

Queer the Vote: North Carolina Democracy Toolkit

NATIONAL
LGBTQ
TASK FORCE



Calendar

**Friday,
May 8, 2018:**

Last day to register to vote and to change political party affiliations for state primary elections.

**Tuesday,
August 28, 2018:**

State Primary Election.

**Friday,
October 12, 2018:**

Last day to register to vote for the General Election.

**Tuesday,
November 6,
2018:**

General Election Day.

Voting Information

Introduction

Having and exercising the right to vote allows the people of North Carolina to hold their state legislators accountable for the discriminatory legislation they pass. To make all voices in the state heard, we need to protect voting rights for vulnerable populations that lawmakers have been trying to silence. The white conservative voice is disproportionately overrepresented in politics, and restrictive voter ID laws like the one proposed as an amendment to the North Carolina Constitution this year will further suppress minority voters and skew political outcomes to the right.¹ North Carolina Voters have the opportunity to vote against this amendment in November and prevent voter suppression in the future.

LGBTQ people in North Carolina must use their votes to let the legislature know that laws that discriminate against them and others are unacceptable. Moreover, LGBTQ people must exercise their right to vote so they can be free from discrimination in the public sphere. The North Carolina legislature has put the state's LGBTQ population at risk by refusing to fully repeal House Bill 2 (HB2), commonly referred to as the "bathroom bill." The partial repeal leaves in place alarming portions of the original law, including a blanket ban on local governments enacting specific ordinances that protect LGBTQ people and limitations on transgender people's ability to use multiple-occupancy bathrooms and other facilities according to their gender identity.

By ensuring the right of all citizens to vote and drawing attention to HB2 and other discriminatory pieces of legislation, we can work to achieve a more representative democracy in North Carolina. Securing and exercising the right to vote is necessary to elect representatives who will fight to ensure that LGBTQ people can live with dignity in North Carolina.

Voter Registration

Registering for a Primary Election

Primary elections occur so that political parties can decide which candidate will go on to represent them in the general election. In a primary, several candidates within the same party run against each other for the party nomination. Each state sets its own rules for how they run primary elections.

North Carolina has a semi-open primary, meaning that if you are a registered member of a political party, you can vote in only that party's primary.ⁱⁱ If you are not registered with any party, you can vote in the party primary of your choosing.ⁱⁱⁱ The deadline to register to vote in the primaries is 25 days before the primary election.^{iv} If you are under 18 years old as of the primary election but will be 18 by the general election date, you are allowed to vote in the primaries.^v

Registering for the General Election

The results of the general election decide which candidate actually gets the seat in government. General elections are open to all registered voters in the state and are not limited to any particular political party. Like the primaries, the deadline to register to vote before the general election is also 25 days before that Election Day. This year (2018), the deadline to register to vote in the general election is Friday, October 12.^{vi} If you turn 18 or otherwise become eligible to vote in the period between the deadline and Election Day, you may be allowed to register late.^{vii}

North Carolina offers same-day voter registration!

There is same-day voter registration during the early voting period. This year (2018), early voting will be October 18-27.^{viii} To register through same-day voting during the early voting period, you **must have** one of the following documents to verify your name and address:^{ix}

- A North Carolina driver's license
- Any photo ID issued by a government agency
- A current utility bill, bank statement, government issued check, paycheck, or other government document with your name and address
- A current college/university ID with a name that matches with an official roster prepared by the institution
- *An expired ID is still valid for this purpose if the name and address on it are accurate^x*

How to deliver your registration to the County Board of Elections

The registration forms can be found at <https://www.ncsbe.gov/Portals/0/Forms/NCVoterRegForm06W.pdf> and in the **Useful Resources** section at the end of this document, and are also available in Spanish. You must be registered in the same county as your polling place. If you are not, you can still vote by absentee ballot (see **Voting Options**, below).^{xi}

If you are hand-delivering your registration form, you must give it to the County Board of Elections at least 25 days before Election Day.^{xii} If you are mailing the form, it must be postmarked by the 25-day cut-off or earlier.^{xiii} You may fax or email the form if you also deliver or send a physical copy of your form to the County Board of Elections at least 20 days before the election.^{xiv}

Voting Options

One-Stop Absentee Voting (Early Voting)

Anyone eligible to vote in North Carolina can participate in early voting. You can vote in person at any polling place in the county you are registered during the early voting period.^{xv} If you are not registered to vote, you may register the day-of at the polls during this early voting period.^{xvi}

Election Day

To vote on Election Day, you must vote at your polling place in the county where you are registered.^{xvii} You can find the location with the Voter Look Up Tool at <https://vt.ncsbe.gov/RegLkup/>, also linked at the end of this document.

Absentee-by-Mail

Any registered voter may vote by absentee ballot for whatever reason.^{xviii} To request an absentee ballot, you must fill out an Absentee Ballot Request Form found at <https://www.ncsbe.gov/Portals/0/Forms/NCAbsenteeBallotRequestForm.pdf> and at the end of this document. Return the form to the County Board of Elections by mail, fax, or attaching a scanned copy in an email—no later than 5:00 p.m. on the Tuesday before the date of the election.^{xix} You must provide proof of identification.

Accommodations

The law required polling places in North Carolina to provide certain accommodations to voters if requested. Any voter may request the aid of a close family member (spouse, parent, grandparent, child, sibling, stepparent/child, parent/sibling-in-law) in entering/exiting the polling place or preparing a ballot.^{xx} All North Carolina polling places are required to satisfy the accessibility requirements of the Help America Vote Act (HAVA).^{xxi}

If a voter satisfies any of the below conditions, they may also receive help voting from any person of their choice (except for the voter's employer, union representative, or an agent of either):^{xxii}

- A voter who, on account of physical disability, is unable to enter the voting booth without assistance
- A voter who, on account of physical disability, is unable to mark a ballot without assistance
- A voter who, on account of illiteracy, is unable to mark a ballot without assistance
- A voter who, on account of blindness, is unable to enter the voting booth or mark a ballot without assistance

More information about accommodations, including curbside voting and specialized voting equipment, can be found at <https://www.ncsbe.gov/voting-accessibility> or the “Polling Place Accessibility” link at the end of the document.

Voter ID Laws

Strict voter ID laws suppress minority voters and skew political outcomes to be more conservative.^{xxiii} Laws governing acceptable IDs at polls in North Carolina are no exception. In 2016, the 4th Circuit Court of Appeals—the federal appellate court that covers North Carolina—struck down several voter ID laws allegedly aimed at preventing “voting fraud” because they were targeted attempts to disenfranchise black voters.^{xxiv} North Carolina voter ID laws used government data on when and how people in North Carolina vote and removed the voting options that black voters were most likely to use. Black voters are less likely to have a photo ID because getting the proper documents to comply with strict voter ID laws is time consuming and expensive. It often requires resources that some voters may not be able to sacrifice, such as taking time off work or allocating money to pay for the necessary bureaucratic steps.^{xxv}

These burdens have a pronounced effect on black voters, who, due to social and structural systems of oppression, are likely to have a lower household income than their white counterparts.^{xxvi,xxvii} Therefore, stricter voter ID requirements function as a barrier to the polls for the black community. The Supreme Court of the United States did not grant review of this case, so the lower court decision stands—a victory for black voters in the state. However, an proposed constitutional amendment that would require photo ID to vote will be on the ballot in November.^{xxviii} More information about the amendment can be found in the timeline of voter ID laws in North Carolina later in this section.

Under the Help America Vote Act (HAVA), first-time voters who did not provide a valid North Carolina license or the last four digits of their social security number when they registered to vote may be asked to show one of the following documents:

- A current and valid photo ID
- A current utility bill, bank statement, government issued check, paycheck, or other government document with the voter's name and address^{xxix}

For a full overview of the voter ID laws in North Carolina and their implications for the future, see **A Short History of Voter ID Laws in North Carolina** on pages 7-8 of this document.

Voting Restrictions for Felons

When convicted of a felony in North Carolina, you temporarily lose the right to vote.^{xxx} It is also a felony to attempt to register to vote while an active felon.^{xxxi} Once an ex-felon completes all parts of their sentence, including parole, probation and restitution, they may regain their citizenship rights and are eligible to register and vote.^{xxxii} Due to bias in sentencing guidelines, prejudice in law enforcement, and the prison-industrial complex (among many other reasons), this voting restriction has a disproportionate effect on certain groups of people. People of color, poor people, the LGBTQ community and other groups who are at a higher risk of being arrested, charged, incarcerated, or who may have a harder time accessing and navigating the process of regaining citizenship rights are some of the most likely people to be affected.^{xxxiii} For those who exist at the intersection of two or more of those groups, the harms of these and other restrictions and requirements are compounded, making their needs far less likely to be represented in government.

For more information regarding your voting rights if you have been convicted of a felony or misdemeanor or if you are awaiting a criminal trial, see the Know Your Rights: A Misdemeanant & Ex-

Felon’s Guide to Voting in North Carolina at <http://www.dconc.gov/home/showdocument?id=4102> , also in the **Useful Resources** section at the end of the document.

Transgender Voting Rights

Transgender people whose gender marker or name on their ID do not match how they present may also face problems related to voter ID laws. **A mismatch between gender presentation and gender marker on an ID is not a valid reason for a poll worker to deny someone a regular ballot.**^{xxxiv} However, due to recent legislative changes and confusion around voter ID laws in North Carolina, transgender voters may face increased scrutiny of their IDs, increasing the chance that they may encounter bias, discrimination, or genuine confusion regarding their qualifications to vote. Poll workers have some degree of discretion when it comes to refusing an individual a ballot, for example, if they “suspect voting fraud,” and may use this discretion to deny a transgender person the right to vote.^{xxxv}

Transgender people of color or any transgender person who may have difficulty obtaining the proper form of ID under updated voter ID laws are doubly affected by these laws and may be subject to increased scrutiny, suspicion, and discrimination at the polls.

To combat this, at-risk voters should be prepared with one or more of the appropriate identification documents listed above and should be aware of their right to vote despite discrepancy between gender markers on their documents and their presentation. A more in-depth discussion of risks and a script to use if confronted by a poll worker can be found at <https://transequality.org/issues/resources/voting-while-trans-preparing-voter-id-laws> or in the “Voting While Trans” link at the end of this document.

A Short History of Voter ID Laws in North Carolina

1965: The United States Congress passed the Voting Rights Act, giving the Department of Justice (DOJ) oversight in all precincts that had less than 50% voter registration or turnout.^{xxxvi} This included 40% of precincts in North Carolina, meaning the state had to demonstrate that any changes to voting procedures or qualifications would not have a discriminatory impact in order to get clearance from the DOJ to implement them.^{xxxvii}

2007: The North Carolina State Legislature passed a bill allowing for same-day registration during early voting.^{xxxviii} The change helped facilitate the dramatic increase of black North Carolinians who were registered to vote from 41.9% in 2000 to 71.5% in 2008, contributing to President Obama winning the state.^{xxxix}

2013: June - The Supreme Court of the United States decided *Shelby Counter v. Holder*, excusing North Carolina from the required DOJ clearance on changes to voter registration and qualifications.^{xl} The very same day, in response to the ruling, a representative from the North Carolina Senate Committee announced a new voter ID bill, HB 589.^{xli}

August – The North Carolina State Legislature requested data on race and voting in the state. The data showed that black voters in the state were more likely to vote early, use preregistration or same-day registration, to vote out-of-precinct, and to lack DMV-issued identification.^{xlii} The legislature amended HB 589 to eliminate these voting options, and Governor Pat McCrory signed it into law less than a week after it was first proposed.^{xliii} The National Association for the Advancement of Colored People (NAACP)

immediately filed a lawsuit against the state regarding the voter ID portions of the bill, while the Southern Coalition for Social Justice and the League of Women Voters challenged others.^{xliv,xlv}

2014: The 4th Circuit Court of Appeals issued an order to block the discriminatory portions of the bill from going into effect, but due to the appeal process, the law still affected the midterm elections that year.^{xlvi}

2015-16: The Supreme Court of the United States declined to hear the case, and the order blocking implementation was reinstated.^{xlvii} The North Carolina Legislature passed another, slightly different law regarding voter ID, which was also challenged by a lawsuit.^{xlviii}

2017: The 4th Circuit Court of Appeals struck down the new voter ID law for targeting black voters “with almost surgical precision.”^{xlix}

2018: Republicans proposed legislation that would eliminate the final Saturday of the early voting period, a day that has in the past drawn a large share of black voters in the state.^l They have also proposed a state constitutional amendment that would narrow the types of ID that are acceptable for voting. **The amendment will be on the ballot this year**, along with many other initiatives to deliberately attract conservative voters—such as an income tax cap and right-to-work provision.^{li}

Implications for the Coming Election: What You Can Do

Due to the potential for statewide harm to voting rights and decreased access to democratic processes for the black community and other groups less likely to have the required ID, there are critical steps that voters should take before the next election:

- Check to make sure that you are properly registered to vote
- Know what polling place to go to
- Be sure to bring proper identification

Concerned citizens can also:

- Help educate other North Carolina voters about the systemic harm that would result from this proposed amendment
- Coordinate with pro-democratic activist groups about the issue
- Encourage voter turnout

On the Ballot This November

The upcoming 2018 midterm election this November in North Carolina contains statewide congressional races for all 13 of the state’s seats in the Republican-controlled U.S. House of Representatives.^{lii}

Presently, Republicans hold 10 of those seats, and this election is an opportunity for North Carolina Democrats to tackle the power imbalance at the federal level.^{liii}

At the state level, **every seat** in North Carolina’s General Assembly—where Republicans currently hold a supermajority—**is up for election**.^{liiv} Democrats aim to gain control of either the state House or state Senate this November and hope to capitalize on the current momentum in the Democratic voter base across the country to increase voter turnout.^{liv}

At the local level, the upcoming election will allow voters to vote on a number of local positions. While these positions may not have the broader implications like state or federal races, they have a great impact on local courts, law enforcement, and community culture. For example, a recent study found that local government officials across the country tend to be less responsive to black constituents than they are to their white counterparts.^{lvi} For marginalized people and those who care about them, researching local candidates and voting with this in mind can help minimize these types of bias. To see who will be on your local ballot, use the **“Voter Lookup Tool/Sample Ballot”** link at <https://vt.ncsbe.gov/RegLkup/> or at the end of this document, and then search for candidate bios to learn more.

Resources

Voting

[General Information](#)

[Find Your Polling Place](#)

[Register to Vote](#)

[Sample Ballot](#)

ⁱ Zoltan L. Hajnal, Nazita Lajevardi and Lindsay Nielson. “Do Voter ID Laws Suppress Minority Voting? Yes. We Did the Research.” The Washington Post (15 February, 2017). https://www.washingtonpost.com/news/monkey-cage/wp/2017/02/15/do-voter-identification-laws-suppress-minority-voting-yes-we-did-the-research/?utm_term=.e259abd8e40e

ⁱⁱ Jessa O’Connor, “What You Need to Know For the 2018 North Carolina Primary” WFAE Charlotte’s NPR News Source (April 2018). <http://wfae.org/post/what-you-need-know-2018-north-carolina-primary#stream/>

ⁱⁱⁱ *Ibid.*

^{iv} *Ibid.*

^v *Ibid.*

^{vi} Registering to Vote in North Carolina. North Carolina State Board of Elections and Ethics Enforcement. <https://www.ncsbe.gov/Voters/Registering-to-Vote>

^{vii} *Ibid.*

^{viii} One-Stop (Early) Voting. North Carolina State Board of Elections and Ethics Enforcement. <https://www.ncsbe.gov/Voting-Options/One-Stop-Early-Voting>

^{ix} *Ibid.*

^x Voting While Trans: Preparing for Voter ID Laws. National Center for Trans Equality (October 2014) <https://transequality.org/issues/resources/voting-while-trans-preparing-voter-id-laws>

^{xi} Absentee Voting. North Carolina State Board of Elections and Ethics Enforcement. <https://www.ncsbe.gov/Voting-Options/Absentee-Voting>

^{xii} Registering to Vote in North Carolina. North Carolina State Board of Elections and Ethics Enforcement. <https://www.ncsbe.gov/Voters/Registering-to-Vote>

^{xiii} *Ibid.*

^{xiv} *Ibid.*

^{xv} *Ibid.*

^{xvi} *Ibid.*

^{xvii} Voter Tools. North Carolina State Board of Elections and Ethics Enforcement. <https://www.ncsbe.gov/Voters/Voter-Tools>

^{xviii} Absentee Voting. North Carolina State Board of Elections and Ethics Enforcement. <https://www.ncsbe.gov/Voting-Options/Absentee-Voting>

^{xix} *Ibid.*

^{xx} Voting Accessibility. North Carolina State Board of Elections and Ethics Enforcement. <https://www.ncsbe.gov/voting-accessibility>

^{xxi} *Ibid.*

^{xxii} *Ibid.*

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- ^{xxiii} Zoltan L. Hajnal, Nazita Lajevardi and Lindsay Nielson. “Do Voter ID Laws Suppress Minority Voting? Yes. We Did the Research.” *The Washington Post* (15 February, 2017). https://www.washingtonpost.com/news/monkey-cage/wp/2017/02/15/do-voter-identification-laws-suppress-minority-voting-yes-we-did-the-research/?utm_term=.e259abd8e40e
- ^{xxiv} Michael Wines, “North Carolina Republicans are Back With a New Plan for Strict Voter Laws,” *The New York Times* (June 15, 2018). <https://www.nytimes.com/2018/06/15/us/north-carolina-voting-rights.html>
- ^{xxv} Sari Horwitz, “Getting a Photo ID so You Can Vote is Easy. Unless You’re Poor, Black, Latino or Elderly.” *The Washington Post* (23 May, 2016). https://www.washingtonpost.com/politics/courts_law/getting-a-photo-id-so-you-can-vote-is-easy-unless-youre-poor-black-latino-or-elderly/2016/05/23/8d5474ec-20f0-11e6-8690-f14ca9de2972_story.html?utm_term=.3ad7e68a3753
- ^{xxvi} Zoltan L. Hajnal, Nazita Lajevardi and Lindsay Nielson. “Do Voter ID Laws Suppress Minority Voting? Yes. We Did the Research.” *The Washington Post* (15 February, 2017). https://www.washingtonpost.com/news/monkey-cage/wp/2017/02/15/do-voter-identification-laws-suppress-minority-voting-yes-we-did-the-research/?utm_term=.e259abd8e40e
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- ^{xxxii} *Ibid.*
- ^{xxxiii} Erika Wood and Rachel Bloom, “De Facto Disenfranchisement.” Brennan Center For Justice, New York University School of Law (October 2008). <https://www.brennancenter.org/publication/de-facto-disenfranchisement>
- ^{xxxiv} Voting While Trans: Preparing for Voter ID Laws. National Center for Trans Equality (October 2014) <https://transequality.org/issues/resources/voting-while-trans-preparing-voter-id-laws>
- ^{xxxv} *Ibid.*
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- ^{xliv} William Wan. “Inside the Republican Creation of the North Carolina Voting Bill Dubbed the ‘Monster’ Law.” *The Washington Post* (September 2016). https://www.washingtonpost.com/politics/courts_law/inside-the-republican-creation-of-the-north-carolina-voting-bill-dubbed-the-monster-law/2016/09/01/79162398-6adf-11e6-8225-fbb8a6fc65bc_story.html?utm_term=.e81033cdee46
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- ^{xlviii} *Ibid.*
- ^{xlix} Camila Domonoske, “Supreme Court Declines Republican Bid to Revive North Carolina Voter ID Law.” *The Two-Way*, NPR (May 2017). <https://www.npr.org/sections/thetwo-way/2017/05/15/528457693/supreme-court-declines-republican-bid-to-revive-north-carolina-voter-id-law>
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- ^{liii} *Ibid.*
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^{iv} Paul A. Specht and Colin Campbell. “Leaked GOP Email: Democratic Momentum ‘Is Real’.” *The News & Observer* (15 March 2018). <https://www.newsobserver.com/news/politics-government/politics-columns-blogs/under-the-dome/article205267524.html>

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