NORTH CAROLINA
State excerpt from

Protecting Voter Registration
An Assessment of Voter Purge Policies in Ten States
Dēmos is a movement-oriented think tank committed to racial justice. Through research, advocacy, strategic communications, litigation, and deep partnerships with grassroots organizations across the country, we build power with and for Black and brown communities.

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**Acknowledgements**
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North Carolina scored 50% for its removal practices. The state employs many problematic procedures, including a “use it or lose it” policy whereby the county board initiates a removal process after every congressional election by sending a confirmation mailing to every registrant “if the county board has not confirmed the registrant's address by another means.” \(^{179}\)

“By another means” refers to the clerk having a record that the person had voted or engaged in other election-related activities. \(^{180}\) The voter is placed on the “inactive” list if they do not return the notice within 30 days and will be removed from the rolls if the voter does not vote during the next two general elections. \(^{181}\) After only two years of not voting, initiating a removal process is a particularly aggressive form of “use it or lose it.”

A North Carolina voter’s eligibility can also be challenged by any other voter in the county. \(^{182}\) This provision, unfortunately, can be used for abusive “voter caging.” Mail returned as undeliverable is treated as evidence that a


person has moved, which allows bad actors to target specific communities for mass mailings that can require hundreds of voters to attend hearings to defend their eligibility.

North Carolina has other problematic removal practices, as well. Although administrative guidance specifies matching criteria that must be satisfied before removing an individual who is flagged as having died, neither statutes nor administrative guidance requires that a voter be notified when their registration is canceled because they are believed to have died. In terms of removals for felony convictions, state law does not specify data points that must match when comparing a conviction record to a voter’s record. It merely requires the State Board of Elections to provide monthly lists to county boards of election of the name, county of residence, and residential address “if available” of persons convicted of felonies. On the positive side, however, notice is required to a voter prior to removal based on a felony conviction, and when a voter’s eligibility is restored after completion of sentence, both the voter and election officials receive notice.

North Carolina also does not grant election officials “catch-all” authority to remove registered voters from the rolls; instead, state law requires specific reasons to cancel a voter’s registration, either through the uniform list maintenance process or by a challenge from another registered voter. North Carolina does not have a specific requirement for removing voters based on an adjudication of mental incapacity.

184 A federal court has issued a permanent injunction barring the use of “generic” evidence to challenge a voter’s registration within 90 days before a federal election. North Carolina State Conference of NAACP v. Bipartisan State Board of Elections and Ethics Enforcement, 2018 WL 3748172 (M.D. N.C. 2018); see also Institute for Southern Studies & NC Voters for Clean Elections, Blueprint for a Stronger Democracy, Spring 2023, at 26-27. North Carolina law has not been changed to reflect this ruling, but the state board of elections has issued a directive to implement the ruling. North Carolina State Board of Elections, Numbered Memo 2018-7, available at https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Numberedmemos/2018/Numbered%20Memo%202018-07.pdf (last visited April 20, 2023) (directing county clerks not to allow mass challenges based on generic evidence within 90 days of an election). The court ruling does not affect our scoring, because it still allows mass challenges outside of the 90-day pre-election period.
185 North Carolina State Board of Elections and Ethics Enforcement, “Maintaining the Voter Registration Database in North Carolina,” July 27, 2017, at 24 (“When researching the list of registered voters, the CBE may not remove a voter unless there is an exact database match on the voter’s name, date of birth and/or identification information with the deceased records received from DHHS or a near relative”) available at https://s3.amazonaws.com/dl.ncsbe.gov/Public_Records_Requests/Judicial_Watch_04122019/North_Carolina_ListMaintenancePolicy.pdf (last visited April 20, 2023).
186 N.C. Gen. Stat. § 163-82.14(c)(1). Guidance from the State Board of Elections states that “[u]nless a county board of elections is confident that the matched felon information matches the voter’s information, the county shall not remove the voter.” However, we see this guidance as too vague to provide adequate protection from erroneous removal for these voters, absent a clear definition of what “confident” means. State Board of Elections and Ethics Enforcement, Maintaining the Voter Registration Database in North Carolina, July 27, 2017, at 29 available at https://s3.amazonaws.com/dl.ncsbe.gov/Public_Records_Requests/Judicial_Watch_04122019/North_Carolina_ListMaintenancePolicy.pdf (last visited April 20, 2023).
187 Id. (clerk must send notice providing 30 days to object if the voter believes they are being erroneously removed for a felony conviction).
188 Id. see also N.C. Gen. Stat. § 13-2(a).
State law does not establish a process for targeting registered voters for citizenship review, nor does the state give election officials “catch-all” removal authority, so we have given North Carolina full points for this.

State law does not disenfranchise voters based on a judgment of mental incapacity to vote, so we have given North Carolina full points.


Table 29: Removal Practices

<table>
<thead>
<tr>
<th>Reason for Removal</th>
<th>Felony Conviction</th>
<th>Death</th>
<th>Citizenship Status</th>
<th>Adjudication of Mental Incapacity</th>
<th>Other Reasons for Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matching Criteria</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>Inactivity</td>
</tr>
<tr>
<td>Notice of Removal</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>Catch-all Removal Authority</td>
</tr>
<tr>
<td>Procedures to Contest</td>
<td>4</td>
<td>0</td>
<td>4</td>
<td>4</td>
<td>Caging / Mass Challenges</td>
</tr>
<tr>
<td>Notice of Restoration to Voter</td>
<td>2</td>
<td>n/a</td>
<td>n/a</td>
<td>2</td>
<td>Total</td>
</tr>
<tr>
<td>Notice of Restoration to Elec. Official</td>
<td>2</td>
<td>n/a</td>
<td>n/a</td>
<td>2</td>
<td>Total</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
<td>50/100 = 50%</td>
<td></td>
</tr>
</tbody>
</table>

Safeguards Against Erroneous Removal

FIGURE 30
North Carolina Safeguards from Removal

North Carolina scored 60% for its safeguards to protect voters who learn that their registrations have been canceled or marked inactive only when attempting to vote. Importantly, North Carolina provides same-day registration—though it is available only during early voting and not on Election Day itself—and allows same-day registrants to cast regular ballots rather than provisional ballots. The state also allows voters who have been removed based on a suspected change of address to cast a regular ballot by affirming

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191 State law does not establish a process for targeting registered voters for citizenship review, nor does the state give election officials “catch-all” removal authority, so we have given North Carolina full points for this.

192 State law does not disenfranchise voters based on a judgment of mental incapacity to vote, so we have given North Carolina full points.

that they continue to reside at the same address. However, same-day registrants have to present documentation of residency or identity above and beyond the ID requirements to vote.

**Table 30: Safeguards Against Erroneous Removal**

<table>
<thead>
<tr>
<th>Safeguard</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scope of Same-Day Registration (SDR)</td>
<td>20</td>
</tr>
<tr>
<td>SDR Identification Requirements</td>
<td>0</td>
</tr>
<tr>
<td>Regular or Provisional Ballot for SDR Voter</td>
<td>20</td>
</tr>
<tr>
<td>Regular or Provisional Ballot for Correcting Inactive Status</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>60/100 = 60%</strong></td>
</tr>
</tbody>
</table>

**Data Accessibility**

**FIGURE 31**

North Carolina Data Accessibility

North Carolina received a perfect score for data accessibility. The complete file is fully available to the public, is updated weekly, can be immediately downloaded for free, and comes in an electronic format.

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Table 31: Data Accessibilty

<table>
<thead>
<tr>
<th>Indicator of Accessibility</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete File Publicly Available</td>
<td>20</td>
</tr>
<tr>
<td>Who Can Request File</td>
<td>20</td>
</tr>
<tr>
<td>Cost</td>
<td>20</td>
</tr>
<tr>
<td>Timeline</td>
<td>20</td>
</tr>
<tr>
<td>Format</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>100/100 = 100%</td>
</tr>
</tbody>
</table>

Data Transparency

**FIGURE 32**

North Carolina Data Transparency

North Carolina received a perfect score for data transparency. The voter file contains all of the categories of information in our scoring, including voter registration status and status reason code, voter demographics like race and ethnicity, voter registration or identification number, and date last voted. While North Carolina scored perfectly on the data measures we evaluated, one way the state could make its data even more accessible and transparent would be for the state board to regularly issue reports on monthly removals, so researchers and advocates can monitor the data for potential erroneous removals and contact eligible voters who may have been removed.

Table 32: Data Transparency

<table>
<thead>
<tr>
<th>Indicator of Transparency</th>
<th>20</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>20</td>
</tr>
<tr>
<td>Voter ID Number</td>
<td>20</td>
</tr>
<tr>
<td>Voter Status</td>
<td>20</td>
</tr>
<tr>
<td>Status Reason Code</td>
<td>20</td>
</tr>
<tr>
<td>Date Last Voted</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>100/100 = 100%</td>
</tr>
</tbody>
</table>

Current Political Context

North Carolina’s voting laws have been a battleground in the courts, especially since the U.S. Supreme Court in 2013 struck down the preclearance provisions of the Voting Rights Act of 1965.\textsuperscript{198} Battles related to purge provisions have been no exception. The legislature attempted to eliminate SDR, an important safeguard against erroneous voter purges, as part of a package of restrictive voting laws enacted in 2013, but the Fourth Circuit found the repeal unlawful as an intentional effort to suppress the Black vote.\textsuperscript{199} North Carolina citizens have also successfully sued over efforts to use the state’s challenge law for abusive, large-scale challenges to voters’ eligibility.\textsuperscript{200} And researchers and advocates are closely monitoring the state’s list maintenance to identify, combat, and attempt to correct wrongful, discriminatory purges.\textsuperscript{201}

The legislature had only a short session in 2022 and did not enact major changes to election laws, but anti-voter bills have been introduced in the 2023 session, including a bill that would prohibit North Carolina’s planned participation in the Electronic Registration Information Center (ERIC), which has been helpful to many states in sharing data on voters who have moved between states; the state had planned to join in mid-2023.\textsuperscript{202} There is also a bill to drastically shorten the period for early voting (and same-day registration),\textsuperscript{203} one to require all same-day registrants to cast provision-

\textsuperscript{198} Shelby County v. Holder, 133 S.Ct. 2612 (2013).
\textsuperscript{199} North Carolina State Conference of NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016).
\textsuperscript{200} North Carolina State Conference of NAACP v. Bipartisan State Board of Elections and Ethics Enforcement, 2018 WL 3748172 (M.D. N.C. 2018) (enjoining removals based on mass challenges as violating the NVRA).
al ballots,\textsuperscript{204} one that would require purges of voters based on potentially inaccurate citizenship information,\textsuperscript{205} and one to defund the state’s election infrastructure,\textsuperscript{206} among other harmful proposals. However, a different bill introduced in March 2023 would, among other things, improve list maintenance practices by setting forth specific matching criteria that county boards of elections must use before removing an individual from the voting rolls based on county death records.\textsuperscript{207}


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