



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE NORTH CAROLINA STATE CONFERENCE

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October 1, 2018

Via Electronic Mail

The Hon. Phil Berger
President Pro Tempore
North Carolina Senate

The Hon. Tim Moore
House Speaker
North Carolina House of Representatives

Re: Emergency Action Needed to Ensure North Carolinians in Hurricane-Impacted Counties Can Access the Ballot

Dear President Pro Tem Berger and Speaker Moore and Members of the General Assembly:

The North Carolina State Conference of the NAACP writes today to the leaders and membership of the General Assembly, to the Governor and to the State Board of Elections out of great concern for the countless North Carolinians and their families suffering in the wake of Hurricane Florence.

The skies have cleared after days of relentless wind and rain only to reveal the terrible damage wrought by this historic storm. Lives have been lost. Houses, roads, and bridges remain under water, and electricity, mail delivery, and other important infrastructure systems have been non-operational or severely impaired. Many North Carolinians face temporary and long-term relocation, and with it, the hardships of displacement, not the least of which include lost wages and missed school days. The threat of additional flooding has not completely abated in many communities. It is clear that the road to recovery will be long, and that it will stretch across the coming weeks and months. We thus write this letter with two purposes.

First, we seek release of hurricane relief resources to the fullest extent possible and immediate emergency action. The NC NAACP, during two days of travel on a Presidential mission through the hurricane-impacted counties, and by way of our branches and membership across the state working daily to serve those who are still seeking basic security and survival needs, has borne

witness to the devastation left behind by this storm, *and we pray that the special session tomorrow will focus first, foremost, and solely on the needs of the most vulnerable and ensuring equitable distribution of resources.* Our representatives will attend the session, and call on you to commit ourselves as a state to ensuring that recovery efforts, including those efforts taken with federal support, are not hampered by racial and economic injustice or any other distracting motivations. We have a moral duty to each other and to the most vulnerable, that we must rise to meet.

Second, we write to call for specific, immediate action in support of access to the ballot to ensure that disenfranchisement will not be among the many hardships that North Carolinians will have to face in the aftermath of Hurricane Florence.

We know from past experiences in this state and others that, without swift intervention by the state, natural disasters can disrupt and deny voting opportunities. This will particularly be the case for those counties in the eastern and coastal regions of North Carolina that were most severely hit by Hurricane Florence. These counties are also home to a disproportionate number of African-American voters and to some of the highest numbers of North Carolinians living below the poverty line. They include:

Beaufort	Hoke	Pamlico
Bladen	Hyde	Pender
Brunswick	Johnston	Pitt
Carteret	Jones	Richmond
Columbus	Lee	Robeson
Craven	Lenoir	Sampson
Cumberland	Montgomery	Scotland
Duplin	Moore	Wayne
Greene	New Hanover	Wilson
Harnett	Onslow	

Given the unprecedented scale of the devastation and destruction left behind by Hurricane Florence, and the fact that we are just a few short weeks from the start of the 2018 Early Voting Period, the NC NAACP has made the following requests to the North Carolina State Board of Elections and Ethics Enforcement to take immediate action to ensure that those suffering from this disaster are not denied access to the polls – and we extend the same request to this body to do all in its power to ensure that the right to the ballot is not denied.

Thus, on behalf of the NC NAACP branches and members in these most severely-impacted counties, and on behalf of all voters in those counties, the NC NAACP urges the General Assembly to use your powers to support the State Board of Elections to continue its efforts to identify the needs of voters impacted by this natural disaster across the state, and take the following actions:

- 1. Extend the voter registration deadline by at least three business days in the above-listed counties and direct those county boards of election to accept voter registrations that are postmarked by Wednesday, October 17, 2018.**

As the experience of Hurricane Matthew’s impact on the 2016 election makes clear, same-day registration during the early voting period may not be accessible to voters who remain

displaced by the storm in the coming weeks and are unable to present proof of residence during early voting hours in their home counties. Extending the voter registration deadline will ensure that these voters have an additional weekend opportunity to register. As the Wake County Superior Court held in the wake of Hurricane Matthew, any administrative burden to the state in extending the deadline for three additional days is outweighed by the “significant right of the constitution to ensure that every voter that wants to vote is not precluded from doing so as a result of a natural disaster.” *N.C. Democratic Party v. Starch*, 16 CVS 12821 (Wake City. Super. Ct. Oct. 16, 2016).

2. Ensure that voters displaced by the storm are able to cast absentee ballots.

For many voters displaced by Hurricane Florence, absentee ballots may be the only viable method for accessing the ballot in this important upcoming election. The State Board of Elections should ensure that those voters are able to cast absentee ballots, including by doing the following:

(a) Make absentee ballots accessible to displaced voters.

Currently, in order to vote by absentee ballot, the voter or a “near relative” must request an absentee ballot in person or by mail, fax, or email to their county board of elections by 5:00 p.m. on October 30, 2018. This may pose an insurmountable barrier for many hurricane-impacted voters whose entire families remain displaced.

The State Board of Elections should thus:

1. Allow hurricane-impacted county voters to use the same or similar **Federal Postcard Application available to military-overseas voters**, which would allow these voters to elect to receive and return the absentee ballot by mail, fax, or email. The State Board should likewise **extend the deadline for absentee ballot requests so that it is the same as for military-overseas voters – 5:00 p.m.** the day prior to election day. Finally, for those voters who elect to receive and return their absentee ballots by mail, the State Board of Elections should lift from those voters the burden of the expense of postage for returning their ballot by providing prepaid self-addressed envelopes along with the absentee ballot materials.
2. **Allow local churches and community organizations to assist hurricane-impacted voters in obtaining, preparing, and submitting absentee ballots.** The State Board of Elections should also make efforts to educate voters about the availability of absentee ballots by creating an on-air and news media advertising.

(b) Extend the deadline for returning absentee ballots for voters in impacted counties.

Currently, civilian absentee ballots must be received by the relevant county board of elections by 5 p.m. on Tuesday, October 30, 2018. In order to ensure that these hurricane-impacted voters are able to cast their ballot, the State Board of Elections should **extend the deadline for receipt of civilian absentee ballots from the above-listed counties so that it is the same as for military-overseas voters.** Specifically, civilian absentee ballots from hurricane-impacted counties should be counted so long as they are received by the county boards of election **by the close of polls on Election Day, unless the voter transmitted the ballot by 12:01 a.m. on the day of the election (voter time) and the county board of elections receives the ballot by the last business day before the county canvass.**

3. Make Early Voting accommodations for certain communities.

- (a) Voting site and road access will remain a problem in certain communities even by the start of Early Voting on October 17. The State Board should develop a plan for **dedicated Early Voting mobile voting labs** which can be made available to travel to hurricane-impacted communities from the above-listed counties to (1) allow those voters to access early voting opportunities, and (2) educate voters about other options for casting a ballot.
- (b) In partnership with county boards of election, **the State Board should accept requests and open new voter registration sites, early-voting sites, and election day polling places** in high schools and on college campuses near disaster recovery centers and in targeted areas that are likely to be most accessible to hurricane-impacted voters.

4. Make Election Day accommodations for hurricane-impacted voters.

Displaced voters who seek to vote on election day in a county other than their county of residence will not have their vote counted under current law for non-statewide ballot choices. Absentee ballot options should be made available to any voter who presents in person on Election Day, who resided in a county impacted by Hurricane Florence. County boards of elections should be instructed on how to allow for this accommodation.

With swift action by you the General Assembly, the Governor, and the State Board of Elections, we can together ensure that the voices of hurricane-impacted voters will be heard. If we can provide any additional information of assistance, we stand ready. Our hearts and prayers are with all those suffering.

Sincerely,

Rev. Dr. T. Anthony Spearman
President, North Carolina State Conference of the NAACP