

## Codifying and Improving the Cure Process

Democracy NC | March 2021

Contact: Alissa Ellis, [alissa@democracync.org](mailto:alissa@democracync.org) & Tomas Lopez, [tomas@democracync.org](mailto:tomas@democracync.org)

Historically, North Carolina's absentee ballot rejection rate has been higher than the national average. In North Carolina's 2016 general election, absentee ballots were rejected at a rate three times higher than in-person ballots.<sup>1</sup> According to North Carolina's 2016 absentee ballot data, 75% of all rejected ballots were due to a missing voter signature or a missing witness signature.<sup>2</sup>

In 2020, voters in North Carolina benefited from a cure process implemented subsequent to litigation at both the state and federal level.<sup>3</sup> According to data provided by the North Carolina State Board of Elections, voters statewide requested 1,475,700 absentee ballots in the 2020 general election – 20% (1 in 5) of all registered voters.<sup>4</sup> Over 18% of North Carolina voters voted by mail in 2020 and almost 8,000 voters successfully utilized the cure process to cure errors with their absentee ballot envelopes.<sup>5</sup>

### Recommendations to Codify and Improve the Cure Process

The current cure process that is currently in place via Numbered Memo 2020-19 should be incorporated by statute with the following alterations and improvements:

1. Voter Notification Requirements:
  - a. Correspondence to voters about the curing process from county boards of elections must come in an envelope that clearly demonstrates it is election mail.
  - b. Deadlines must be included on the external body of the envelope.
  - c. All correspondence with voters should include specific information on the EV sites available to the voter and their specific ED precinct location should they choose to vote in person.
2. Prohibition on signature verification as long as there is a witness requirement in force.

---

<sup>1</sup> According to the 2016 Election Assistance Voting Survey 2.7% of absentee ballots cast in North Carolina's general election were rejected (4,861 "rejected"/ 179,623 ballots returned) compared to 0.75% of ballots cast in person ((33,756 provisional ballots completely "rejected" / 4,510,572 ballots cast). See Overview Tables 2 and 3 of the Election Administration and Voting Survey 2016 Comprehensive Report: A Report to the 115th Congress, accessed online at

[https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2016\\_EAVS\\_Comprehensive\\_Report.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2016_EAVS_Comprehensive_Report.pdf)

<sup>2</sup> Mail ballot usage, rejection rates, and rejection reasons data is from the U.S. Election Assistance Commission (EAC) Election Administration and Voting Survey (EAVS) Data and Reports.

Data, Instruments, and Codebooks: <https://www.eac.gov/research-and-data/datasets-codebooks-and-surveys>

Reports: <https://www.eac.gov/research-and-data/studies-and-reports>

<sup>3</sup> Numbered Memo 2020-19. August 21, 2020 (revised on September 22, 2020; further revised on October 17, 2020 in light of orders in Democracy NC v. North Carolina State Bd. of Elections, No. 20-cv-457 (M.D.N.C.) and NC Alliance for Retired Americans v. North Carolina State Bd. of Elections, No. 20-CVS-8881 (Wake Cty. Sup. Ct.)). Accessed online at:

[https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2020/Numbered%20Memo%202020-19\\_Absentee%20Deficiencies.pdf](https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2020/Numbered%20Memo%202020-19_Absentee%20Deficiencies.pdf)

<sup>4</sup> Voter Turnout Statistics. North Carolina State Board of Elections. Accessed online at:

<https://www.ncsbe.gov/results-data/election-results/voter-turnout-statistics>

<sup>5</sup> Id.

3. Hearing provision at canvass for voters whose ballots are marked as deficient, including remote hearing options.<sup>6</sup>
4. Requirement that county boards of elections should attempt to contact voters by every method available: phone, fax, email, and mail.

### Current Cure Process via Numbered Memo 2020-19<sup>7</sup>

The absentee ballot certificate – the area on the back of the absentee ballot envelope where the voter, witness, and (if necessary) assistant must list their information and sign – will be screened for deficiencies after it arrives at the County Board of Elections office. Importantly, voters whose ballots were marked as deficient or were spoiled may choose to vote in person during Early Voting or on Election Day instead of utilizing the cure process.

Absentee ballot deficiencies fall into two different categories and can be fixed with different processes:

Category A: Issues that can be fixed by a Cure Certification	Category B: Issues that require a new (reissued) ballot
<ul style="list-style-type: none"> <li>• Voter did not sign the Voter Certification</li> <li>• Voter signed in the wrong place</li> <li>• Witness or assistant did not print name*</li> <li>• Witness or assistant did not print address**</li> <li>• Witness or assistant signed on wrong line</li> </ul>	<ul style="list-style-type: none"> <li>• Witness or assistant did not sign</li> <li>• Envelope appears unsealed upon arrival to the county board of elections office</li> <li>• Envelope indicates that the voter is requesting a new ballot</li> </ul>

\*Name must be readable and on the correct line

\*\*Failure to list a witness’s ZIP code does not require a Cure Certification

#### **If the issue can be fixed with a Cure Certification (Category A):**

- The voter will receive a Cure Certification in the mail and, if the voter provided an email address when requesting an absentee ballot, by email as well.
- If completing a paper Cure Certification, the voter should use a regular pen.
- If completing an electronic Cure Certification, the voter should sign it with a unique (not a typed) signature.
  - This means using your mouse / finger or a stylus to sign your name electronically.
  - **A typed signature is not acceptable, even if it is cursive or italics such as is commonly seen with a program such as DocuSign.**
- The cure certification may be submitted to the county board office by fax, email, in person, or by mail/commercial carrier (UPS, FedEx, DHL, etc.). The cure certification may only be returned by the voter, the voter’s near relative or legal guardian, or a bipartisan assistance team (MAT).
- The cure certification must be received by the voter’s county board of elections office by 5 PM on Thursday, November 12.

<sup>6</sup> In-person requirements for hearing at canvass will functionally lead to the disenfranchisement for voters that are quarantining due to covid-19 diagnosis or exposure, living in congregate living facilities, currently hospitalized, incarcerated, or otherwise unable to appear in person. This could be potentially tens of thousands of voters. There must be a remote option or alternative option for voters who wish to appear at canvass.

<sup>7</sup> [Citation for numbered memo](#)

**If the issue requires a new ballot be issued (Category B):**

- The voter will be mailed a new ballot, which they should vote and return via mail or in person at an Early Voting site in their county or at their County Board of Elections office.
- The ballot must be returned by mail or by returning in person (only the voter or the voter's near relative / legal guardian may return).
- The absentee ballot must be received by the voter's county board of elections office by 5 PM on Election Day, OR postmarked by 5 PM on Election Day and received by 5 PM on Thursday, November 12.