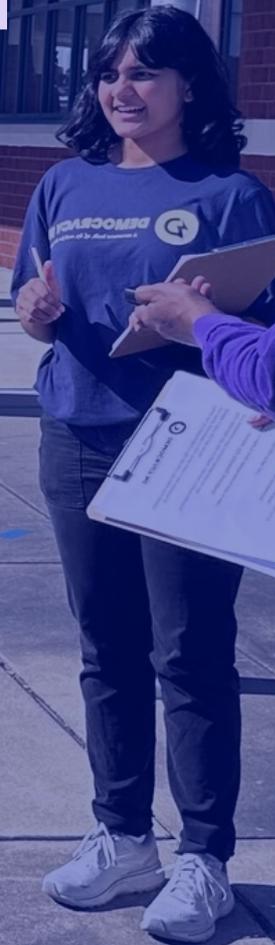




DEMOCRACY NC

# CBOE MONITORING REPORT



November 2023 Municipal Election



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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The League of Women Voters of North Carolina, Inc. works to encourage the active and informed participation of citizens in government and to increase understanding of major public policy issues.

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Common Cause North Carolina is a nonpartisan grassroots organization dedicated to upholding the core values of American democracy.

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Southern Coalition for Social Justice 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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# Thank You!

We thank all of the advocates from across the state who contributed to this report.

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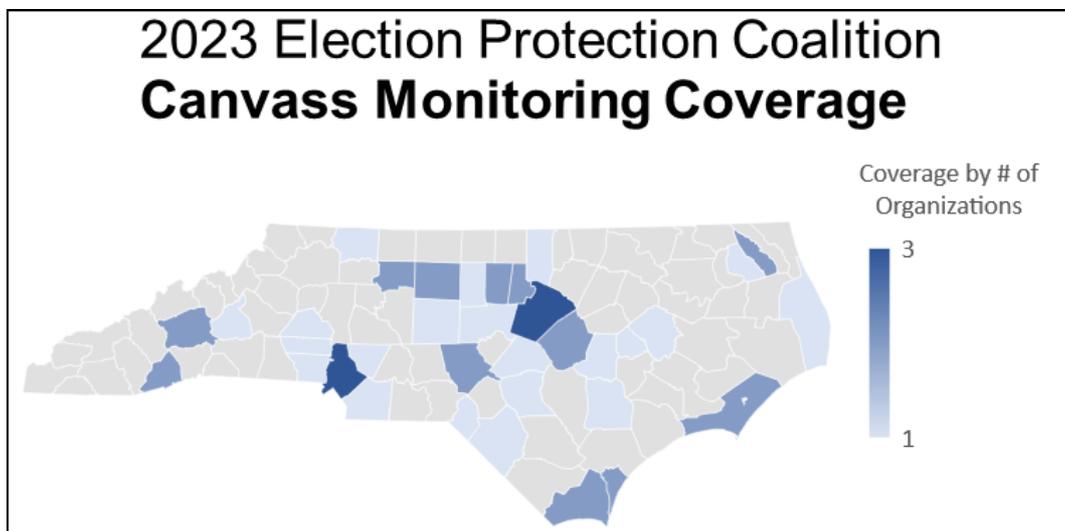
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## SUMMARY

This county board of elections (CBOE) issue brings attention to reports received by *Democracy North Carolina* election advocates in collaboration with *Common Cause NC* and the *League of Women Voters*. The following highlights may be of interest to partners, advocates, and election officials seeking to learn more about election administration variation and changes at the local level.

In partnership with the Southern Coalition for Social Justice, You Can Vote, Disability Rights North Carolina, Forward Justice, Blueprint NC, and other Election Protection partners, numerous election advocates were deployed across 35 counties for the 2023 November municipal election to observe the pre-canvass and canvass monitoring process.



# SUMMARY

The reversal of *Holmes v. Moore* in 2023 raised concerns about implementing the voter photo ID law by county boards of elections and the State Board of Elections in less than four months. Municipal elections often see lower voter turnout, as well as a lower number of eligible voters who live within the designated precinct boundaries where elections are being held. With a total of 613,834 ballots cast across all municipal elections, this resulted in a 13.8% turnout of eligible voters.

The highlighted reports underscore how confusion and misinterpretation of the law disproportionately impacted voters, leading to disenfranchisement. Noteworthy observations from the 2023 municipal election, gathered through canvass reports, the non-partisan voter hotline (888-OUR-VOTE), and provisional voter phone banking outreach, include:

- **Voter Photo ID Implementation**
  - Voters without an acceptable photo ID were treated differently in different counties. Most poll workers instructed voters with an ID at home to complete a provisional ballot and return to the county board of elections with the ID before the day of canvass. Voters who left their ID at home were occasionally offered an ID exception form, also known as a Reasonable Impediment form, which saved them from making an extra trip. Voters who did not possess an acceptable photo ID were supposed to receive an ID exception form, but in some cases that did not happen.
  - **The majority of voters who did not present a photo ID at the polling place, and who did not complete an ID exception form, did not return to the county board office – and their ballot was denied.**
  - Conflicting interpretations of how to process ID exception forms led some counties to incorrectly reject ballots based on the personal opinions of board members about the reasonableness of the voter's statement rather than whether or not the board had factual grounds to believe the statement was false, as the law requires.
- **Voting By Mail**
  - Ongoing mail delays resulted in discounted ballots, even with ample delivery time. In some cases, ineligible postmarks or the lack of them resulted in the rejection of ballots.
  - Missing or incomplete signatures also resulted in the denial of ballots. In one case, a voter with a significant disability failed to sign their form, causing their ballot to be rejected.
- **Election Funding**
  - Adequate funding for election administration at the county continues to be a significant barrier to the adoption and expansion of early voting plans. Many counties expressed the need to expand the number of sites or hours to account for growing populations but cited cost as a barrier.

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# SUMMARY

- Municipal Election Voter Education
  - Many voters expressed frustration or lack of knowledge surrounding whether they had an election and if they qualified to vote due to municipal boundary restrictions. In some cases, voters described feeling disenfranchised when they learned they lived in an unincorporated area.
  - Methods of voter notification related to ballot issues varied across counties.
  - Many voters with ID problems expressed a lack of understanding of why they were instructed to cast a provisional ballot or needed to return with their ID to the county board of elections to have their vote counted.

## PROVISIONAL BALLOT ISSUES AND VOTER ID IMPLEMENTATION

During the September, October, and November municipal elections, 4,272 voters cast provisional ballots. The most common reasons for a provisional ballot were voting in the incorrect precinct, having no record of registration, or having a jurisdiction dispute (typically the voter lived outside the municipality).

2023 Municipal Provisionals by Category	
Pv Voted Reason	
INCORRECT PRECINCT	1,475
NO RECORD OF REGISTRATION	870
JURISDICTION DISPUTE	689
ID NOT PROVIDED - EXCEPTION -REASONABLE IMPEDIMENT	301
UNREPORTED MOVE	295
ID NOT PROVIDED - NO EXCEPTION FORM/RETURN WITH ID	268
PREVIOUSLY REMOVED	211
UNRECOGNIZED ADDRESS (GEOCODE ISSUE)	111
VOTER ALREADY VOTED	43
INCORRECT PARTY	6
ID NOT PROVIDED - EXCEPTION -RELIGIOUS OBJECTION	4

Figure.1 shows the count of all provisional ballots by category for the September, October, and November municipal elections.

Across all municipal elections, a total of 573 voters cast provisional ballots due to not providing an acceptable photo identification. The majority of these voters completed an ID exception form and ultimately had it approved. 268 voters with a provisional ballot due to missing ID did not complete an ID exception form, and the majority of these voters did not return to the county board of elections to provide a copy of their photo ID.

# PROVISIONAL BALLOT ISSUES AND VOTER ID IMPLEMENTATION

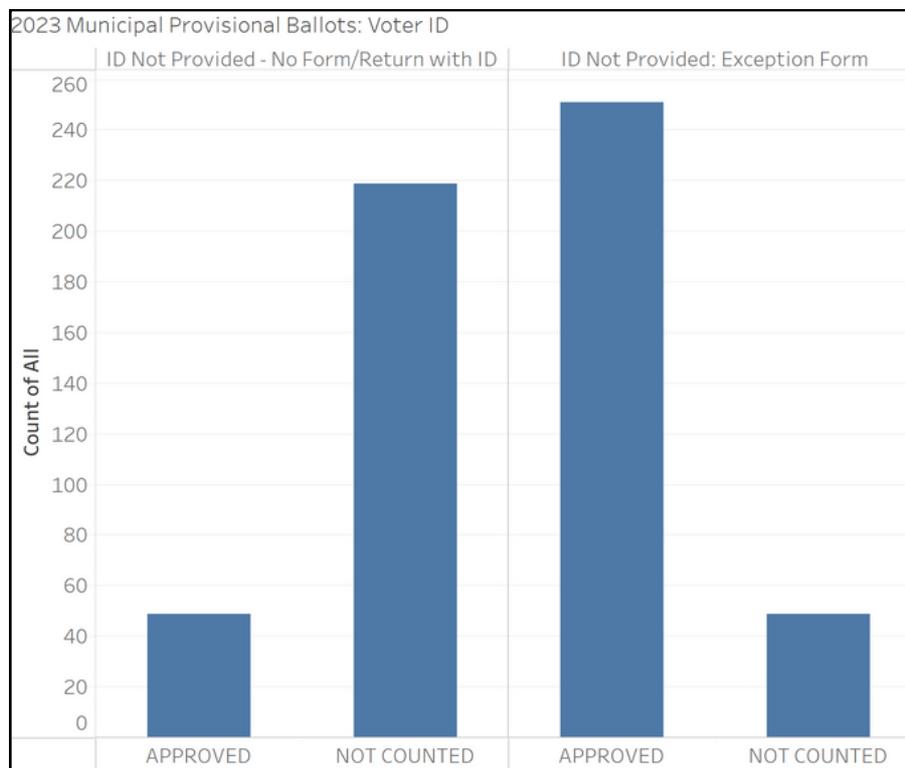


Figure 2 shows the acceptance and rejection rates of provisional ballots for the Sept, Oct, and Nov. Municipal elections by type of photo ID provisional.

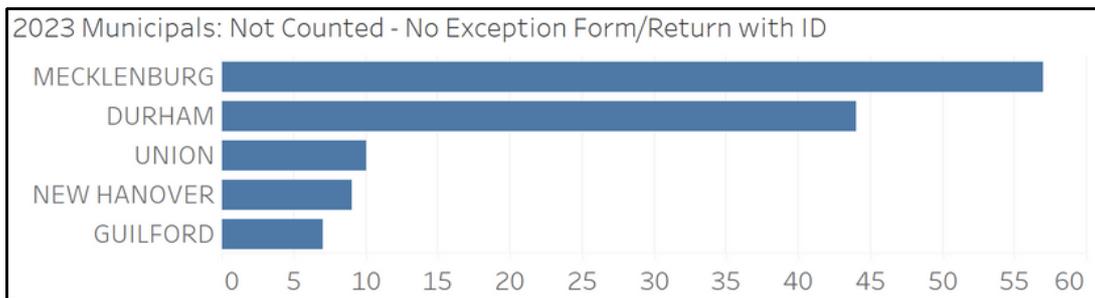
For the October and November municipal elections, Democracy North Carolina contacted over 250 provisional voters with photo ID issues who needed to return to the county board of elections office.

In *Cumberland County*, one voter reported that he told the poll worker he had requested a new photo ID but had not received it. Instead of providing the voter with an ID exception form, as required by law, the poll worker instructed the voter to go to the county board of elections office when his ID arrived or ask the office for a photo ID. When the voter went to the office, the county's photo ID printing machine was temporarily unavailable. The voter had to make two trips instead of just completing an ID exception form at the poll.

In *Nash County*, a 95-year-old voter who cast a provisional ballot was not offered an ID exception form after she had misplaced their ID due to memory loss issues. The poll worker did not inform the voter that they could obtain a free photo ID from the county board of elections. **"That's voter suppression,"** the voter's son shared. **"We weren't told about an ID exception form. Now they're penalizing her. They change the voting areas all the time, and the precincts anytime I turn around. Leaves people in disarray."**

# PROVISIONAL BALLOT ISSUES AND VOTER ID IMPLEMENTATION

Many other voters expressed not being told they could obtain a free photo ID from the county board of elections. In cases where voters were notified that they needed to return to the county board with an acceptable photo ID, some expressed frustration at not being able to return in time due to work schedules, childcare, or feeling that correcting their ballot would not ultimately impact the results of the election.



## VOTER ID EXCEPTION FORMS

Across the September, October, and November municipal elections, a total of 305 ID exception forms were completed by in-person voters and 49 (or 16%) were rejected.

Former Executive Director of Democracy NC Bob Hall completed a brief report about the 44 in-person voters who completed a ID exception form in the November 2023 election and whose ballots were not counted.

In his report, Hall found that some county boards of elections arbitrarily rejected forms and did not consistently follow the law's requirement to accept the form unless it gave false information.

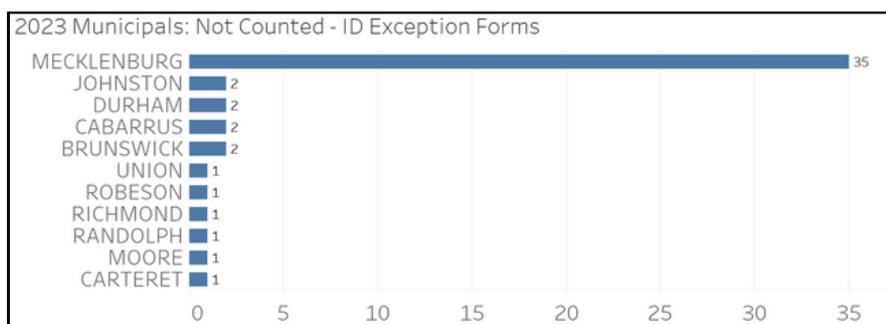


# VOTER ID IMPLEMENTATION

In *Mecklenburg County*, the board of elections unanimously rejected 30 ballots because the board determined the voters were “lacking sufficient reasonable impediment” or had “incomplete reasonable impediment forms.”

It is important to note that “insufficient” and “incomplete” did not mean the forms had missing information. Instead, it meant the board members decided to use their personal judgment about what they considered to be a reasonable explanation for a voter not having a photo ID, rather than focus on whether or not the form was false.

In addition to *Mecklenburg County, Moore, Johnston and Randolph County Boards of Elections* incorrectly rejected the provisional ballots of voters who explained why they did not bring their ID on an ID exception form. However, in Davidson County, an advocate pointed out that an ID exception form must be approved unless it is a false statement, and eventually, the *Davidson County Board of Elections* reversed itself and voted to approve the ballot.



The *Guilford County Board of Elections* also experienced issues with Voter ID implementation. On election night, November 7, the board voted 3-2 to notify several voters that it would hold a hearing “on the grounds of falsity” of what the voter wrote on their ID exception form. The notice letters said the voter could attend the hearing and included accusatory language. For example, an elderly voter who checked the box “Lack of transportation,” as the reason she had not obtained a photo ID, received a letter stating, “you were able to obtain transportation and were well enough to vote, but did not utilize the same resources to obtain and present photo ID.” Other letters used similar language based on the board members’ opinions and speculation. The notices went against the State Board’s directive that county boards of elections must “not second-guess the reasonableness of a voter’s asserted impediment to showing photo ID. Instead, the county board is only concerned with the truth or falsity of the statements made on the form.”

Overall, voter ID implementation varied significantly among county boards of elections, as did board members’ understanding of the law. More training and education are needed for members of the county boards of elections, elections staff, and poll workers to implement the law correctly.

# 888-OUR-VOTE HOTLINE SNAPSHOT

For the 2023 Municipal election, *Democracy NC, Southern Coalition for Social Justice, and Lawyers' Committee for Civil Rights Under Law* managed the non-partisan NC Election Protection Hotline at 888-OUR-VOTE to provide voters with trusted, accurate, and timely information about various voting topics and issues. The 2023 Municipal call volume rate increased from 177 calls in 2021 to 369 calls in 2023. During the early voting period, 169 calls were received by voters. Out of calls received, *Mecklenburg, Wake, and Durham* received the highest rate of calls.

The majority of the calls received were general information requests for early voting site information, eligibility to vote, and sample ballot requests. Many calls received during the early voting period dealt with questions on **how to register to vote or update a voter's registration status**. Calls unrelated to information requests dealt with issues about the proper implementation of voter ID by poll workers, electioneering disputes, and curbside voting access.

Voters continued to demonstrate a desire to utilize **same-day voter registration (SDR)** during the early voting period. Recently moved voters continued to face barriers to using SDR due to insufficient documentation to provide proof of residency.

Voters with disabilities or lack of transportation continued to **request support with rides to the polls**, showing a continued need for transportation access to polling sites across the state.

On Election Day, the majority of calls dealt with voters asking if they had an election they qualified to vote in, where their voting site was located, or which polling site to visit if they had recently moved.

**Wake County voter on not being permitted to vote in a Municipal election due to living outside the city limits: "That should be unconstitutional. It is discriminatory against rural voters."**

**New Hanover County voter on living in an unincorporated area: "That's cutting people out of decisions that will affect their lives and communities. I hope that changes."**

# Monitor Spotlight



## MINERVA FREEMAN

**What have you learned from attending county board of elections meetings?**

I found the experience of attending the county board of election meetings very informative and engaging. I was encouraged to ask questions and I felt the questions were taken seriously and with honest answers. I like the transparency of the board members in doing the work.

**Why is this work important to you?**

This work is important because we live in a democracy. We express our hopes and dreams through the power of the vote. I feel the county board of election starts the process, making for a great experience for the voters.

**What do you enjoy about it?**

I enjoy being able to express ways to improve the experience for the voters: location for early voting and fighting for Sunday voting.

# County Updates

**\*Disclosure: The following reports are highlights made from observing county board of elections meetings across the state, and are not meant to indicate stances or endorsements from any county board. For more information, please contact [elections@democracync.org](mailto:elections@democracync.org).**



## ALAMANCE

The majority of rejected provisional ballots were due to registering after the deadline or no record of registering to vote.

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## BRUNSWICK

Two races had tied votes, and a winner was determined by drawing names out of a hat during a meeting after canvass. Additionally, the board shared that staff called voters in an attempt to cure ballots and 6 ballots were denied by the board in unanimous votes, partially due to voters not returning (4) with their photo ID.

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## BUNCOMBE

During the pre-canvass meeting, one board member asked for clarification on what level of information is needed by board members when determining whether to accept or reject a ballot. In response, a staff member explained the procedures the staff performs when preparing a recommendation. The board and director also discussed delegations to the director role, and a board member believed the removal of full-time staff should be a board decision. Other members explained the board does not control day-to-day operations, and the board decided to continue this discussion at a future meeting.

# County Updates



## CABARRUS

The board discussed ID exception forms, rules for ballot acceptance/rejection, and how to determine if an impediment is valid. The director explained there had to be grounds for believing a statement or reason provided was false. **The director emphasized the importance of not holding poll worker errors against voters, especially regarding provisional ballots.** In canvass, the director identified a poll worker error related to address verification when requesting a voter's photo ID and reiterated that moving forward, training will emphasize that voters should be provided an ID exception form if they don't show a photo ID.

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## CARTERET

The board had two lengthy discussions on ID exception forms. Both discussions focused on what would constitute a falsity on an ID exception form. After reading the statutes and memos numerous times, there was still confusion over what constitutes a falsity. There appeared to be confusion among the board over whether to approve or reject a ballot over the reasonableness of an impediment versus the suspected falsity of an impediment.

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## CATAWBA

One race resulted in a tie vote and there was an instance of an absentee mail-in ballot being denied because the voter did not include a copy of a valid photo ID. This voter was contacted by phone and email, and the voter let the board know that an ID was mailed to them, but it was not received.

# County Updates



## CHATHAM

During pre-canvass, all provisional ballots with a Photo ID exception form were approved by a 3-1 vote. There was an instance of a provisional ballot that was initially denied because the voter was removed from the rolls after not voting in two federal elections and then moved. However, an advocate stated the vote should still count since the voter moved within the county. After researching the issue, the board agreed the advocate was correct and voted to approve the ballot.

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## CUMBERLAND

During the pre-canvass meeting, there was a discussion about voting laws between two board members. One board member stated that voting rules are not confusing. Another member of the board responded and stated that voting rules are very complicated for people who are not familiar with election law.

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## DARE

During pre-canvass, an ID exception form sparked debate as it cited an impediment related to an Uber driver requiring a VA license for work in DC. Despite two board members initially wanting to reject the ballot, the board emphasized that the ballot could only be rejected if there was reason to consider the statement false, and ultimately voted to accept the ballot.

In addition, the director highlighted delays of 11-13 days for some absentee mail-in ballots to reach the board. Though members suggested warnings about delivery times in ballot instructions, no motion was made to make the recommendation to the State Board. During canvass, the board determined early voting sites and hours for the March 5, 2024, primaries, dismissing the idea of an extra Saturday due to cost concerns. Staff suggested a north beaches site to prevent longer wait times and delays for voters but acknowledged challenges in finding a suitable location and securing funding for staffing.

# County Updates



## DAVIDSON

Provisional ballots were rejected due to voter registration issues or failing to return to the board of elections with a photo ID. A Photo ID exception form was also discussed twice during the pre-canvass meeting. On the ID exception form, the voter indicated that they “did not bring ID.” This explanation was considered unacceptable, and the provisional ballot was initially rejected; however, an advocate pointed out that an exception form must be approved unless it is a false statement. After a break, the director brought the provisional ballot back up for discussion. The board agreed they lacked evidence surrounding the falsity of the statement and unanimously approved the ballot.

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## DURHAM

During the pre-canvass meeting for the November elections, the board discussed a ID exception form in which the voter stated they “applied for an ID, but had not received it.” During the discussion, one board member stated that they did not find that a reasonable excuse and abstained from the vote. The provisional ballot was approved.

During canvass, the board approved an early voting plan and reviewed mail-in absentee ballots. Of the mail-in absentee ballots that were rejected, most were rejected because of incomplete witness information or because the ballots were postmarked or received after the deadline.

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## FORSYTH

One absentee ballot was rejected because the ID expiration date on the photocopy was not visible. That individual was contacted and given instructions about how to cure their ballot, but the method of contact used and whether the voter received notice in time to make corrections remains unclear.

# County Updates



## GASTON

For the first time in 12 years in Gaston County, a coin toss was used to decide a race that was still tied after a recount.

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## GRANVILLE

Absentee voters continued to receive rejections due to postal delays. One board member noted the voters should have sent their ballots with priority or 2-day shipping.

There was confusion among the board about the timing of early voting plans, as some thought the new board (due to SB 749) would handle the plans. The board also experienced a chief judge shortage. Additionally, several municipal races in Granville had a very close margin.

# County Updates



## GUILFORD

UNC-Greensboro and A&T University early voting sites were approved by a vote of 3-2, with 40 students present during the discussion. Advocacy efforts by students and collaboration with campus administrations played a role. However, some board members argued that if the sites were adopted, other colleges would also need to receive a voting site. Board members in support of the additional sites cited higher student populations, geographical distribution of current sites, and concerns about vehicle accessibility as well as income differences as arguments in favor of the plan.



When reviewing absentee ballots, one voter included their driver's license number on the ID exception form for an absentee mail-in ballot. One board member questioned the validity, assuming one must have their ID to remember the number. Another board member argued that keeping a driver's license number in a phone is common, challenging the assumption. Despite suspicions, the board member raising the issue felt compelled to approve the ballot, with agreement from the board chair. The same member raised another concern about voters using driver's license numbers with slight name variations, suggesting potential illegal votes.

Lastly, letters were sent to several voters informing them the county board of elections suspected their ID exception form to be false and that they would hold a hearing in which the voter could explain the reasoning for utilizing the form. The board did not follow the correct procedure for holding a hearing and no voters showed up to the hearings.

# County Updates



## JOHNSTON

In pre-canvass, a public comment highlighted inadequate communication of polling place changes and confusion over new district lines, leading to some people not voting. The board inquired about media preferences, with the individual mentioning WRAL. The director proposed sharing information in water bills. The county board unanimously approved a plan for the 2024 March Primary with 4 early voting sites and 2 Saturdays. Despite the director's preference for 5-6 sites, cost constraints influenced the decision, making it challenging to justify the expense.

*"The voting plan seems fair and reasonable to me based on the reports included to substantiate their decisions. The director is asking for help in identifying other locations for the 2024 General Election, and as the population grows, so will the need for identifying additional early voting sites." - Elections Advocate*

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## MCDOWELL

During pre-canvass, the board and staff discussed the security of the county board of elections office. They are still waiting to receive a report from the Department of Homeland Security and may consider adding barriers around the building.

# County Updates



## MECKLENBURG

During pre-canvass, the board rejected some provisional ballots that included a ID exception form because the board believed the voter was “lacking sufficient reasonable impediment” or had “incomplete reasonable impediment forms.” It is important to note that “incomplete” did not mean the ID exception form was not signed; instead, it meant that the voter lacked a reasonable explanation for not having a valid Photo ID in the eyes of the board, going against the guidance of the State Board of Elections. Voters affected by this decision were not notified.

Later in the meeting, the director shared that he would like to see early voting sites increase from 20 to 25 sites for the 2024 Primary. Each board member wanted more sites and discussed dropping the first 2 days of early voting because of budgeting for additional sites. No decision on an early voting plan was made during this meeting.



## MOORE

There was also an error by a poll worker who erroneously gave a voter a ID exception form when the voter did not need one. The voter did not have their ID with them at the time, and on the exception form, the voter checked “other” and wrote, “I don’t have any ID on me.” There was no discussion about a hearing or notifying the voter about the rejection of their ballot.

# County Updates



## NEW HANOVER

In meetings leading up to canvass, the board discussed early voting for the 2024 primary. It was stated that budget transfers would likely be needed to fund staffing for the primary, and the county budget office let the board of elections know to staff as needed.

Additionally, there was a public comment made by an individual during the day of canvass who expressed concern that it was getting harder to vote in areas that have lower incomes.

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## ORANGE

One absentee ballot considered for rejection included an unacceptable voter ID. The registered voter provided a copy of their New York photo ID and had resided in the state past the 90-day exception requirement.

Other absentee ballots considered for rejection were due to ineligible postmarks, a trend that has continued from previous election cycles. Discussion on whether signature verification was required arose, and the director confirmed it is not required at this time. The board approved one ID exception form due to an expired photo ID that was not known until the voter attempted to cast their ballot.

Lastly, the director shared that voters who cast provisional ballots due to not having a photo ID or completing a ID exception form were provided an explanation in writing regarding the process for curing their ballots. Follow-up emails were also sent to these individuals

# County Updates



## PERQUIMANS

With 40.5% of eligible voters casting a ballot, Perquimans County had the second-highest turnout for the 2023 elections. During the day of canvass, the board approved their early voting plan which included only 1 Saturday and 1 site at the board of elections office. The board will have to communicate the board's new address so the public knows where to cast their ballot during early voting.

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## PITT

Some board members expressed confusion when they were informed that they could not reject a ID exception form because they considered the reason to be unacceptable.

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## RANDOLPH

In the canvass meeting, the director addressed safety enhancements at the CBOE office and expressed concern about possibly losing a staff member due to anxiety about upcoming elections. She advocated for increased staff compensation. Early voting was a focal point of the discussion, with one member emphasizing legal requirements and a more equitable distribution of sites, particularly in the southeastern part of Randolph County. Another member supported Sunday voting and extended evening hours during early voting, expressing satisfaction with the existing 4 sites

# County Updates

## ROBESON



The Robeson County Board of Elections did much of their pre-canvass meeting in what they called a recess. Board members did not follow the normal formalities of a meeting, had multiple conversations going on in different parts of the room, and did not make an effort for people to be able to follow the decisions being made. The same issues occurred during their early voting discussion as the board did much of their discussion on early voting during recess. An advocate contacted the State Board of Elections about the recess procedure and is awaiting a response.

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## ROWAN



Two public comments were received in response to adopting early voting plans. The first expressed her disappointment in the early voting planning process. The voter stated the board did not give the public any opportunity to comment on the plan. The second speaker advocated for having Sunday voting available in the county. There were no issues with mail-in absentee ballots or provisional ballots. During canvass, the CBOE adopted their early voting plan, which included 2 Saturdays, 1 Sunday, and 3 sites.

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## SCOTLAND



The board of elections office received many phone calls about municipal boundaries and who was eligible to vote in municipal elections. Many voters expressed not knowing the boundaries of the smaller towns.

# County Updates



## TRANSYLVANIA

During pre-canvass, the board approved their early voting plan, which includes 1 site at the CBOE office, and the last 2 Saturdays will be an option for people to vote early. On the day of canvass, there was one voter challenge brought by a board member. It was found that the voter in question voted during one of the first days of early voting when the state felon list was not available. The voter was notified and did not contest the challenge. No further action was taken, given the recent law change and the felon list was not in the system when the person voted.

*"Our board works together well and is capable of friendly discussion and compromise. A rare thing these days. Kudos to all board members." - Elections Advocate*

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## UNION

Significant confusion arose regarding the ID exception form and the requirement for a person to return to the CBOE to show their ID. A board member appeared to believe that despite completing an ID exception form, a voter should still return with an ID. Board members were also dismayed to discover they could not reject a ballot based on information they deemed unacceptable or unreasonable on the exception form. An instance involved a mail-in absentee ballot with an ID exception form, where the voter cited their work schedule as a reason for not providing an ID.

*A board member expressed frustration, calling it "absolutely reprehensible" and stating they found it "totally disingenuous they say they have a work schedule problem if they have the ballot for two weeks... the State Board and their staff have done this abomination."*

# County Updates



## WAKE

During pre-canvass, among the most common reasons provisional ballots were rejected, one major theme among ineligible voters was living in an unincorporated area or not being registered to vote before the deadline. Among less common but insightful rejections, one voter was ineligible by age, while two others had voter registration verification cards that were returned as undeliverable.

In the canvass meeting, a public comment focused on provisional ballots and the curing process. The speaker shared experiences of discussing the cure process with a voter who was uninformed about how to remedy their ballot. Additionally, the speaker highlighted the case of a voter with severe arthritis whose ballot was rejected due to a missing signature. The comment concluded with an advocacy for improved training for poll workers.

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## WATAUGA

One person spoke during the public comment period, expressing concern that “voters without photo IDs were not given the opportunity to fill out a ID exception form if that was why they had to vote by provisional ballot on Election Day.” The board determined voters should not receive an ID exception form if they tell precinct workers they have a photo ID but do not have it present with them. “It would be seen as collusion in an attempt to circumvent the law.” However, it is appropriate for a voter to receive a ID exception form “if the voter indicated that he/she did not possess a suitable ID at all.”

A majority of the provisional ballots submitted were from voters voting in the incorrect precinct.

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## WAYNE

There was confusion among the public over whether they needed to bring their acceptable photo ID to the CBOE if they completed a photo ID exception form. However, this confusion was cleared up by candidates or groups in the county.

# CONTACT US

Working for a government of, by,  
and for the people.

Have a question? Want to report an  
election issue a county is facing?  
Want to be connected with other  
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