

North Carolina Elections 101



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DEMOCRACY NC

Who makes our election rules?

North Carolina General Assembly

Our state legislature, called the General Assembly, has the power to create statewide election laws.¹ All the voting laws that the legislature passes must be constitutional under both the State Constitution and the Federal Constitution.² The General Assembly also decides how to apportion state³ and federal funding⁴ to counties to run their elections.

State Board of Elections

The North Carolina Board of Elections (NCSBE) makes rules regarding elections as long as those rules do not contradict existing law.⁵ When the NCSBE proposes a new rule, it must provide a public comment period and a public hearing about the proposed rule.⁶

U.S. Congress

Though states can oversee elections in their jurisdiction, the federal government can regulate how states run their elections.⁷ The federal government has stepped in to ensure that states do not violate the voting rights of certain groups by passing laws such as the Voting Rights Act of 1965.⁸ The federal government has also stepped in to make it easier for people to exercise their right to vote with the National Voter Registration Act of 1993⁹ and the Help America Vote Act of 2002.¹⁰

Courts

Individuals,¹¹ organizations,¹² and political parties¹³ can challenge unconstitutional or otherwise illegal voting rules and practices by filing lawsuits. When judges make a ruling, the official responsible for running our elections must determine the best way to implement these changes though the court sometimes provides mandates or guidance.¹⁴¹⁵

1. N.C. Const. art. II, § 1.

2. N.C. Const. art. I, § 10; U.S. Const. amend. XV; U.S. Const. amend.; U.S. Const. amend. XIX; U.S. Const. amend. XXIV; U.S. Const. amend. XXVI.

3. N.C. Const. art. V, § 7, cl. 1; Cooper v. Berger, 852 S.E. 2d 46, 58 (2020).

4. 52 U.S.C. § 20901(b)(1).

5. N.C. Gen. Stat. § 163-22(a).

6. N.C. Gen. Stat. § 150B-21.2(e),(f).

7. U.S. Const. art. 1, § 4.

8. 52 U.S.C. § 10101 et seq.

9. 52 U.S.C. § 20501 et seq.

10. 52 U.S.C. § 20901 et seq.

11. Covington v. North Carolina, 316 F.R.D. 117 (M.D.N.C. 2016).

12. N.C. State Conf. of NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016).

13. N.C. Democratic Party v. Berger, 306 F. Supp. 3d 803 (M.D.N.C. 2018).

14. N. C. State Conf. of NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016).

15. Common Cause v. Lewis, No. 18 CVS 014001, 2019 WL 4569584 (N.C. Super. Sept. 03, 2019).

Who runs our elections?

While election laws define how elections should be run, election administration determines how these laws are actually implemented. Fair, inclusive, and accessible elections are the result of good election administration.

The U.S. Constitution gives each state the right to administer its elections,¹⁶ and North Carolina gives part of this power to counties.¹⁷ As a result, voting rules and procedures vary widely from state to state and from county to county within North Carolina.

State Boards of Election

The NCSBE ultimately oversees all elections that take place in North Carolina and is also responsible for making sure all elections are conducted fairly.¹⁸

The NCSBE is made up of five board members who vote on election rules and review voter or election challenges.¹⁹ Three members of the board are affiliated with the Governor's political party, and two are from the other political party that has the highest number of registered voters.²⁰

The board is led by an Executive Director, who hires staff.²¹ These staff work with county boards of elections offices to ensure that elections are conducted lawfully and fairly.²²

County Boards of Elections

Every county in North Carolina has its own county board of elections (CBOE), which is responsible for running elections at the county and municipal levels.²³ The CBOE also registers voters within their county²⁴ and communicates with voters about election-related issues.²⁵ Therefore, when you vote or register to vote, you directly interact with your CBOE.

16. U.S. Const. art. 1, § 4.

17. N.C. Gen. Stat. § 163-33.

18. N.C. State Bd. of Elections, *About*, North Carolina State Board of Elections, <https://www.ncsbe.gov/about> (last visited Sept. 20, 2021).

19. N.C. Gen. Stat. § 163-19(b).

20. N.C. Gen. Stat. § 163-19(b).

21. N.C. Gen. Stat. § 163-27(b).

22. N.C. Gen. Stat. § 163-22(c).

23. N.C. Gen. Stat. § 163-30(a).

24. N.C. Gen. Stat. § 163-82.1(b).

25. N.C. Gen. Stat. § 163-33(8); N.C. State Bd. of Elections, *County Boards of Elections*, North Carolina State Board of Elections (last visited Sept. 20, 2021), <https://www.ncsbe.gov/about-elections/county-boards-elections>.

Each county board of elections is in charge of:²⁶

- Determining the location and hours of voting sites (though the state provides its own rules that CBOEs must follow)
- Recruiting and training poll workers
- Operating voting sites
- Sending out and receiving mail-in ballots
- Counting ballots and sending election results to the state
- Deciding which provisional ballots will be counted or rejected
- Buying and maintaining voting machines

Each CBOE is made up of five board members who are registered voters in that county.²⁷ Like the NCSBE, three members of every county board of directors are affiliated with the Governor's political party. Two members are from the other political party with the highest number of registered voters.²⁸

Get involved with your county board of elections!

Get involved: we need YOU to attend your CBOE meetings, get to know the board members, and speak out in favor of voting procedures that work for your community. Get more information and sign up at [**demnc.co/cboemonitor**](https://demnc.co/cboemonitor).

Become a poll worker!

CBOEs rely on registered voters in their county to run elections and help people vote, called poll workers. Poll workers get paid to serve a variety of roles like staffing polling places, setting up and closing down voting sites, checking in voters, providing ballots to voters, processing ballots, and assisting voters who need help.²⁹ Learn how you can become a poll worker by visiting [**www.ncsbe.gov**](https://www.ncsbe.gov).

26. N.C. Gen. Stat. § 163-33.

27. N.C. State Bd. of Elections, County Boards of Elections, North Carolina State Board of Elections, <https://www.ncsbe.gov/about-elections/county-boards-elections> (last visited Sept. 20, 2021).

28. N.C. Gen. Stat. § 163-30(b).

29. Press Release, North Carolina State Board of Elections, Election Officials Searching for Democracy Heroes, Launch New Portal (Jul. 31, 2020), <https://www.ncsbe.gov/news/press-releases/2020/07/31/election-officials-searching-democracy-heroes-launch-new-portal>.

How does voting work in North Carolina?

When are elections held?³⁰

How Often?	What Type?	Who is on the ballot?	When does it occur?
Every 2 years*	Municipal Election	Governing officials of cities, villages and towns, such as mayor, city council, and school board.	Differs county by county (most occur in odd years).
Every 2 years	Midterm Election	Federal Representatives and Senate, statewide executive branch and judicial branch officials, members of the General Assembly, district attorneys, sheriffs, clerks of court, registers of deeds, county commissioners, and federal officers.	Primary in March or May, General in November (even years).
Every 4 years	Presidential Election	President, Vice President.	Primary in March or May, General in November (every 4 years).
When a vacancy needs to be filled.	Special Election	The seat of elected officials who have retired, resigned, or passed away.	Depends on the situation and state law.

*Not all municipalities will have an election in a given odd-numbered year, and a few municipalities elect their officials in even-numbered years.

Registering to vote

Before you can vote, you have to register. New voters must complete a voter registration form, and voters who move must update their voter registration. North Carolina residents can register to vote if they are 16 years or older, are a U.S. Citizen, and are not currently serving a felony sentence.

In 2020, North Carolinians had three ways to register to vote:

- **Online.** Beginning in March 2020, eligible North Carolina residents with a North Carolina driver's license or DMV-issued ID card could register to vote online.
- **By mail.** Voters fill out a form and send it to (or drop it off at) their county board of elections office.
- **In-person.** Eligible North Carolina residents can register to vote at public service agencies, like the DMV, libraries, high schools, and other approved spaces. Voters can also register in person at any Early Voting site in their county of residence.

Youth Civic Engagement

If you are currently 16 or 17 years old,
you can pre-register to vote!³¹

If you are currently 17 years old, and a General Election will take place after you turn 18, you can register to vote before the Primary Election and then participate in both the Primary Election when you are 17 and that General Election when you turn 18.³² Start the process at demnc.co/register!

31. N.C. State Bd. of Elections, *Preregistering to Vote When You are 16 or 17 Years Old*, North Carolina State Board of Elections, <https://www.ncsbe.gov/registering/who-can-register/preregistering-vote-when-you-are-16-or-17-years-old> (last visited Sept. 20, 2021); N.C. State Conf. of NAACP v. McCrory, 831 F.3d 204, 242 (4th Cir. 2016).

32. N.C. State Bd. of Elections, *Preregistering to Vote When You are 16 or 17 Years Old*, North Carolina State Board of Elections, <https://www.ncsbe.gov/registering/who-can-register/preregistering-vote-when-you-are-16-or-17-years-old> (last visited Sept. 20, 2021).

Voting

To vote in North Carolina, you must

- Be a U.S. citizen
- Be a resident of a county in North Carolina, and prior to voting in an election, have resided at your residential address for at least 30 days prior to Election Day
- Be at least 18 years old at the time of the next general election
- Not be serving a sentence for a felony conviction, including probation or parole³³

Voters have five options for voting in North Carolina:

Voting by Mail

Voting by mail is also called absentee by-mail voting. Since 2001, North Carolina has had “no excuse” voting by mail. This allows any registered voter to request and vote a mail-in ballot. When a voter completes their mail-in ballot,³⁴ they can mail their ballot in the return envelope, return it to their CBOE in person, or bring it to an early voting site.³⁵ Voting by mail is important in all elections because democracy works best when voters have multiple options for casting their ballot.

Early Voting

Early voting is an essential option that North Carolinians have had for over 20 years. Early voting allows voters to register to vote, update their registration and cast their ballot. Early voting is also referred to as “one-stop voting” because you can register and vote all in one place!

Election Day

On Election Day, voters may cast a ballot at their assigned polling place. All polling places in the state are open Tuesday from 6:30 am - 7:30 pm.

33. Due to ongoing litigation, the legal ruling in *Community Success Initiative v. Moore* (No. 19-cvs-15941, Wake County Superior Court) remains in flux as of this writing.

34. N.C. Gen. State. § 163-226(a).

35. N.C. State Bd. of Elections, *Detailed Instructions to Vote by Mail in 2021*, North Carolina State Board of Elections, <https://www.ncsbe.gov/voting/vote-mail/detailed-instructions-vote-mail-2021#3-return-ballot> (last visited Sept. 20, 2021).

Curbside Voting

Every voting site in North Carolina must offer outdoor “curbside” voting for voters who cannot enter the voting place without physical assistance due to age or disability.³⁶ During Early Voting and on Election Day, voters can park in designated spaces and vote without leaving their car. In 2020, COVID-19 susceptibility or symptoms also qualified voters to utilize curbside voting.

Voting by-mail Online Portal for Visually Impaired, Overseas, and Military Voters

Voters who are visually impaired, living overseas, or serving in the military have the option of requesting and completing their mail-in ballot through an online portal. In 2020, after a lawsuit filed by Disability Rights North Carolina on behalf of blind or visually impaired voters, NCSBE created the online accessible ballot to ensure these voters can cast a private and independent ballot.

**Democracy is not a spectator sport,
check your registration!**

Now that you’ve read all about voting in North Carolina make sure you are registered to vote in the next election! You can check to make sure your voter registration is up to date at demnc.co/register.

Counting Ballots

Each CBOE is tasked with counting ballots within their county. This process is done in the view of the public.

For ballots cast during early voting and by mail, CBOEs may start counting as soon as 2 PM on Election Day if a resolution is adopted.³⁷ CBOEs also have the option to approve early voting and voting by-mail ballots as soon as ballots are returned.

Approving ballots is not counting ballots. This process involves verifying the ballot was cast by an eligible voter. For ballots cast on Election Day, election officials begin processing ballots after the polls close until all ballots are counted.³⁸

36. Curbside Voting.” NCSBE Voting Resources, Sept. 2020, <https://www.ncsbe.gov/voting/help-voters-disabilities/accessible-voting-sites/curbside-voting>.

37. N.C. Gen. Stat. § 163-234.

38. N.C. Gen. Stat. § 163-182.2(a).

After ballots are processed either before or on Election Day, ballots are then fed through electronic ballot scanners for tabulation, counting each ballot to track the vote totals. Once the count is completed, a report is created with the unofficial vote total, including the number of provisional ballots cast.

The counting process is not instantaneous – it takes time to process and count ballots properly! North Carolina law allows mail-in ballots that are postmarked by Election Day³⁹ to be counted, as long as they are received within three days of Election Day. In 2020, this deadline was extended to nine days by a court order because of mail delays.⁴⁰

Statewide Canvass

After Election Day, CBOEs still have a lot of work to do in the process known as canvass. Canvass is the process of double-checking that all votes have been counted correctly, determining the final vote count, and completing any required audits. During this time, election officials also review mail-in ballots received during the three-day period after Election Day and provisional ballots if they should count.⁴¹ The official Day of Canvass is 10 days after Election Day. Following the canvass, the NCSBE approves the official election results.

39. N.C. Gen. Stat. § 163-231(b)(2).

40. Jordan Wilkie, Supreme Court Upholds NC Ballot Extension, Carolina Pub. Press (Oct. 29, 2020), <https://carolinapublicpress.org/39146/supreme-court-upholds-nc-ballot-acceptance-extension/>.

41. Democracy North Carolina. “Canvass Monitoring.” <https://democracync.org/take-action/canvass-monitoring/>