



## North Carolina

Updated May 6, 2021

If enacted in its current form, the For the People Act (H.R.1/S.1) would make changes to federal elections in North Carolina that would strengthen the freedom to vote and make it more difficult to enact voter suppression laws in the future. The legislation would also increase certainty for all voters about election procedures after a decade of litigation in response to partisan gerrymandering and voter-suppression legislation. Several of the requirements of H.R.1/S.1—including those relating to online voter registration—already exist in some form in North Carolina. Other requirements, such as those relating to automatic voter registration, voter ID, and early voting, would more fundamentally change North Carolina’s procedures for conducting federal elections.

The following is a summary of the most salient ways in which H.R.1/S.1 would affect voting in North Carolina:

### **Expanding & Protecting Voter Registration Opportunities**

- Requires North Carolina to automatically register voters when eligible citizens provide information to designated state or federal government agencies, including, but not limited to, the Department of Motor Vehicles or the Social Security Administration, so long as the resident does not opt out. Establishes a grant program to fund this new requirement.<sup>1</sup> North Carolina does not currently automatically register voters.
- Permits voters to register to vote at a polling place and to vote on the same day both for Election Day and early voting.<sup>2</sup> North Carolina permits same-day registration during in-person early voting, but otherwise requires registering 25 days in advance.<sup>3</sup>
- Prohibits using voter caging or unverified match lists to remove voters from the rolls without additional corroborating information. Prohibits the removal of a voter from the rolls based on the failure of a registered voter to respond to a notice, unless that notice is returned as undeliverable.<sup>4</sup>
- Prevents North Carolina from rolling back voter protections already in state law, including the pre-registration of 16 and 17 year olds to vote immediately upon turning 18<sup>5</sup> and online voter registration.<sup>6</sup>

### **Mandating Secure, Accessible Early Voting & Absentee Voting**

- Gives voters the option of voting early and in person for a full 15 days before a federal election, including opportunities before and after business hours, on weekends, and on

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<sup>1</sup> H.R. 1, Title I, Subtitle A, Part 2.

<sup>2</sup> H.R. 1, Title I, Subtitle A, Part 3.

<sup>3</sup> N.C. Gen. Stat. § 163-82.6; *see N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204, 237 (4th Cir. 2016) (invalidating 2016 law ending same-day registration during early voting).

<sup>4</sup> H.R. 1, Title I, Subtitle C; Title II, Subtitle F.

<sup>5</sup> H.R. 1, Title I, Subtitle A, Part 10.; *N.C. State Conf. of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016) (invalidating repeal of preregistration law).

<sup>6</sup> H.R. 1, Title I, Subtitle A, Part 1; *see* [www.ncdot.gov/dmv/offices-services/online/Pages/voter-registration-application.aspx](http://www.ncdot.gov/dmv/offices-services/online/Pages/voter-registration-application.aspx).



the day before Election Day.<sup>7</sup> While North Carolina currently permits up to 17 days of early voting, it does not allow early voting the Sunday and Monday before Election Day, nor does it require extended hours.<sup>8</sup>

- Establishes more options to obtain vote-by-mail ballots for disabled, overseas, and military voters.<sup>9</sup>
- Establishes a ballot tracking system that enables voters to follow their ballot's status through the voting and counting process.<sup>10</sup>
- Protects the distribution of applications for absentee ballots and voter registration.<sup>11</sup>
- Permits absentee voters to have their votes counted without obtaining witness signatures.<sup>12</sup> Current North Carolina law requires absentee voting in the presence of two witnesses (or one notary public) and for those witnesses to sign and address the ballot envelope.<sup>13</sup>
- Deems ballots postmarked by Election Day valid and requires such ballots to be counted if delivered to election officials up to ten days after the election.<sup>14</sup> North Carolina currently only counts ballots received up to three days after Election Day.<sup>15</sup>
- Requires that drop boxes be available 24 hours a day, for 15 days before Election Day and that the number of drop boxes be based on county population.<sup>16</sup> North Carolina voters currently may return ballots only during regular voting hours.<sup>17</sup>
- Mandates drop box sites also have clearly posted information to help voters track ballots and make sure their vote is counted.<sup>18</sup>

### Protecting & Expanding Ballot Access

- Makes Election Day a federal holiday.<sup>19</sup>
- Requires states to take steps to ensure that voters need not wait more than 30 minutes to vote.<sup>20</sup> During the 2020 election, some North Carolinians waited for hours to vote.<sup>21</sup>

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<sup>7</sup> H.R. 1, Title I, Subtitle H.

<sup>8</sup> N.C. Gen. Stat. § 163-227.2(b).

<sup>9</sup> H.R. 1, Title I, Subtitle J.

<sup>10</sup> H.R. 1, Title I, Subtitle I.

<sup>11</sup> *Id.*

<sup>12</sup> H.R. 1, Title I, Subtitle I.

<sup>13</sup> N.C. Gen. Stat. § 163-231(a).

<sup>14</sup> *Id.*

<sup>15</sup> N.C. Gen. Stat. § 163-231(b). Proposed N.C. legislation would not count ballots received after Election Day. *See* Senate Bill 326.

<sup>16</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>17</sup> N.C. Gen. Stat. § 163-231(b)(1), (c).

<sup>18</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>19</sup> H.R. 1, Title I, Subtitle N, Part 1.

<sup>20</sup> *Id.*

<sup>21</sup> *See, e.g.*, Bryan Anderson and Sarah Blake Morgan, "Long Lines Form As North Carolina Begins Early voting," *Associated Press* (Oct. 15, 2020), available at <https://apnews.com/article/virus-outbreak-election-2020-donald-trump-north-carolina-greenville-4f38bfa1ea7b1f1b953c63cf5d00a1bf>.



- Allows voters who are already registered be able to provide a sworn written statement on a state form to confirm their identify and eligibility to vote in the election as an alternative means of complying with North Carolina's voter ID requirements.<sup>22</sup>
- Prohibits challenges to voters' eligibility based on race, ethnicity, or age by non-election officials. Requires challenges to voter qualifications to be made under oath, based on personal knowledge, and filed more than 10 days before Election Day.<sup>23</sup> Currently, while North Carolina requires challenges to be under oath, there is no requirement of express knowledge, and challenges may occur as late as Election Day.<sup>24</sup>

### Restoring Civil Rights

- Requires North Carolina to restore voting rights to people with felony convictions upon release from prison and requires the state to offer voter registration materials upon eligibility.<sup>25</sup> Currently, North Carolinians with felony convictions do not regain their rights until also completing their terms of probation and/or parole and paying any financial obligations imposed.<sup>26</sup>

### Strengthening Election Security & Trust in Elections

- Requires the U.S. Postal Service to sweep its facilities and post offices daily to ensure that ballots are expeditiously transmitted to local election officials.<sup>27</sup>
- Prohibits the U.S. Postal Service from making operational changes that would slow the delivery of voting materials in the 120-day period before an election.<sup>28</sup>
- Requires the U.S. Postal Service to appoint Election Mail Coordinators to assist election officials with any voting material questions.<sup>29</sup>
- Allows voters to check for errors and requires a paper ballot count for recounts.<sup>30</sup>

### Ending Partisan Gerrymandering in Federal Congressional Redistricting

- Currently, the North Carolina legislature crafts congressional districts with no public input requirement.<sup>31</sup>

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<sup>22</sup> H.R. 1, Title I, Subtitle N, Part 1; N.C. Gen. Stat. §§ 163-166.16, 163-230.2(a)(4). North Carolina's voter ID requirements are currently subject to litigation in state and federal court. A North Carolina state court preliminarily enjoined these requirements last year. Order Denying Mot. to Refrain from Entering or, Alternatively, Dissolve Preliminary Injunction, *Holmes v. Moore*, No. 18 CVS 15292 (N.C. Super. Ct. Aug. 12, 2020); see *N.C. State Conf. of the NAACP v. Raymond*, 981 F.3d 295 (4th Cir. 2020) (vacating preliminary injunction in parallel federal challenge).

<sup>23</sup> *Id.*

<sup>24</sup> N.C. Gen. Stat. §§ 163-85, 163-87, 163-89, 163-90.1.

<sup>25</sup> H.R. 1, Title I, Subtitle E.

<sup>26</sup> N.C. Const. art. VI, § 2(3); N.C. Gen. Stat. § 13-1. A North Carolina state court entered a preliminary injunction permitting registration by individuals who would be qualified to vote but for financial obligations that they cannot afford to pay. Order on Injunctive Relief, *Cnty. Success Initiative v. Moore*, No. 19 CVS 15941 (N.C. Super. Ct. Sept. 4, 2020).

<sup>27</sup> Amendment 5 to H.R.1, Part B.

<sup>28</sup> H.R. 1, Title I, Subtitle I.

<sup>29</sup> Amendment 27 to H.R.1, Part B.

<sup>30</sup> H.R. 1, Title I, Subtitle F.

<sup>31</sup> Order on Injunctive Relief, *Harper v. Lewis*, 19 CVS 012667 (N.C. Super. Ct. Oct. 28, 2019).



- H.R.1/S.1
  - Requires North Carolina to create an independent commission to draw federal congressional districts, which must take public input and operate in an open, transparent process.<sup>32</sup>
  - Prevents one party from dominating the process or excluding minority groups and takes map drawing away from politicians.<sup>33</sup>
  - Requires consideration of “communities of interest” when drawing congressional districts.<sup>34</sup>
  - Creates enforceable standards for evaluating and preventing partisan gerrymandering of congressional districts. Prohibits the use of party-based voting history in drawing districts (but not in evaluating them for partisanship).<sup>35</sup>
  - Counts incarcerated North Carolinians as residents of their home community for purposes of representation, ending prison gerrymanders.<sup>36</sup>

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<sup>32</sup> H.R. 1, Title III, Subtitle E.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*