

**VIA ELECTRONIC AND CERTIFIED MAIL**

May 4, 2026

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Chair, Secretary, and Members of the North Carolina State Board of Elections

***Re: Voter Registration Form Access under the National Voter Registration Act***

Dear Executive Director Hayes,

We write on behalf of 30 nonpartisan, nonprofit voting rights and civic engagement organizations to address the recent decision of the North Carolina State Board of Elections (the “State Board”) to discontinue its practice of providing physical, printed voter registration forms to private individuals and organizations who desire to conduct voter registration drives. This policy change has the direct result of restricting and impeding the ability of private individuals and groups from conducting voter registration programs throughout the state, and the State Board’s alternative—a link to the form on their website—is insufficient to meet the express requirement of the National Voter Registration Act (“NVRA”) that the State Board make forms “available for distribution” with “particular emphasis” on “organized voter registration programs.” 52 U.S.C. § 20505(b); *see also* N.C.G.S. § 163-82.5.

As we detail further below, prompt action is needed from the State Board to rectify these issues so that third party voter registration can continue in the state unimpeded.

**I. Federal and State Law Requirements**

Section 5 of the NVRA requires the chief state election official to make voter registration forms “available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.” 52 U.S.C. § 20505(b). Virtually the same language is codified in North Carolina General Statutes § 163-82.5.

This mandate aligns with one of Congress’ core purposes in passing the NVRA: to enact “procedures that will *increase* the number of eligible citizens who register to vote in elections for Federal office[.]” 52 U.S.C. § 20501(b)(1) (emphasis added). The law explicitly states that Congress’s intent was for federal, state, and local governments to “implement this chapter in a manner that *enhances the participation* of eligible citizens as voters in elections for Federal office[.]” 52 U.S.C. § 20501(b)(2) (emphasis added). Congress’s “particular emphasis” on making

the forms “available for organized voter registration programs,” 52 U.S.C. § 20505(b), coupled with its purposes in increasing voter registration and enhancing citizen participation, contemplates that organization-led and community-powered registration drives would need these forms to achieve those goals. Accordingly, courts have held that procedures and policies that diminish organizations’ ability to use registration forms in voter registration drives, including in “communities that generally have little access to voter registration services,” are “contrary to what Congress, in enacting the NVRA, declared to be the public interest.” *League of Women Voters of the United States v. Newby*, 426 U.S. App. D.C. 67, 838 F.3d 1, 13 (D.C. Cir. 2016).

## II. North Carolina’s Violation of the NVRA and State Law

In March 2026, the State Board publicly confirmed it would no longer be printing voter registration forms for non-governmental, community-based voter registration drives and referred the public to the forms’ availability on the State Board’s website.<sup>1</sup> From an initial investigation into form availability, we understand at least three counties, Catawba, Lenoir, and Wayne have no printed forms available for distribution and do not intend to print more for registration drives as a result of the State Board’s position. While many other counties still have printed forms available or plan to make them so for community-based registration drives, we understand at least 15 other counties have significantly restricted their availability or do not plan to make printed forms available for these drives once the forms run out.<sup>2</sup> It stands to reason that the number of counties in which voter registration forms are not available for distribution will grow as current supplies dwindle and additional time passes.

Upon information and belief, since the NVRA became law in 1993 and North Carolina enshrined its provisions in state law, the State Board has consistently provided printed registration forms for distribution.<sup>3</sup> This cessation of printing registration forms therefore departs from longstanding practice of the State Board.

The purported reason for this change to address “significant and ongoing costs” for printing these forms is not a sufficient justification for the State Board to cease to provide them at all going forward. The NVRA’s requirement that these forms be made available for distribution cannot be skirted by arguments that it imposes an “unfunded mandate” on states; just because a state “must bear the cost” of complying with the NVRA does not mean the legislation is unconstitutional. *See Ass’n of Cmty. Orgs. for Reform Now v. Ridge*, Nos. 94-7671, 95-382, 1995 U.S. Dist. LEXIS

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<sup>1</sup> Brandon Kingdollar, *NC Board of Elections will no longer provide forms to voter registration drives*, NC NEWSLINE (Mar. 3, 2026), <https://ncnewsline.com/2026/03/03/nc-board-of-elections-will-no-longer-provide-forms-to-voter-registration-drives/>; Sarah Michels, *Voter registration groups cry foul over NC decision to stop providing them with printed forms*, CAROLINA PUB. PRESS (Mar. 20, 2026), <https://carolinapublicpress.org/74926/voter-registration-groups-cry-foul-over-nc-decision-to-stop-providing-them-with-printed-forms/>.

<sup>2</sup> These counties are Alamance, Cherokee, Chowan, Craven, Cumberland, Durham, Forsyth, Granville, Macon, McDowell, Moore, Onslow, Perquimans, Richmond, and Scotland. Chowan County Board of Elections stated they will provide these forms for the 2026 General Election but not after. The Durham County Board has limited the number of forms to 10 per person, per day.

<sup>3</sup> We understand that the brief disruptions to this program that did occur, including in 2023, were due to resource constraints related to the printing of paper and not (as here) the voluntary decision to halt this practice.

3933, at \*21 (E.D. Pa. Mar. 30, 1995). In fact, where Congress has appropriated funds to operate the state agencies involved in the NVRA, it is “well within” its power to “direct that some of the money it appropriates be spent on voter registration[.]” *Condon v. Reno*, 913 F. Supp. 946, 966 (D.S.C. 1995).<sup>4</sup>

Nor can the State Board’s posting of an online link to the voter registration form satisfy its obligation to make the form available for organized voter registration programs. As an initial matter, at the time this provision of the NVRA was enacted (in 1993), Congress’s clear mandate directed forms to be available in physical copies, as the Internet was in nascent stages at the time, and the use of digital forms was far from commonplace. Accordingly, the plain text of the directive to make forms “available for distribution” with “particular emphasis on making them available for organized voter registration programs” was to make physical forms readily available for these programs. *See* H.R. Rep. No. 103-66, at 17 (1993) (Conf. Rep.) (“Forms shall be *readily* available for public and private distribution, and especially for organized registration programs.” (emphasis added)). In making this direction, Congress no doubt recognized the value that private voter registration organizations play in bridging accessibility gaps for voters who may need assistance in completing a voter registration form and/or ensuring that it gets delivered in a secure and timely manner.

Technological developments since the passage of the NVRA do not absolve the State Board of this clear mandate either. This is because the State Board’s current practices do not facilitate private organizations using this link to the form to directly register voters without requiring a printed, physical form. While online registration through the DMV is a method some applicants (with existing DMV accounts) can use to register, the DMV directs individuals that “If you do not have a valid North Carolina Driver License or DMV-issued ID Card, you can download a voter registration application and submit it to the State Board of Elections.”<sup>5</sup> The State Board in turn advises non-military, domestic voters of only two registration options: online through the DMV or “by mail.”<sup>6</sup> In other words, the State Board’s current guidance instructs domestic voters without DMV accounts that their only option to register other than in person at state agencies is to print and fill out a physical form, and mail or deliver it to the Board of Elections.

Likewise, the State Board’s representation that it will continue to provide forms directly to voters upon request does not fulfill its obligations under the NVRA. Section 20505(b) specifies availability be made to “private organizations,” recognizing their crucial role in ensuring access to voter registration. This is especially true in North Carolina, where in the last general election year

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<sup>4</sup> North Carolina has consistently received funds from the federal government for the administration of its elections. *See, e.g., 2023 Grant Expenditure Report*, U.S. ELECTION ASSISTANCE COMM’N (June 28, 2024) (available at [https://www.eac.gov/sites/default/files/2024-06/EAC\\_Report\\_on\\_State\\_Expenditures\\_of\\_HAVA\\_Funds\\_2023.pdf](https://www.eac.gov/sites/default/files/2024-06/EAC_Report_on_State_Expenditures_of_HAVA_Funds_2023.pdf)).

<sup>5</sup> *See Voter Registration Application*, MYNC DMV, [https://payments.ncdot.gov/service/nc\\_voter\\_registration/workflow/nc\\_voter\\_reg\\_standalone\\_entry/5](https://payments.ncdot.gov/service/nc_voter_registration/workflow/nc_voter_reg_standalone_entry/5) (last visited Apr. 22, 2026).

<sup>6</sup> *How to Register*, NORTH CAROLINA STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/registering/how-register> (last visited Apr. 22, 2026).

(2024) at least 217,309 registrations were sourced from “Registration Drives.”<sup>7</sup> As these statistics indicate, third-party voter registration drives provide crucial opportunities for eligible voters to successfully register, ensuring applicants have access and assistance in successfully completing and delivering their voter registration. By contrast, sending the applicant a link to a form does not necessarily ensure the person will be able to print and complete the form correctly and then successfully deliver it. Private organizations ensure that these gaps in accessibility are bridged throughout the state. The State Board’s policy of ceasing to make forms available to private organizations thus hinders these organizations’ ability to successfully register voters and, by extension, imposes a barrier for individuals to register to vote, ultimately thwarting the mission of the NVRA.

### **III. Impact on Organized Voter Registration Drives in North Carolina**

As we detailed to the State Board in the spring of 2023 amidst shortages of voter registration forms,<sup>8</sup> the sudden unavailability of printed forms can have a direct and tangible impact on organizations conducting voter registration drives. Those temporary shortages necessitated substantial financial outlays for a number of groups and modified programming for others, all to the detriment of voters in the state looking to exercise their fundamental right to vote. That experience showed how restrictions from the State Board on private organizations’ ability to host registration drives can have a drastic impact on their ability to register voters and further the NVRA’s purpose.

Reports from various counties so far show how disparate the lack of forms available for distribution has been. While Lee and Wayne Counties report having no forms to distribute, Lee is printing them for organizations as needed, and nearby Wayne has stated it will not be printing more. Durham and Orange Counties both have a reserve of printed forms, but Durham has stated it will limit the number of forms to ten per person, per day. This disparity in the availability of printed forms restricts access to voting based on where voters live, reflects a non-uniform voter registration practice, and burdens voter registration efforts in smaller communities with fewer resources.

The State Board’s sudden and unexpected decision to stop providing printed voter registration forms for distribution to community voter registration organizations has caused a significant disruption to ongoing and planned voter registration activities, as well as widespread confusion among county boards about form availability. Organizations have already been forced to divert resources away from crucial aspects of their work and missions to printing forms that should otherwise be made available. If the shortage is exacerbated, we expect it will in some cases prevent organizations from holding registration drives at all. Unless the State Board reverses course, the impact will be sorely felt ahead of the 2026 general election and beyond.

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<sup>7</sup> See *NVRA Registration Statistics*, NORTH CAROLINA STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/registering/national-voter-registration-act-nvra/nvra-registration-statistics> (last visited Apr. 22, 2026).

<sup>8</sup> See *NC Board of Elections Should Issue National Voter Registration Act Guidance to County Boards*, S. COAL. FOR SOC. JUST., <https://southerncoalition.org/nc-board-of-elections-should-issue-national-voter-registration-act-guidance-to-county-boards/> (last visited Apr. 22, 2026).

#### IV. Remedies for the Violation and Expanding Online Registration to Mitigate Costs

This letter serves as notice pursuant to 52 U.S.C. § 20510(b) of a violation of Section 5 of the NVRA, 52 U.S.C. § 20505. We urge the State Board to remedy this violation of the NVRA immediately. To bring North Carolina back in compliance with the NVRA, the State Board must restart its practice of making physical voter registration forms available for distribution to private organizations for use at organized registration drives. The State Board must maintain the practices that allow these organizations to request and obtain forms, the information and instructions for which are still live on its website.<sup>9</sup> Finally, the State Board must ensure that county Boards of Elections are providing forms in a uniform manner and issue guidance accordingly.

Regarding the State Board's reported need to address "significant and ongoing costs" associated with printed forms, we urge the State Board to implement an online form and/or registration portal for non-DMV customers to facilitate voter registration and reduce the demand for printed forms (and, by extension, the cost of printing), as well as other administrative costs detailed below.

As a State agency, the State Board is able to offer an electronic voter registration form that allows an electronically captured image of the signature of a voter. *See* N.C.G.S. § 163-82.6(c) ("[A]n electronically captured image of the signature of a voter on an electronic voter registration form offered by a State agency shall be considered a valid signature...."). Notably, the State Board already has in place an online portal that processes electronic signatures: absentee ballot request forms.<sup>10</sup> There, voters can draw and submit their signature directly on the form, and the State Board will process their application and send an absentee ballot accordingly. In addition to and distinct from the DMV registration portal, a registration portal or online form operated by the State Board using this method for electronic signatures (and/or a mechanism to upload a picture of the voter's signature) would allow individuals without DMV accounts to register and would permit private organizations to register voters directly online. Providing this option would lessen the need for as many printed forms, thus saving costs and broadening access to registration for eligible voters.

Expanded online registration would have many additional administrative benefits that will save additional costs associated with voter registration. The availability of an online form would also help mitigate common issues with mail-in, handwritten forms, including illegible or unclear handwriting that causes data input errors. In turn, it would reduce the costs that County Boards incur to collect corrected information from voters, including mailing costs and staff time. It could also automatically check if a voter already has an existing registration, and prompt existing registered voters to update rather than submit a new registration, thereby reducing the number of duplicates on North Carolina's statewide list. Finally, an online form could also save election workers the time of inputting the handwritten form information into an electronic format by facilitating automatic field capture. In this way, expanded online voter registration would

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<sup>9</sup> *Hosting Voter Registration Drives*, NORTH CAROLINA STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/registering/hosting-voter-registration-drives> (last visited Mar. 26, 2026).

<sup>10</sup> *North Carolina Absentee Ballot Portal*, NORTH CAROLINA STATE BD. OF ELECTIONS, <https://votebymail.ncsbe.gov/app/home> (last visited Apr. 22, 2026).

complement and advance the ongoing efforts to modernize the state’s election data management system for which the State Board has been awarded considerable funds.<sup>11</sup>

These benefits would come without any compromise to the security of North Carolina’s elections. The online registration would still require a unique voter signature to signify the voter’s affirmation of the information provided in the registration form and their eligibility to vote. Further, acceptance of an electronic signature would not alter the verification process county boards implement to confirm a registrant’s eligibility to vote in that county.<sup>12</sup> Use of an electronic signature in this context would also be consistent with North Carolina’s treatment of electronic signatures generally, including in the Uniform Electronic Transactions Act, which provides that “[a] record or signature may not be denied legal effect or enforceability solely because it is in electronic form.” N.C.G.S. § 66-317(a). Given these benefits, it is no surprise that other U.S. states and territories provide online methods of registration outside of their DMV agencies, including District of Columbia, Kentucky, Minnesota, Missouri, New Jersey, Oregon, Pennsylvania, Vermont, and the U.S. Virgin Islands.<sup>13</sup>

In sum, an online voter registration option that does not require a DMV account would provide a secure method for private organizations to register eligible voters in registration drives while reducing the demand for printed forms. Online registration opens the door to cost and resource-saving alternatives while ushering in a modernized approach to private entities’ voter registration efforts and ensuring North Carolina is in compliance with the NVRA. To be clear, any State law or Board policy cannot supersede the State’s obligations under the NVRA to print and make available forms for distribution via community-based voter registration drives. This is especially true given that expanded online voter registration, if offered, would not be reasonably available in communities lacking consistent, stable internet access.<sup>14</sup> However, this alternative of online voter registration would lower the demand for printed forms, saving the State Board financial resources as outlined above.

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While State Board staff has characterized this to be a “temporary tightening” of voter registration drive practices, we believe that the State Board’s failure to provide forms for distribution (if continued for any period) will still prevent many eligible individuals from registering to vote in advance of the 2026 general election and therefore requires immediate attention. We respectfully request an opportunity to consult with the State Board and staff at your earliest convenience to

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<sup>11</sup> See *State Auditor Boliek Announces Modernization of Election Data Systems Commission*, NORTH CAROLINA STATE BD. OF ELECTIONS (Feb. 5, 2026), <https://www.ncsbe.gov/news/press-releases/2026/02/05/state-auditor-boliek-announces-modernization-election-data-systems-commission>.

<sup>12</sup> The Eighth Circuit has also recently recognized that a requirement of wet ink signatures for voter registration, as opposed to electronic capture of signatures, was not material to ensuring eligibility or preventing voter fraud. See *Get Loud Ark. v. Jester*, No. 24-2810, 2026 U.S. App. LEXIS 9184 at \*13 (8th Cir. Mar. 31, 2026) (finding Arkansas’s wet ink signature requirement violated the NVRA’s “materiality provision” in 52 U.S.C. § 10101(a)(2)(B)) (available at <https://ecf.ca8.uscourts.gov/opndir/26/03/242810P.pdf>).

<sup>13</sup> See *Online Voter Registration*, NAT’L CONF. OF STATE LEGISLATURES, <https://www.ncsl.org/elections-and-campaigns/online-voter-registration> (last updated Jan. 23, 2025).

<sup>14</sup> See, e.g., Jane Winik Sartwell, *Despite progress, digital divide in NC high-speed internet access remains*, CAROLINA PUB. PRESS (Sep. 12, 2024), <https://carolinapublicpress.org/65361/internet-access-nc-digital-divide/>.

discuss any administrative practices and public education that the State Board could implement to address costs or other concerns while meeting its obligations under Section 20505(b).

Respectfully,

You Can Vote	NAACP North Carolina State Conference
Southern Coalition for Social Justice	El Pueblo
North Carolina Black Alliance	Democracy North Carolina
Common Cause North Carolina	Student Action with Farmworkers
Disability Rights NC	North Carolina Asian Americans Together
North Carolina Council of Churches	Forward Justice
NC Congress of Latino Organizations NCCLO	Action NC
North Carolina Voter Project	Organizing Against Racism Cumberland County
NC Climate Justice Collective	League of Women Voters of North Carolina
Fair Elections Center	North Carolina For The People
MomsRising	Casa Azul de Wilson
Planned Parenthood South Atlantic	Valores
Action4Equity	Pro-Choice North Carolina
Fayetteville Police Accountability Community Taskforce	Association of Mexicans in North Carolina, AMEXCAN
New North Carolina Project	North Carolina A. Philip Randolph Institute