student with a voting concern.

College Students Frequently Move Across Counties and Are Unsure Where to Vote

Many college students are unaware that once they register in one county, that does not grant them the ability to vote in another. A majority of the calls logged from students involved questions about whether they could vote at their campus voting site even though they were currently registered in their hometown county. Many students who called the Hotline after the Early Voting period were informed that it was too late to update their registration to their current permanent address or, alternatively, that they were ineligible to register because they intended to return home after graduation. For some college students, this meant that the only voting option was to drive to their home county to vote in person on Election Day, since, by that time, voting by mail was not possible. Election Day is not a state or federal holiday, so for many college students such a drive would mean missing class, study time, or work. Worse than that, students without access to transportation are simply out of luck and have to wait until the next election to have their voices heard.

Voter is a college student who lives 3 hours from her polling location. She wanted to know if there was any other way to vote other than driving to that location. The only option for her is to drive to her polling location to vote in person tomorrow.

Voter is a student at UNC. He is registered at his home address in Winston-Salem, where he is from and his parents live. He wanted to know if he could register today to vote in Orange County. I told him that he could not update his voter registration, but he still had the option to vote in Winston-Salem before the polls close at 7:30 pm.



A smaller number of students called the Hotline about provisional ballots and wanted information about the differences between voting a regular ballot and a provisional ballot. Some of those callers were aware of provisional ballots, but did not know whether they were eligible to receive one and left the polling place without voting.

Voter is a student at Guilford College. Before going to the polling place, he read that college students must present a college ID and document that shows you live in the county from the college. He Uber'd to early voting site to do same-day registration and brought an email from the college with his name and email address. The poll workers said he needed proof of what dorm he lived in and would not let him vote. He wanted to know if he should have been offered a provisional ballot and what that is.

Caller is a father calling on behalf of his daughter, an App State college student. His daughter is still in line but has been told (not sure by whom) that their North Carolina Driver's License will not be sufficient for same-day registration because it has their home address on the Driver's License. Caller wants to know if that is the correct information or if she will need to vote provisionally on Election Day.



Election Officials and Campus Administrators Must Work Together to Support Student Voting

Calls to the Hotline also revealed students were provided incorrect information by poll workers and campus administrators about voter requirements and polling hours. Multiple students did not know they were misinformed until calling the Hotline. The following tickets were escalated due to preventable issues during Early Voting related to misinformation or concerns that student voters were being treated differently.

A volunteer witnessed about 10 college students at a polling site being turned away for problems with registration during early voting; they were not offered same-day registration. One poll worker was providing misinformation or not answering the students' questions about voting. Students reported previous issues with this poll worker.

Caller reported an issue at an early voting site. The student voters were separated into different lines while other voters were allowed to vote ahead of them. The students were not provided information from poll workers about why this happened. One student who needed assistance with their address never got to vote. Some students were already registered to vote but were still asked for proof of ID or government documents without being informed why. Students were upset about the process.

Son is a student and went to do same-day registration on campus. A poll worker called the names of several voters, informing them they couldn't register now, and needed to return after 3 pm to register and vote. Caller thinks this information is wrong. Because it was the last day of early voting, the Hotline volunteer informed the caller that this was incorrect information and that voters must register by 3 pm today.

In some situations, polling places did not have student housing or dorm address lists available during early voting or Election Day. Because students can register at their student housing or dorm, campus polling places (or polling places near colleges and universities) have a list of college addresses to confirm student voters easily. Students are often informed that if they bring their student IDs to polling locations, they can vote. But if the campus address lists are unavailable, students are turned away at the polls.

Caller is reporting that the Guilford AG Center did not have a student address list for Bennett College (even though that information has supposedly already been submitted to BOE). Caller confirmed that students at the Guilford AG polling place were actively being turned away, and she witnessed this happen.

Caller is reporting issues with multiple students from St. Augustine's University not being on the voter rolls despite having registered earlier in the fall during a voter registration drive. Caller said that many of the students are not showing up in the system and are having to vote a provisional ballot even though they registered earlier.

To prevent this issue in the future, it is essential that county election officials and college administrators proactively work together before an election to ensure students know what documentation they need before arriving to vote and polling places have the necessary administrative documents, like campus and dorm address lists, ready to support student voting.

Improving the Voting Experience for College Students in North Carolina

Several factors could contribute to the student-specific voting issues reported to the Hotline. First, while voter registration drives are common on college campuses, students are not always provided with adequate information about their registration status, how to confirm their registration, or the voting processes in North Carolina. Some students may accidentally be registered incorrectly at these drives because of the subtleties of registering a student in a university address (usually a dorm room) that will be recognized by their county board of elections and the U.S. Postal Service. Additionally, registration drive volunteers may not realize that a student lists their parents' address on the registration form instead of their college address where they reside.

Second, before leaving their hometowns for college, students may already be registered in North Carolina and assume they could vote elsewhere in the state without changing their voter registration. Out-of-state students tended to be more likely to assume they would need to re-register. Reports received through the Hotline expose a lack of targeted communication and outreach to students about the need to change or update their registration when moving to a new address, whether to a new dorm room or off-campus housing.

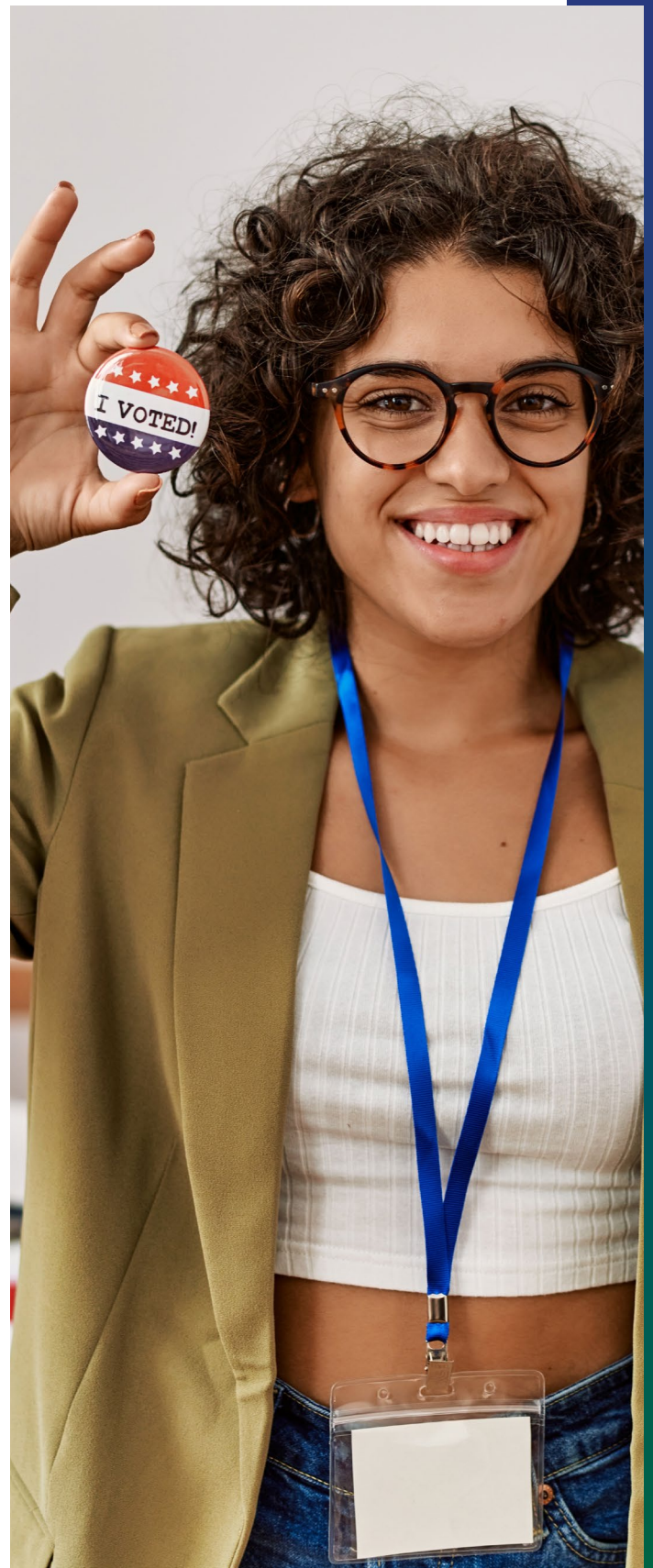
Third, students are similarly situated to other Hotline callers as they are unaware or uninformed about the benefits of Early Voting, including, same-day registration, which for students especially provides an opportunity to register, update their registration, or fix any unknown issues before Election Day. Many students and their parents calling the Hotline for help had already missed registration or vote-by-mail deadlines leaving volunteers to recommend making a voting plan for the next election. With that said, it is encouraging to see in the election data that many young voters (though not exclusively college students) are taking advantage of the benefits of early voting. People ages 18 to 25 made up 30% of all same-day registrants – more than any other designated age group during the 2022 Midterms Election – and 42% of voters ages 18 to 25 cast their ballot during Early Voting.²⁶

²⁶ "Voter History Data." North Carolina State Board of Elections, <http://www.ncsbe.gov/results-data/voter-history-data>.

Calls received by the Hotline from college students, and at times, their concerned parents or teachers, highlight gaps and challenges in voter education and outreach, particularly around voter registration requirements and Early Voting. College administrators, groups conducting voter registration drives on campus, and state and county election officials must consider the experiences of student voters documented here and elsewhere to ensure young people have equitable access to knowledge about voting and feel empowered to participate in our democracy year-long.²⁷

For young people and college students interested in learning more about civic education and voting in North Carolina, visit our partners:

- Common Cause North Carolina, <https://www.commoncause.org/north-carolina/hbcu/>
- You Can Vote, <https://www.youcanvote.org/students>
- North Carolina Asian Americans Together, <https://ncaatogether.org/youth-programs/>
- North Carolina Black Alliance, <https://ncblackalliance.org/campus-engagement/>
- Student NCPiRGS, <https://ncpirgcampusaction.org>
- El Pueblo, <https://elpueblo.org/youth-programs/>



²⁷ "The power of young voters: shaping North Carolina's political landscape." Carolina Public Press, 24 June 2023, <https://www.wfae.org/politics/2023-06-24/the-power-of-young-voters-shaping-north-carolinas-political-landscape>.

/// QUEER EXPERIENCES AT THE POLLS²⁸

Queer voices have been silenced when accessing the vote for far too long. Politicians and legislators have historically worked against marginalized communities, especially those where multiple identities intersect. GLAAD, the Gay & Lesbian Alliance Against Defamation, partnered with Pathfinder Opinion Research and conducted a poll following the 2020 Election to analyze the participation of queer voters in the United States. The data was collected from 800 LGBTQIA+ respondents and found that “93% of respondents who reported being LGBTQ[IA]+ registered voters said they voted in the 2020 General Election.”²⁹ A striking one-quarter of these voters were making their voices heard for the first time.

As a result of the COVID-19 pandemic, there was a surge in LGBTQIA+ folks who were spurred to vote. In a study on COVID-19 in queer communities, researchers found that “LGBTQ[IA]+ people placed a high premium on collectivistic beliefs and community connectedness in helping them cope with COVID-related challenges.”³⁰ This may have contributed to the major rise in voter turnout. When surveyed by GLAAD’s 2020 Post-Election Poll about their motivations for participating in the election, COVID-19 was a major issue: over 50% of LGBTQIA+ voters claimed it was their primary reason to vote. One-quarter of voters looked at healthcare-related campaign promises to choose their candidate, followed by 22% concerned with racial justice and 21% worried about LGBTQIA+ equality.



Even though many queer Americans feel strongly about issues impacting the community and make it known with their ballot, it is still risky for them to exercise their right to vote. Across the country, after the 2016 Election, “80 incidents of LGBTQ[IA]+-targeted hate-based harassment and/or violence were reported in the 7 days subsequent.”³¹ It is not difficult to see how LGBTQIA+ people are dissuaded from visiting a polling place to cast a vote. Even mail-in ballots can be inaccessible since LGBTQIA+ people tend to experience homelessness at a higher rate. In a study by the

²⁸ The Hotline did not receive a significant amount of calls related to LGBTQIA+ issues at the polls.

²⁹ “GLAAD 2020 Post-Election Poll.” GLAAD Press Release, 20 Nov. 2020, <https://glaad.org/releases/glaad-2020-post-election-poll-81-lgbtq-voters-voted-president-elect-biden-93-registered/>.

³⁰ “Queer Politics of a Pandemic: LGBTQ+ People’s Conceptions of COVID-19’s Politicization.” Schmitz, RM, *Sex Res Social Policy*. 2023;20(2):751-765, <https://pubmed.ncbi.nlm.nih.gov/35465237/>.

³¹ “Update: Incidents of Hateful Harassment Since Election Day Now Number 701.” Southern Poverty Law Center, 18 Nov. 2016, <https://www.splcenter.org/hatewatch/2016/11/18/update-incidents-hateful-harassment-election-day-now-number-701>.

Williams Institute at the UCLA School of Law, “17% of sexual minority cisgender and genderqueer adults reported they experienced lifetime homelessness, which is more than twice what we have found in a general population study.”³² With a lack of a home address or stable housing, it is difficult to vote by mail and in person.

Voter photo ID may provide another barrier to participation by LGBTQIA+ people. For example, transgender voters may find it difficult to present photo identification or driver’s licenses at the polls if they cannot change their names, gender, and photo before the deadline for updating voter registration, given the manner in which their name and photo will be scrutinized when presenting to vote. Under the current rules in North Carolina for implementing voter photo ID, poll workers are asked to determine if “the photograph appearing on the photo identification bears a reasonable resemblance to the person presenting to vote.”³³ Although the rule provides reasons why a person’s appearance could change, such as changes in facial hair or aging, it does not explicitly list transgender or gender non-conforming, as illustrative examples why a person’s appearance may be different than their photo ID. The poll worker must also determine whether the voter’s name on the photo ID is “substantially equivalent” to their voter registration record. Under these rules, a voter is required to cast a provisional ballot if the election officials unanimously agree that the voter does not reasonably resemble their photo ID or if their name is not substantially equivalent.

To some people, these rules may seem mundane, but they reveal the inherent discrimination of voter photo ID laws. In addition to implicit bias affecting a

poll worker’s comparison of a small photo to a voter, anyone who has undergone a medical procedure may look vastly different than their license or passport, which are infrequently updated. Divorced women and people who have changed their names would also face barriers if unable to update their photo IDs in time. While a voter can update their voter registration online, it could take months to update a government-issued ID, especially if a trip to the DMV or other government office is required. And even if a voter is not turned away based on their voter photo ID, the experience of having their gender and identity scrutinized could be deeply harmful and discourage them from voting in the future. Further, allowing poll workers to monitor adherence to the gender and/or identity on a person’s identification reinforces the gender binary and contributes to further stigmatization of transgender and nonbinary people. Queer voters may also fear being misgendered or recognized as transgender without consenting to share it publicly, which could lead to emotional or even physical harm to the voter.

Due to constant legislation against LGBTQIA+ Americans, it can be difficult to fully mobilize as a voting bloc. We have historically seen government crackdown on queer protests and, more recently, pass legislation to prevent transgender Americans from seeking affirming healthcare. Especially in Southern states with higher rates of harassment, discrimination, and violence against queer community members, we cannot ignore the barriers present to voting. Nonetheless, there is reason for hope with this incredible turnout from LGBTQIA+ voters, alongside queer lawmakers taking office and leading the charge toward comprehensive legislation to protect all Americans.

³² “Homelessness Among LGBT Adults in the US.” UCLA School of Law Williams Institute, May 2020, <https://williamsinstitute.law.ucla.edu/publications/lgbt-homelessness-us/>.

³³ 08 NCAC 17. 010(a)(2); “State Board Approves Rules Related to Photo ID, Appoints County Board Members Statewide.” North Carolina State Board of Elections Press Release, 27 June 2023, <https://www.ncsbe.gov/news/press-releases/2023/06/27/state-board-approves-rules-related-photo-id-appoints-county-board-members-statewide>.



CONCLUSION

The North Carolina Election Protection Hotline (888-OUR-VOTE) continues to capture that the experience of voting – whether by mail or in person – may vary significantly depending on who you are, where you live, and what laws govern our elections. Callers to the Hotline needed assistance, information, or answers on how to cast a ballot and ensure it was counted. And though the specifics may have differed from one caller to the next, in nearly every case, voters, regardless of background, wanted voting to be simpler and more secure.

Election administrators across the state work diligently to address some of these concerns by fostering more trust and transparency in the voting process and maintaining the safety of elections. At the same time, some of North

Carolina’s lawmakers continue to validate extreme claims related to fraud or disinformation by changing election laws to combat this false reality under the guise of “election integrity.”

The combination of short- and long-term changes in election laws without responsive voter education and outreach directly impacts access to and confidence in the voting process. As demonstrated by the recommendations in the Election Protection reports, SCSJ and Democracy NC strongly believe the experiences of voters must be at the center of any election and voting policy changes in North Carolina. We must work together to meet voters where they are and fight for the freedom to vote to achieve an inclusive, multiracial democracy.

Acronymns

BOE: Board of Elections or Boards of Elections

CBOE: County Board of Elections or County Boards of Elections

EV: Early Voting

LGBTQIA+: Lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, and more

NCSBE: North Carolina State Board of Elections

OVL: Our Vote Live

Definitions

We have included definitions of the below terms to ensure that readers can gain a full understanding of the racial and political context contained within this report:

Absentee Ballots/Mail Ballots. Voting by mail. Since 2001, North Carolina has had “no excuse” voting by mail. This allows any registered voter to request and vote a mail-in ballot. When a voter completes their mail-in ballot, they can mail their ballot in the return envelope, return it to their county board of elections in person, or bring it to an early voting site.

Canvass. The process of ensuring votes have been counted correctly. The required audits have been completed and the results of each candidate race has been certified during meetings of every county board of elections. The post-election “canvass” process occurs after every election.

Disenfranchisement. The act of depriving a person of the rights or privileges promised to citizens of a nation. Felony disenfranchisement, specifically, is the act of barring individuals from the polls or casting their ballot due to a felony conviction, both while they are imprisoned as well as after their release. How long these people lose the right to vote and how they regain the right to vote, if at all, is determined state by state.

Hotline. North Carolina’s nonpartisan voter hotline, 888-OUR-VOTE (888-687-8683). The hotline is available Monday-Friday, 9 a.m. – 5 p.m. throughout the year. Callers may ask questions about how to register to vote and cast a ballot in North Carolina or report voting problems.

Indigenous. The people native to an area prior to contact with new settler populations. In this report, Indigenous refers to the relatives of those who lived within what is now the United States prior to European contact. Indigenous peoples live on every continent. They have pre-existing sovereignty and are fighting to remain culturally intact on their land.

Latiné. The gender-neutral form of the word Latino or Latina, referring to those native to/an inhabitant of/descendant of those from Latin America.

Misinformation and Disinformation. While misinformation refers more generally to falsehoods or inaccurate information (sometimes unknowingly shared), disinformation is a subset of misinformation that is deliberately misleading or deceptive, aimed at achieving a political goal often through the intentional spread of viral falsehoods.

Provisional Ballots. A provisional ballot is a “failsafe” or safety net option for voters when there is a question about their eligibility to vote. These questions can come up for a variety of reasons, including going to the wrong precinct, moving, or some other problem with the voter record. Federal law requires that anyone who presents to vote be given the opportunity to vote, and provisional ballots guarantee that every voter is given that chance. The voter is then able to contact their county board of elections after the canvass to learn if their ballot counted.

Same-Day Registration. The process in which a voter may register and vote at the same time during the Early Voting period (sometimes called “one-stop early voting”). Voters registering during the EV period must have resided in the county where they are registering for at least 30 days prior to Election Day, and must attest to their eligibility and provide proof of residence.

Voter intimidation. The act of harassment, willful sharing of information, or intimidation aimed at threatening one’s right to vote or intended to discourage someone from voting.

Voter suppression. The means or strategy, legal or extralegal, of reducing voting, or registering to vote, by members of a targeted racial group, political party, or religious community. Such barriers in front of the ballot box could include imposing strict voter ID laws, cutting voting times, restricting registration, and purging voter rolls.

Sources: Brennan Center for Justice; Dismantling Racism; North Carolina State Board of Elections; UCLA Office of Equity, Diversity and Inclusion; White Supremacy Culture.

