

Retaining Pro-Voter Election Policies Implemented for 2020

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This memo discusses reasons why legislators should pass legislation permanently retaining certain election policy measures that were implemented in HB 1169 (2020).

Permanently Codify the Single Witness Signature Requirement

- HB 1169 significantly simplified the absentee vote by mail (VBM) process for voters. This was particularly impactful during the current public health crisis for voters who could not vote in person due to health conditions and/or age and for those who are in single-person households.
 - North Carolina's nonpartisan voter hotline received many calls from elderly, homebound voters with access to only one witness— often their spouse.¹
 - One caller in Columbus County stated that she is disabled, cannot leave her home, and is at a high-risk for covid. She did not have access to a witness, and was calling around to find someone who could go to her home. She said she was having a hard time finding one witness who would do this; finding two people would have likely resulted in her being unable to vote.
- Elimination of the notary provision, likewise, eliminated a significant barrier to voters casting their ballot during a time where notary assistance is further complicated by the current public health crisis.
 - North Carolina revised notary laws amid covid to allow electronic notarization, but expressly left absentee ballots out of this. As a result, voters must leave their homes and expose themselves to germs to notarize their absentee ballot.²
 - A caller in Wake County stated that she said she and her elderly husband lived alone, were at high-risk for covid, and could not leave their home. Her and her husband's only option for witnesses were each other.³
- The simplification of the VBM process directly benefited voters:
 - There is significant confusion among voters regarding who can be a witness and how many witnesses are needed. North Carolina's nonpartisan voter hotline received hundreds of calls from voters during the 2020 Election with questions about the witness requirement.⁴
 - Changing the rules in 2020 - and then changing them again 2021 - will add to voter confusion and lead to voters being disenfranchised.

¹ House Bill 1169 (SL 2020-17). An Act to Make Various Changes to the Laws Related to Elections and Appropriate Funds to the State Board of Elections in Response to the Coronavirus Pandemic.

<https://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H1169v8.pdf>

² Senate Bill 704 (SL2020-3). An Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19) Crisis. <https://www.ncleg.gov/EnactedLegislation/SessionLaws/PDF/2019-2020/SL2020-3.pdf>

³ Information regarding North Carolina's non-partisan hotline is available upon request via info@democracync.org.

⁴ Many callers requested information about witness eligibility and general requirements: (1) Who can be a witness (most common: spouse, child, non-citizen, NC resident)? (2) How many witnesses are required? (3) Do witnesses need to be physically present? (4) Is a notary required? Voters also called who did not have access to a witness or were otherwise concerned about the witness requirement. Data available via info@democracync.org.

- Election administrators were able to maintain election security and integrity with a single witness signature requirement in place. North Carolina has seen only a handful of cases where voters deliberately broke voting laws.⁵
- Additionally, implementation of signature verification is wholly unnecessary for election security due to the current witness requirements and will negatively impact local election administration infrastructure due to burdensome implementation.⁶

Permanently Codify the Absentee Ballot Request Portal

- HB 1169's institution of an absentee ballot request portal simplified the process for VBM that allowed for voters to request their absentee ballots online, update their existing requests, and track the status of their request.
 - Many voters did not have access to a computer with a printer, which prevented them from completing a paper absentee ballot request form.⁷
 - Having an online system relieved some of the burden from county board of election offices, who were at times inundated with voter phone calls about the status of their absentee ballot request
- This request portal provided assistance in both Spanish and English, which will be significant post-2020 census if North Carolina populations are covered under Section 203 of the Voting Rights Act.⁸
- Based on the most recent data available, many voters utilized online portals, including the Absentee Ballot Request Portal in the 2020 General Election:⁹
 - Total number of absentee ballot request forms: 354,926
 - Visually Impaired Portal: 146
 - UOCAVA: 2,903
 - Civilian: 351,877

Permanently Codify Poll Worker Precinct Flexibility

- Rigid statutory requirements that require poll workers to reside within the precinct they serve are not beneficial, particularly in rural and under resourced counties that face challenges with poll worker recruitment and retention.
- State Board of Elections Executive Director Karen Brinson Bell said a week prior to Early Voting that she figured the state would need 25,000 poll workers. As of October 8, just under 47,000 had signed up through an online portal. But, not all counties benefited from this surplus — many interested in being poll workers were clustered in major hubs.¹⁰

⁵ See NCSBE 2015 – 2020 NCSBE Referred Cases. Updated on January 15, 2021.

<https://s3.amazonaws.com/dl.ncsbe.gov/Investigations/NCSBE%20Referred%20Cases%202015-2020.pdf>

⁶ North Carolina Signature Verification - Internal Memo (2021). Available via advocacy@democracync.org.

⁷ Before the portal went live, North Carolina's nonpartisan voter hotline mailed hundreds of blank absentee ballot request forms to callers who requested them. Data available from Democracy NC via info@democracync.org.

⁸ North Carolina's Latinx population is likely to exceed one million in the 2020 census. Demographic information from 2018 is available via

<https://www.ncdemography.org/2019/09/26/north-carolinas-hispanic-community-2019-snapshot/>.

⁹ Data via email per NCSBE on February 11, 2021.

¹⁰ Nearly 47,000 sign up to work polls in North Carolina. Travis Fain. WRAL. Updated October 8, 2020 5:27 p.m. Accessible at: <https://www.wral.com/nearly-47-000-sign-up-to-work-polls-in-north-carolina/19327077/>.