

# Democracy North Carolina

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## 2013: THE GOOD, THE BAD AND THE UNCLEAR

**2013 has been a challenging year for democracy in North Carolina! Here's our take on this year and what lies ahead for 2014.**

### **GOOD – A new moral movement**

**Moral Mondays and the Forward Together Movement:** Beginning in late April, the NAACP of NC and its allies, including Democracy North Carolina, raised to a new level their opposition to a wave of ultra-conservative legislation. Gov. Pat McCrory and legislative leaders refused to meet with the coalition or seriously moderate proposals to cut unemployment benefits, shift taxes from the rich to the working poor, refuse Medicaid coverage for the poor, transfer funds from public to private schools, close women's health clinics, and make it harder to vote yet easier for secret money to influence elections. In response, a counter wave of civil disobedience and moral witness began to resonate with the public, leading to the arrest of over 900 North Carolinians and a newly energized freedom movement that is changing the state's political culture.

**US Department of Justice Intervention:** Attorney General Eric Holder's decision to file suit against North Carolina for its anti-voting elections rewrite was more than welcome. Although the state is no longer subject to preclearance under the Voting Rights Act, DOJ is using other provisions of the law and US Constitution to protect voters. The feds join two other lawsuits filed by the NAACP, League of Women Voters and others that challenge the new law's discrimination against classes of voters.

**Charlotte Civilian Review Board Win:** A successful grassroots campaign, co-led by our Western NC Organizer Robert Dawkins, gave Charlotte's Citizens Review Board new authority to serve the public, rather than rubberstamp decisions of the police department. The campaign began with the *Charlotte Observer's* verification of what communities of color in the city knew too well: Since its start, the agency uniformly rejected grievances filed by residents – in all 79 out of the 79 cases filed. In the wake of Jonathon Ferrell's tragic death, affirming a commitment to police accountability was the right decision for the state's largest city.

**It Could've Been Worse:** The final version of the law rewriting election rules did not include two mean-spirited provisions introduced by state Senators: (1) creating a five-year waiting period and onerous re-enfranchisement process for people with felony convictions and (2) prohibiting parents whose dependent children choose to vote in their college community from claiming a state income-tax deduction for that child. The bill was very bad – it could have been even worse.

### **BAD – Major blows to voting rights**

**“Monster” Elections Law:** [H-589](#) began as a photo ID requirement but expanded in the final three days of the session to 60 sections that decrease access to voting while increasing ways for big money to affect North Carolina's elections. It repeals many of the features that helped NC become one of the top 12 states for voter turnout in 2012, following a century of being among the worst 12 states. It also increases donation limits, allows more corporate donations to parties,

eliminates pioneering public financing options, and repeals several disclosure requirements.

**US Supreme Court's *Shelby* Decision:** This decision guts key provisions of the federal Voting Rights Act and transforms the voting rights landscape. By eliminating the preclearance formula for jurisdictions with histories of discriminatory election practices, the Court made it easier for states like North Carolina to pass and defend election laws with a clear discriminatory impact.

**Redistricting Lawsuit:** Even as the US Supreme Court ruled that race and the Voting Rights Act should not be used to justify election procedures, a NC Superior Court upheld redistricting maps that state Republicans said were "required" by the Act. The case is on appeal to the NC Supremes, including Justice Paul Newby who refused to recuse himself despite owing his 2012 election to the same funders that financed the redistricting maps – an obvious conflict of interest.

**County Board Renegades:** Within weeks of new Republican majorities taking control of county boards of elections, crazy decisions were being made. In some cases, they were so crazy that the Republican majority on the State Board of Elections intervened to reverse them. A Beaufort County board member was removed after he refused to renounce his public endorsement of a Tea Party-allied candidate. Other board members are taking actions that threaten fair elections.

#### **UNCLEAR – *Keep a look out for these issues in 2014***

**Voting By Mail:** Despite the rhetoric about preventing fraud, H-589 increases access to what experts across the political spectrum say is the preferred method of cheating in elections: mail-in absentee voting. Republicans cast more mail-in ballots than Democrats in NC, and Americans for Prosperity pushed to loosen the rules. Under the new law, candidates, parties, and advocacy groups will be able to send pre-populated absentee ballot request applications to their preferred voters. (*"You can fight [Obamacare][the Tea Party] from the comfort of your home."*) It's unclear how this will unfold, but our state is clearly entering a new world of mail-in balloting.

**Confusion at the Polls:** Administering elections fairly in 2,800+ precincts is always hard. But with a host of new rules and new local election officials, next year's primary, runoff, and general elections will be messier than usual and require more attention to detail and oversight by the State Board of Elections. Here's one area where we expect widespread confusion: Voters are not required to *show* a photo ID until 2016, but in 2014 and 2015 elections, they'll be asked if they *have* one of the acceptable versions. How the ID question is asked, and how voters' questions are answered, will likely vary widely from poll to poll. The chilling effect of the ID begins in 2014.

**Big Money in Judicial Races:** From 2004 through 2012, 80 percent of NC's appellate court candidates in contested races opted to qualify for public campaign funds. That program reduced their dependency on donations from special interests and attorneys with cases in their courts. It's unclear what the elimination of the program will mean for judicial contests, especially coupled with higher donation limits and reduced disclosure of spending by outside groups. A majority of seats on the NC Supreme Court and 3 of 15 seats on the NC Court of Appeals are up for election. How much money will be spent, by whom, and what will be the affect on court decisions?

**Progress on Disclosure:** Despite rollbacks in other areas of election law, the NC House passed two bills (with large bipartisan margins) that would strengthen disclosure of political spending in NC elections. But the NC Senate refused to take up the bills. One bill (H-919) would require candidates and political committees to submit their disclosure reports in an electronic format if their activity exceeded \$5,000 (only a small number of statewide candidates and committees are now required to file electronically). The other bill (H-918) would increase the frequency of reporting by outside groups that spend significant amounts to influence election outcomes. The two bills are alive for consideration in the 2014 short session but their fate is unknown.