



October 22, 2024

Executive Director Karen Brinson Bell
General Counsel Paul Cox
North Carolina State Board of Elections
P.O. Box 27255
Raleigh NC 27611-7255



Via Electronic Mail

Re: NCEIT Signs at Voting Places in North Carolina

Dear Executive Director Karen Brinson Bell and General Counsel Paul Cox:

We write to you today in our capacity as organizations concerned with protecting the right of all voters to participate equally in our democracy in this election, to alert you about signage placed at polling sites across the state targeting Latino voters. Based on the circumstances outlined below, this signage threatens to chill the fundamental right to vote, constitutes unlawful voter intimidation, and must be removed from North Carolina polling locations. We further request that the State Board of Elections release an affirmative statement in Spanish reassuring Spanish speakers who are eligible voters in this state that they are safe to vote in North Carolina and they have the right to immediately report any intimidation at the polls.

Since the start of in-person early voting on October 17, the undersigned non-partisan organizations, including El Pueblo¹ and Forward Justice, have received more than a dozen reports that an organization called the North Carolina Election Integrity Team (NCEIT)² has placed bright yellow signs both in roadways and outside of polling locations, which warn – exclusively in Spanish – that any person who votes in this election who is not a citizen could be charged with a crime and face deportation from the United States – emphasizing the threat of legal action.³ The NCEIT signs have been reported by voters, observers, and poll workers who are concerned about the intimidating impact of these signs – exclusively targeting Spanish speaking voters – at polling sites in at least five counties: Durham, Orange, Granville, Pitt, and Mecklenburg. See *Appendix A*. Importantly, these signs are typically the only signs or information of any kind that a voter encounters in Spanish at their polling site, see *Appendices A and B*. Understandably, the threat is felt

¹ El Pueblo is a non-profit organization that advocates to bring forward the voices of NC Latinos to pursue the collective advancement of social justice, community organizing and partnership with allies and policy-makers. <https://elpueblo.org/about-us/>.

² <https://www.nceit.org>

³ We also understand that the Only Citizens Vote Coalition (<https://www.onlycitizensvotecoalition.com/>) has placed similar Spanish-language signs at polling places in Catawba County, see *Appendix B*. It is our understanding that the State Board of Elections has already requested the removal of these signs, because it includes a mistranslation which makes the Spanish side inaccurate as to the law.

particularly acutely by monolingual Spanish speakers, giving these voters the impression that they are being targeted, and inciting fear that they may be being watched.⁴

The signs read as follows:

Spanish Language on Sign	English Translation
Aviso: Si tú no eres ciudadano de los Estados Unidos de América no puedes votar en las elecciones. !Es ilegal! Es un delito penal. 18 U.S. Code § 611. Podrías ser deportado. !No lo hagas! Paid for the North Carolina Election Integrity Team	WARNING: if you are not a citizen of the United States of America, you cannot vote in elections. It is illegal! It is a crime. 18 U.S. Code § 611. You could be deported. Don't do it! Paid for by North Carolina Election Integrity Team

Since at least 2022, NCEIT, a North Carolina registered non-profit, has placed a significant focus on monitoring the voting activity of Latino voters, the fastest growing population in the state of North Carolina, under the guise of an alleged concern about “non-citizen voting.”⁵ For example, they have urged the General Assembly to take action to combat what they have falsely promoted as a “DEM plan of winning the 2024 election with illegal alien voting.”⁶ In a report released yesterday by CBS News, journalists confirmed that James Womack, the current President of NCEIT and Chairman of the Republican Party in Lee County, has directed volunteers to take action targeting Latino voters – which, if acted upon, would also constitute discriminatory voter intimidation. Mr. Womack instructed his volunteers to consider *any individual with a Hispanic sounding surname* to be a “suspicious voter”:

In a video obtained by CBS News, the leader of an "election protection" activist group of 1,800 volunteers in North Carolina is seen instructing attendees at a virtual meeting to flag voters with "Hispanic-sounding last names" as one way to identify potentially suspicious registrations as the group combs through voter rolls ahead of the 2024 election.

"If you've got folks that you, that were registered, and they're missing information... and they were registered in the last 90 days before the election, and they've got Hispanic-sounding last names, that probably is, is a suspicious voter," said James

⁴The undersigned groups have also documented in our work to assure all voters that they have the right to vote free from fear at the polls, that U.S. citizen voters from mixed-status households (where some individuals in the household are U.S. citizens and others do not hold that status yet) face particular anxiety around providing their information to a government agency and having it be made public, because they fear that doing so could potentially endanger their family members. These signs only deepen that fear by sending a message to all Spanish-speaking voters that they are subject to heightened scrutiny.

⁵ See <https://www.nceit.org/post/nceit-accomplishments-since-202>;
<https://www.nceit.org/post/how-can-nc-stop-illegal-immigrants-from-voting>.

⁶<https://www.nceit.org/post/ncga-apparently-does-not-see-the-urgency-of-addressing-non-citizens-voting-in-our-2024-elections>

Womack, the leader of the effort, who chairs the Republican Party in Lee County, North Carolina. "It doesn't mean they're illegal. It just means they're suspicious."⁷

The NCEIT signs placed outside of polling places serve no purpose but to intimidate legally qualified voters from engaging in our political process. First, voters are already clearly informed when registering to vote that they must be a citizen to register, and in fact, the voter registration form is one of few official election documents in North Carolina that is available in Spanish.⁸ In this instance, where a private group is attempting to take over the state's legitimate role of overseeing elections, by using intimidating threats of legal action and targeting specific groups of voters based on the language they speak – the violation of federal law is even clearer and the risk of confusion is great. The State's form already asks individuals to confirm in two different places that they are a citizen, and sufficiently conveys the law:

Elegibilidad
Si usted no es ciudadano de los Estados Unidos, o no tiene la edad suficiente para votar o inscribirse previamente para votar, no envíe este formulario.

1

¿Es usted ciudadano de los Estados Unidos de América?
Si marcó "no" en respuesta a esta pregunta, no envíe este formulario. Usted no está calificado para votar.

Sí No

¿Tendrá 18 años de edad el día de las elecciones o antes?
Si respondió "no" a la pregunta anterior, ¿tiene al menos 16 años de edad y entiende que debe tener 18 años de edad el día de las elecciones o antes para votar?

Sí No

Si marcó "no" en respuesta a esta pregunta, no envíe este formulario. Usted no está calificado para votar.

Firma
Completar este formulario de manera falsa o fraudulenta es un delito de clase I según el Capítulo 163 de los Estatutos Generales de Carolina del Norte.

11

Yo he revisado el contenido de este formulario y doy fe de que:

- Soy ciudadano de los Estados Unidos;
- Tengo al menos 18 años de edad, o los tendré para la fecha de las elecciones generales; o tengo al menos 16 años de edad y entiendo que debo tener al menos 18 años de edad el día de las elecciones generales para votar;
- Habré vivido en la residencia identificada en este formulario durante 30 días antes de la fecha de la elección en la que tengo la intención de votar;
- Si llené la Sección 9 anterior, estoy solicitando que se cancele mi registro anterior; y
- Actualmente no estoy cumpliendo una sentencia por delito grave (incluida la libertad condicional, la supervisión posterior a la liberación o la libertad condicional)

Votante, firme y feche aquí (Obligatorio)

2024.08

X

Fecha (mm/dd/aaaa)

Me gustaría que me contactaran para ser un trabajador electoral.

Second, concerns about “non-citizen voting” aren’t supported by data from the election audits that have been completed in our state. For example, in a 2016 election audit conducted by the North Carolina State Board, it was determined that this problem is vanishingly rare – 0.000008% of total votes cast.⁹

Latinos already face anti-immigrant rhetoric nationally¹⁰ and throughout the state of North Carolina, and these threats have only escalated during this current election season.¹¹

⁷ <https://www.cbsnews.com/news/election-integrity-north-carolina-voters-hispanic-sounding-names/>.

⁸ https://s3.amazonaws.com/dl.ncsbe.gov/Voter_Registration/NCVoterRegForm_09W.pdf.

⁹ https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report_2016%20General%20Election/Post-Election_Audit_Report.pdf. It is important to note that all of these cases “involve documented non-citizens who were admitted to the country lawfully.” (Pg. 4).

¹⁰ <https://www.nytimes.com/2024/09/05/us/politics/immigrant-noncitizen-voting-republicans.html>.

¹¹ Latino advocacy groups in North Carolina have [expressed concern](#) over the targeting of their community by HB 10, passed by the NCGA in September of this year, which mandates that NC Sheriffs cooperate with federal immigration enforcement. Nonpartisan watchdog group American Oversight has documented the [tie between](#)

The undersigned have also received reports of “Migrants for Kamala” and “Undocumented Immigrants for Harris” signs on roadways in New Hanover and Orange County that include no identification with a registered organization, and reports of residents of Columbus County posting signs pointing to the homes of their registered Democratic neighbors which say “Illegals Welcome Here.”¹² See Appendices C, D, and E. Despite the evidence that there is no documented problem of non-citizens voting, as a result of pressure from groups like NCEIT and the Only Citizens Vote Coalition, the North Carolina legislature has placed a constitutional amendment on the ballot to enshrine in our Constitution what is already the law, that an individual must be a U.S. citizen in order to register to vote in North Carolina.¹³ This has raised additional concerns from our constituencies about a rise in both anti-immigrant sentiments generally and anti-Latino sentiment specifically, as false information about the state of law is circulating statewide.

Under both state and federal law, it is illegal to intimidate, threaten or coerce a voter, or to attempt to do so.¹⁴ The North Carolina State Board of Elections defines voter intimidation as any “conduct that would make the voter reasonably fearful, threatened or coerced during the voting process.”¹⁵ The State Board has also emphasized that “[a]s election officials, we have a responsibility to make the voting site welcoming to all eligible voters.”¹⁶ Furthermore, courts have held that political speech may be limited in situations where that speech infringes on the sacred right to vote. See *Burson v. Freeman*, 504 U.S. 191, 211 (1991) (upholding a Tennessee law that prohibited campaigning within 100 feet of a polling place). For example, in *United States v. Nguyen*, the Ninth Circuit considered a mailing that was sent out in Spanish to individuals with Hispanic surnames and informed voters that “‘are in this country illegally or [are] legal residents’ that ‘voting in a federal election is a crime’ that could result in incarceration or deportation.” 673 F.3d 1259, 1261 (9th Cir. 2012). The court ultimately held that “the contents of the letter and the circumstances of its distribution were sufficient to allow the magistrate to conclude that there was a fair probability that the mailing constituted a violation of [California voter intimidation law.]” *Id.* at 1264. Similarly, the particular circumstances at issue here require action to ensure that this unlawful voter intimidation is not tolerated at the polls in our state.

[anti-immigrant rhetoric and election denialism](#), culminating in the placing of non-citizen voting referenda on the ballot in multiple states, including in North Carolina. Further, anti-immigrant rhetoric from former President Trump has [intensified](#) over the last several weeks, including [here in North Carolina](#), where just this weekend he falsely claimed that the Biden administration had spent funds intended for disaster recovery “on taking in illegal migrants, maybe so they could vote in the election.”

¹² <https://borderbelt.org/columbus-county-nc-sees-anti-immigration-yard-signs/>.

¹³ H.B. 1074, accessible here <https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H1074v4.pdf>.

¹⁴ See, e.g., 52 U.S.C. § 10307(b); 18 U.S.C. § 594; G.S. § 163-274(a)(7); 18 U.S.C. § 245(b)(1)(A); 52 U.S.C. § 20511(1); N.C. Gen. Stat. §§ 163-275(17), 163-274(a)(7), 163-48.

¹⁵ North Carolina State Board of Elections Numbered Memo 2023-06, accessible at <https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2023/Numbered%20Memo%202023-06%20Election%20Observers.pdf>, at 9.

¹⁶ North Carolina State Board of Elections Memo 2022-12, Maintaining Order at the Polls, accessible at <https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2022/Numbered%20Memo%202022-12%20Maintaining%20Order%20at%20the%20Polls.pdf>, at 6.

On behalf of the undersigned organizations, we urge the State Board of Elections to take immediate action to resolve this unlawful targeting of the Latino community, and quell fears being faced by Latino voters who should be clearly and consistently welcomed into the voting process in our state. Specifically, we are requesting that these signs be removed from all polling places, and that the State Board of Elections put out information in Spanish to let monolingual Spanish speakers know that they are safe to vote in North Carolina and that they have the right to immediately report any intimidating behavior at polling sites. We stand ready to assist the State Board with any additional information necessary to allow for a swift resolution of this issue.

Sincerely,

Iliana Santillan, Director, El Pueblo

Caitlin Swain, Co-Director, Forward Justice

Kathleen Roblez, Senior Voting Rights Counsel, Forward Justice

Jeff Loperfido, Chief Counsel, Southern Coalition for Social Justice

Cheryl Carter, Co-Executive Director, Democracy NC

Melissa Price Kromm, Executive Director, North Carolina For the People

Ann Webb, Policy Director, Common Cause North Carolina

Marcus Bass, Executive Director, NC Black Alliance

Serena Sebring, Executive Director, Blueprint North Carolina

Deborah Maxwell, President, North Carolina State Conference of the NAACP

Kristi Graunke, Legal Director
ACLU North Carolina

Chavi Khanna Koneru, Executive Director, North Carolina Asian Americans Together

Danielle Brown, National Field Co-Director, Black Voters Matter

Janice Robinson, Executive Director, Red, Wine, and Blue

Nelson and Joyce Johnson, Executive Directors, Beloved Community Center

Chester Williams, CEO, A Better Chance, A Better Community

Naomi Randolph- Hwesuhunu, Co-Executive Director, Action Institute NC

Rev. Lisa Garcia-Sampson, Executive Director, Unitarian Universalist Justice Ministry of North Carolina

Abby Lublin, Executive Director, Carolina Jews for Justice

Dr. Ashley Marshall, Co-Director, Forward Justice Action Network

Anne Tindall, Special Counsel and NC Policy Lead, Protect Democracy

Dreama Caldwell, Executive Co-Director, Down Home North Carolina

Bishop William J. Barber II, Repairers of the Breach

Rev. Wayne Wilhelm, North Carolina Poor People's Campaign

Rev. Dr. Rodney Sadler, North Carolina Poor People's Campaign

Tara Romano, Pro-Choice NC

APPENDIX A – NCEIT Signs



- I. Photos taken at Durham Main Library polling site, 10/17/2024 and 10/20/2024.



II. Photos taken at the Bette Rae Center in Mecklenburg County, 10/17/2024.



III. Photo taken at DSS Orange Works in Orange County, 10/18/2024.



IV. Photo taken at Efland Cheeks Community Center in Orange County, 10/18/2024.



V. Photos taken at the Pitt County Agricultural Center and H. Boyd Lee Park in Pitt County on 10/19/2024.

APPENDIX B – Citizens Only Vote Signs



- I. Photo taken at Highland Recreation Center in Catawba County on 10/17/24

APPENDIX C – “Migrants for Harris” Signs



II. Photo taken in New Hanover County.

APPENDIX D - “Undocumented Immigrants for Harris”
Signs



I. Photo Taken at Southside Library in Forsyth County, 10/17/2024

APPENDIX E - Illegals Welcome Here Signs



I. Photo taken in Whiteville, NC.