

North Carolina 2020: Election Administration in the Coronavirus Pandemic

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Abstract:

This memorandum briefly summarizes the 2020 general election in North Carolina. North Carolina saw a significant increase in voters choosing to vote by mail in the 2020 election and saw increased voter turnout overall. The state's rules regarding the notice-and-cure process for mail voting and the mail ballot receipt deadline were the subject of numerous lawsuits in both state and federal court. Despite litigation-driven changes to these rules during the voting period, the state saw an increase in the number of mail ballots counted and a decrease in the percentage of ballots rejected. This memo details what steps the state took to ensure that North Carolina conducted an accessible and safe election amidst the coronavirus pandemic.

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- ["North Carolina: 2020 Election Policies & Practices,"](#) Christopher Middleton (November 02, 2020).
- ["North Carolina's 2020 Election Preparations,"](#) William Janover, Kyra Jasper, Campbell Jenkins, Christopher Middleton, Megha Parwani, Sandy Pecht, Georgia Rosenberg, Indy Sobol (August 27, 2020).
- ["Mail Voting Litigation During the Coronavirus Pandemic,"](#) Connor Clerkin, Lane Corrigan, Zahavah Levine, Aviel Menter, Christopher Meyer, Alexander Perry, and Theodora Raymond-Sidel (October 29, 2020).
- ["Defining Voter Intimidation: Six Battleground States,"](#) Matthew Simkovits, Amanda Zerbe, Adriana Stephan, Krithika Iyer, Tom Westphal (October 8, 2020).

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I. Introduction

North Carolina made significant efforts to ensure that voting in the 2020 general election was safe and accessible for voters despite the challenges posed by the escalating coronavirus pandemic. These preparations included changing rules around how elections are administered, what resources were available to local election officials, and how voters could cast their votes. The state legislature passed legislation at the recommendation of the North Carolina State Board of Elections (NCSBE) that provided protective equipment, relaxed the witness requirement for mail voting, and changed the rules for who could serve as poll workers. For the first time in a North Carolina election, the state created a notice-and-cure process that allowed voters to cure deficiencies with their mail ballots. However, this process was immediately challenged through litigation and potentially confused voters, who were using vote-by-mail more than ever before. There were also incidents of voter intimidation in North Carolina in 2020 that received much media attention, but the NCSBE did an effective job of ensuring that such intimidation did not keep voters from the polls.

Despite significantly reducing the overall rate of rejection for mail votes (even during an election that experienced a significant increase in mail voting), Black voters remained significantly more likely to have their mail votes rejected than white voters. This historical trend in North Carolina did not end in 2020, even with the new notice-and-cure process. Despite these areas that have clear room for improvement in future elections, the 2020 general election in North Carolina operated smoothly. President Trump carried the state of North Carolina, which saw fewer challenges and post-election lawsuits than other battleground states.

II. Lay of the Land

In North Carolina's presidential contest, Republican incumbent President Donald Trump defeated Democratic former Vice President Joe Biden by [1.34% or 74,483 votes](#). The results for other federal 2020 elections are detailed on the NCSBE website [here](#). Voters cast a total of [5.54 million ballots](#), out of 7.36 million registered voters, equating to a 75% voter turnout rate. By comparison, in the 2016 general election, 4.77 million ballots were cast out of 6.92 million registered voters, or a 69% voter turnout rate. Despite concerns that the coronavirus pandemic would stifle voter turnout, North Carolina in the 2020 general election saw both an increase in the total number of ballots cast (by about 750,000) and an increase in its voter turnout rate (by 6%).

The 2020 general election also saw a [significant change](#) in how voters chose to cast their ballots: only [16% of ballots](#) were cast in person on Election Day in 2020 (compared to 33% in 2016), 18% of ballots cast were by mail (compared to 4% in 2016), and 65% of ballots were cast via “One-Stop Early Voting” (compared to 62% in 2016). Less than 1% of the ballots cast were provisional in both 2020 and 2016. In North Carolina, people who are not registered to vote may register at early voting sites and cast their ballot in the same place at the same time, which is how the registration locations earned the “One-Stop” moniker.

North Carolina saw a significant increase in early voting in the 2020 general election with [83% of the ballots cast](#) (either by mail or in person) during the early voting period. In comparison, only [66% of the ballots in the 2016](#) general election were cast during the early voting period. Voters in the three general elections prior to 2020 consistently preferred voting via One-Stop early voting and 5% or fewer chose to vote by mail. In response to the coronavirus pandemic in 2020, however, the percent of voters voting by mail jumped to 18 percent, while the percent of voters casting ballots in person on Election Day fell to less than half of the 2016 figure.

Table 1. *Voting Methods in North Carolina General Elections.*

	Absentee By-Mail	One-Stop Early Voting	Early Voting (Absentee By-Mail + One-Stop Early Voting)	Election Day In Person	Provisional & Transfer
2020 General Election	18%	65%	83%	16%	<1%
2016 General Election	4%	62%	66%	33%	<1%
2012 General Election	5%	56%	61%	38%	<1%
2008 General Election	5%	55.5%	60.5%	38.5%	<1%

Numbers reflect the percentage of total ballots cast. Source: [NCSBE Website](#) and [2020 Election Data](#)

III. Background

To fully understand the 2020 general election in North Carolina, it is necessary to review legal rule changes, litigation, new legislation, increases in funding, and other adaptations that were made during the election. This section provides a brief overview of these changes.

Two significant and related legal rules in North Carolina's 2020 general election affected mail-in ballots: One, the state implemented a notice-and-cure process that allowed voters to remedy deficiencies in their mail ballots and, two, the state extended the deadline for the receipt and cure of mail ballots. Although the notice-and-cure process for the general election was temporarily suspended due to litigation, it was eventually restored.

For North Carolina, voting for the presidential contest began via mail-in ballots on [September 4, 2020](#), making North Carolina the first state in the country to begin mail voting in the 2020 election. But by October 4, the state's new notice-and-cure process was suspended following a [temporary restraining order](#) issued by U.S. District Judge James C. Dever III on October 3. These rules were changed again on October 14, 2020, U.S. District Judge William L. Osteen Jr. issued an injunction. The October 14 injunction: 1) prevented the state from curing via affidavit absentee mail ballots with missing witness signatures; 2) allowed other affidavit cures to proceed; and 3) kept the extended ballot receipt deadline of November 12, 2020, if the envelope was postmarked by, or before, November 3. Litigation over these details spanned both state and federal court, changing the rules for mail-in ballots after mail-in voting was already underway. Following Judge Osteen's injunction, the NCSBE, on October 17, 2020, reissued [Numbered Memo 2020-19](#), which laid out the final notice-and-cure process, cure deadlines, and relevant laws in North Carolina.

In response to the October 14 injunction, the [Trump campaign](#) and the [North Carolina Republican leadership](#) each filed separate appeals to the U.S. Supreme Court, seeking an emergency injunction to enjoin implementation of the rule changes and expedite an appeal on both the ballot curing rules and the mail ballot receipt deadline. On October 28, 2020 the Supreme Court, in a [5-3](#) vote, denied both applications for injunctive relief and maintained the November 12 extended deadline. Additionally, in [Berger v. North Carolina State Board of Elections](#), the state Republican leadership applied for injunctive relief from the U.S. Supreme Court to stay, pending appeal, an order by the North Carolina Supreme Court that left in place an extension of the ballot receipt deadline. However, the U.S. Supreme Court also denied that application, on a 5-3 vote October 29, leaving the ballot receipt deadline in place. This also meant that the ballot cure deadline was maintained as November 12, because the cure deadline was determined by the mail ballot deadline.

The laws surrounding absentee ballot procedures were significantly changed in the months preceding the election. A bipartisan group of state lawmakers filed and passed [a bill](#) (HB 1169) to address the problems of holding an election during a pandemic. The bill was signed into law on June 12. Major provisions included: 1) reducing the witness requirement for absentee ballots from two witnesses to one; 2) requiring that only one precinct assistant needed be a resident of the precinct; 3) permitting individuals trained and authorized by the county board of elections to assist voters with requesting absentee ballots and to deliver completed request forms for absentee ballots to the county board of elections; 4) permitting absentee ballots to be delivered in person or by mail, email, or fax by either the voter, their relatives, their guardians, or “any individual working as part of a multi-partisan team trained and authorized by the county BOE;” 5) tasking the NCSBE to submit a report outlining how county-approved individuals could enter nursing homes, hospitals, and other areas under quarantine in order to help voters request, fill out, or return absentee ballots; 6) expanding the kinds of photo IDs that could be used; and 7) matching \$2.2 million in order to receive the \$11 million from the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act.

The CARES Act awarded North Carolina almost \$11 million for administration of the 2020 federal election. [HB 1169](#) allowed North Carolina to access these funds by contributing the required 20% matching funds. The NCSBE used the money for: 1) one-time-use pens and styluses for each voter and sanitization of reusable supplies; 2) hand sanitizer and masks for voters, poll workers, and election staff; 3) social distancing tools and protective devices such as face shields, stanchions, and plexiglass shields at check-in stations; 4) facility rental fees to assist counties in moving polling locations to sites large enough to accommodate social distancing, including former department stores or grocery stores, if available; and 5) facility cleaning fees before, during, and after the election.

More than 30 counties in North Carolina received funding from the private [Center for Tech and Civic Life](#) (CTCL) grant program that was established to help local communities adapt their elections to the challenges presented by the coronavirus pandemic. Mark Zuckerberg and Priscilla Chan initially [gave \\$250 million](#) to the nonprofit group to support local government efforts to expand voter access, provide temporary staffing support, expand equipment to process ballots and applications, and provide nonpartisan education to voters (the couple ultimately donated \$400 million total to the 2020 election effort). The Zuckerberg-Chan effort to fund the U.S. election was [announced](#) after President Trump signed a coronavirus relief bill this spring with \$400 million in additional funds for state election assistance—an amount which fell short of the \$4 billion sought by voting rights leaders and Congressional Democrats. Officials in North Carolina used the CTCL grants to help fund its pandemic-related prevention measures for the election.

The primary runoff that North Carolina held in June 2020 illustrated the importance of recruiting reliable poll workers that would show up on Election Day during a pandemic. Poll workers [were difficult to recruit](#) for the June Republican primary runoff election, and many who signed up failed to show up to work on the day of the primary. In light of these issues and the resulting shortages in some areas, the NCSBE made [four recommendations](#) to Governor Roy Cooper and the state legislature to increase the number of available poll workers for the general election. Two of those recommendations were adopted in some form to assist recruitment efforts. First, SB 217 did not increase the pay for poll workers from the state minimum wage of \$7.25 per hour, but it did ensure that unemployment benefits were not affected by working the polls. This provision may have been a crucial incentive for some poll workers, given the number of people depending on unemployment benefits during the pandemic. Additionally, the governor and state legislature fully adopted the NCSBE's recommendation to eliminate the requirement that a majority of poll workers reside in precinct, which gave local precincts flexibility and a greater pool of potential workers.

IV. Mail Voting

Mail voting in North Carolina was significantly more popular in the 2020 election—with more than four times more voters choosing it in 2020 than in 2016. However, there was litigation over the rules governing mail voting, and that litigation was ongoing throughout most of the early voting period. Additionally, a long-standing trend in which the mail-in ballots of Black voters were more likely to be rejected than the mail-in ballots of white voters continued in the 2020 election. Despite that fact, overall, the rejection rate for mail-in ballots in the state were significantly lower than in previous elections.

A. Mail Ballot Return and Rejection Rates

In the 2020 general election, vote-by-mail increased significantly in North Carolina. Just 4% of ballots were cast by mail in the 2016 general election but, in 2020, that figure grew to [18%](#). By October 7, the state had already received [double the number of mail-in ballots](#) than the total it counted in the entire 2016 presidential election. And, by the end of the 2020 election, there had been more than five times the number of mail-in ballots cast. As shown by *Table 1* above, vote by mail historically accounted for only around 5% of ballots cast in North Carolina but, because of the coronavirus pandemic, more voters decided to avoid public contact at the polls and cast their ballots by mail. This increase required the NCSBE to adapt its counting and processing systems for the higher vote-by-mail volume.

In 2020, [32.9% of North Carolina voters](#) who requested a mail-in ballot did not return their ballots. This percentage more than doubled from the [15.6% of North Carolina voters](#) who requested but did not return a vote-by-mail ballot in 2016. [State board and election experts](#) anticipated this lowered rate of return in 2020 largely because they believed some voters were using vote-by-mail as a back-up plan in case the pandemic prevented them from voting in person.

Of the 1,026,364 mail ballots [returned](#) in North Carolina in 2020, just 797 (0.08%) were rejected for lateness (down from 1,038, or 0.5% in 2016). In total, 1,011,740 mail ballots were returned in time for counting and were not spoiled by the voter. Of those, only 10,179 were rejected (1.0%), mostly for deficiencies with witness certification. By contrast, of the 195,402 returned mail ballots in 2016, 3,801 (1.9%) were rejected. Despite the overall number of mail-in ballots cast in 2020 increasing by almost five-fold from 2016, the overall rejection rate fell. Furthermore, ballots arriving after the election during the 9-day grace period increased only slightly, from 11,489 in 2016 to 16,313 in 2020.

Because of [a lawsuit](#) brought by the League of Women Voters of North Carolina, the state was required to establish for the first time a notice-and-cure process for its absentee ballots. During the final month before Election Day, there were numerous lawsuits in federal and state court concerning the new notice-and-cure process. The new process allowed some rejected ballots to be cured by affidavit, instead of requiring ballots to be reissued to voters. Ballots could also be cured via affidavit until the ballot receipt deadline of November 12 (provided the ballots were postmarked on or before Election Day). These various procedural changes likely contributed to the reduced rate of rejected ballots.

Despite the decreased mail-in ballot rejection rate, the historic higher rejection rate for Black voters continued in 2020. According to recent [analysis by ProPublica](#) of the 2018 election, Black voters' ballots were rejected at more than twice the rate as those sent in by white voters. And voters across all other minority groups in the 2018 election were nearly twice as likely to have their mail-in ballots rejected, compared with white voters. In the 2020 general election, mail ballots cast by Black voters were [more than three times as likely](#) to be rejected as those sent in by white voters. Despite an *overall* improvement in the rejection rate for mail-in ballots, the troubling racial disparity between rejection rates persisted in the 2020 election.

B. Changes in Rules

The rules for mail-in voting in North Carolina were adapted to accommodate increased mail-in voting during the coronavirus pandemic. [Since 2001](#), any North Carolina registered voter could request, receive, and vote using a mail-in ballot without needing a special circumstance. In 2020, voters had three options for returning their completed absentee ballots: 1) return by mail, 2) return in person to the county board of elections office, or 3) return their voted absentee ballot to any polling place during the early voting period from October 15-31. Voters were not allowed to drop off their ballots at polling places on Election Day, but voters who had requested absentee ballots could vote in person if they brought their absentee ballot to the polls to be spoiled. North Carolina voters were able to request their absentee ballots by completing a request form and providing one of the following: the number from their North Carolina driver license or identification card issued by the North Carolina Division of Motor Vehicles, or the last four digits of their Social Security number. The request form had to be signed by either the voter, the voter's near relative, or the voter's legal guardian and returned by mail, fax, or in person to the voter's county board of election office. Because of a highly publicized incidence of illegal ballot harvesting in a 2018 Congressional district race, the North Carolina legislature passed [Senate Bill 683](#), which restricted who could request and fill out absentee ballot applications. But because of the coronavirus pandemic in 2020, the legislature passed [House Bill 1169](#) to decrease the witness requirement for absentee ballots, from two witnesses to one.

North Carolina did not have a signature matching verification process in the 2020 election, but county board staff inspected envelopes to ensure they were signed by the voter and witness and that the witness' information was printed ([October 17 Memo](#)). NCSBE Director Karen Brinson Bell instructed county officials that, “[a]bsent clear evidence to the contrary . . . presume that the voter’s signature is that of the voter, even if the signature is illegible” ([October 17 Memo](#)). According to Director Bell, the state would rely on the witness requirement to verify the voter's identity ([October 17 Memo](#)). The NCSBE did maintain a requirement that county board staff confirm that the voter signed the Voter Certificate in the correct place. It also required that the witness or assistant helping the voter had provided their name and address, signed on the correct line, and sealed the ballot envelope, and that the voter had not indicated on their ballot that the voter was requesting a replacement ballot ([October 17 Memo](#)). The NCSBE gave specific instructions guiding county board staff on what sort of missing information did not require a cure ([October 17 Memo](#)). As discussed above, there was a period where this process was suspended, but it was reinstated and then continued through November 12, 2020 per the [October 17 Memo](#) after being suspended due to the October 4 guidance from the NCSBE.

The final rules governing the absentee ballot notice-and-cure process, ballot receipt deadline, and which defects were eligible to be cured via affidavit were determined after numerous state and federal lawsuits. The deadline for receipt of a 2020 election mail-in ballot was extended to November 12, as long as the ballot return envelope was postmarked on or before November 3. The deadline for curing a defect on a mail-in ballot was statutorily defined as the same day as the ballot receipt deadline; for the 2020 general election, the cure deadline was November 12. In the month leading up to the election, North Carolina had three other sets of rules outlined in the NCSBE's memos, detailed in the [November 2, 2020 North Carolina Healthy Elections Project Memo](#).

C. Litigation

There were several lawsuits in North Carolina contesting the notice-and-cure process and ballot receipt deadline. In September, North Carolina's State Board of Elections extended the state's deadline for receipt of mail-in ballots from Election Day by six days to allow ballots received through November 12 and postmarked by Election Day, to be counted. The extension was made pursuant to a consent decree in federal district court. Republicans appealed to the Fourth Circuit U.S. Court of Appeals, but the appeals court, in a [12-3 vote](#), denied an emergency stay of the district court's order. Republicans next appealed to the [U.S. Supreme Court, but the Supreme Court allowed](#) the deadline extension to stand (Justices Clarence Thomas, Samuel Alito, and Neil Gorsuch dissented.)

Republican opposition to a settlement relaxing the state witness requirement was more successful. After the NCSBE settled a [suit](#) brought by North Carolina Alliance for Retired Americans, it [issued new guidance](#) in September to make both witness and signature defects [broadly curable](#) via affidavit. The Trump campaign and Republican North Carolina General Assembly leaders objected to the settlement and the new guidance. As discussed above, the Trump campaign and state Republican leaders were unsuccessful on most of their claims. But a federal court issued an [injunction](#) on October 14, that [required state officials](#) to spoil ballots that lacked a witness' signature but provide the standard notice-and-cure opportunity via an affidavit for other ballot errors, such as an incomplete witness address, a witness or voter signature on the wrong line, or a missing voter signature. As mentioned directly above, most aspects of this decision were reversed. However, the order denying the further relaxation of the witness requirement was [left in place](#) by both an en banc ruling of the US Court of Appeals for the Fourth Circuit, and [a decision](#) of the U.S. Supreme Court.

Plaintiffs in North Carolina also challenged the state for failure to cover the costs of mailing completed mail-in ballots. In [Stringer v. North Carolina](#), the plaintiffs alleged two constitutional violations. First, they argued that requiring voters to pay for postage to apply for and cast their votes constituted a poll tax, in violation of the Fourteenth and Twenty-fourth amendments to the U.S. Constitution. Second, plaintiffs asserted that forcing voters to pay for stamps is an impermissible burden under the *Anderson-Burdick* test. As of March 2021, the lawsuit remains pending. Courts across the country have largely denied similar motions for preliminary injunctions on both the poll tax and *Anderson-Burdick* ballot postage claims, generally stating that paying for postage is not a poll tax and that burdens on voters do not outweigh state interests.

Plaintiffs in North Carolina also unsuccessfully challenged the state's witness requirements for absentee ballots. In [Chambers v. North Carolina](#), plaintiffs were in ill health and many lived alone and were strictly following social distancing guidelines. They were concerned that complying with the state's requirement would expose them to the coronavirus. On September 3, 2020, the court denied their motion (i) to prohibit enforcement of North Carolina's witness requirement for absentee ballots during the pandemic, (ii) to require the counting of ballots that are otherwise valid but fail the witness requirement, and (iii) to educate the public about the invalidation of the witness requirement. The court found that plaintiffs did not have a substantial likelihood of prevailing on the merits and that the equities did not weigh in their favor, as the state would have to a) replace or modify existing ballot envelopes and voter guides costing hundreds of thousands of dollars, b) delay the mailing of mail ballots for all voters, and c) these actions would likely create voter confusion.

There was no photo ID requirement to vote in the 2020 general election in North Carolina because of [Holmes v. Moore](#) in state court. Plaintiffs sued the speaker of the North Carolina House of Representatives, the president pro tempore of the North Carolina Senate, and others, challenging a 2018 law ([SB 824](#)) that required that in-person and absentee voters, with narrow exceptions, to present one of eight forms of photo identification. The complaint alleged violations of the North Carolina Constitution, saying the law intentionally discriminates and disparately impacts African-American and Native American voters. The complaint also alleged the law unduly burdens the fundamental right to vote; unjustifiably creates separate classes of voters who are treated differently, thus denying the Constitution's guarantee of equal protection; imposes a financial cost and a property requirement as a condition of voting, in violation of the Free Elections and Property Qualifications Clauses; and impedes voters' ability to engage in political expression and speech through voting, in violation of the right of assembly and petition and freedom of speech ([Brennan Center](#)). The lower court denied plaintiffs' [motion for preliminary injunction](#) and granted defendants' motions to dismiss as to all but one claim (discriminatory intent). However, the North Carolina Court of Appeals [reversed](#)

[and remanded](#), directing the lower court to grant the requested preliminary injunction ([Brennan Center](#)). This order left in place the state court blocking of the photo ID requirement.

Lastly, plaintiffs sued the NCSBE in federal court, saying the state's absentee voting system did not provide an accessible method for blind voters who wished to vote without an assistant. The system requires voters to complete a paper ballot using an ink marking device and physically return the voted ballot to the country board of elections. The [complaint](#) alleged violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. It said the absentee voting program denies individuals with disabilities an equal opportunity to access the benefits of the program, that it fails to provide reasonable modifications to avoid discrimination on the basis of disability, that it excludes individuals with disabilities from participation in the program, and that it discriminates on the basis of disability ([Brennan Center](#)). A federal district court judge [granted](#) the [motions](#) for [preliminary injunction](#) on September 24, 2020, ordering the NCSBE to make a Democracy Live portal accessible to blind voters available as quickly as possible to ensure voters who were blind could register and vote independently in the 2020 election.

D. Performance

Overall, new laws and rules changes ensured that North Carolina was prepared for the surge in vote-by-mail during the 2020 general election. North Carolina did not experience significant shortages in ballots or delays associated with printing, as some other states did. North Carolina also established an extended deadline and notice-and-cure process that may have contributed to the increase in mail-in ballots. These rule changes were also likely responsible for the decrease in the overall mail-in ballot rejection rate, despite the significant increase in mail voting.

The biggest vote-by-mail issue that North Carolina experienced was the rapid rule change litigation in the months immediately preceding the election. The rule changes were caused by litigation over the deadline and notice-and-cure process up until days before the election. Additionally, another rule change required that errors with witness information be fixed by spoiling the ballot and reissuing it, instead of curing the deficiency with an affidavit, as done with other errors. Witness errors remained [the most frequent reason for ballot rejection](#) in the 2020 general election.

V. In-Person Voting

Overall, in-person voting decreased in North Carolina during the 2020 general election. In the 2016 general election, [95% of the vote was cast in person](#), with 62% of votes cast during in-person early voting and the remaining 33% of votes cast in-person on Election Day. By contrast, in the 2020 general election just [81% of votes were cast in-person](#). The percentage of those votes cast early increased slightly to 65%, but the in-person Election Day vote shrank to just 16%. The decrease in in-person voting on Election Day was likely attributable to the coronavirus pandemic and the corresponding increase in mail voting discussed above. Despite having fewer people in person, the state and local officials took laudable steps to guarantee in-person voting safety.

A. Accommodations

North Carolina took effective steps to address increased wait times during early voting. Some voters had waits of an hour or more to cast ballots in various counties, including the largest county, Wake County. The long wait times were partially caused by coronavirus safety precautions, as noted by Wake County Elections Director Gary Sims. Sims [stated](#) that “[n]ormally, I’d be able to put three voting booths in the same amount of space that I’m currently putting one, so definitely that’s the biggest contribution to [the increased wait times].” To address this issue, North Carolina’s eight largest counties added [a combined 7,000 hours](#) of early voting compared to previous elections. This was accomplished primarily through existing One-Stop early voting sites increasing their hours rather than increasing the number of sites. Overall, the number of hours made available at One-Stop voting sites increased nearly [80%](#) between 2016 to 2020, for a total of [77,887 hours](#).

In addition to the modest increase in early voting sites, election officials added [additional locations](#) for in-person early voting. Wake County [developed](#) a tool to provide voters with access to estimated wait times at each of the county’s 20 early voting locations. Though there were still long wait times in many areas, voters seemed to understand and [appreciate](#) the need for the process.

The state also took precautions to protect election officials and voters from transmission of the coronavirus while voting in person in the 2020 general election. These included enforcing social distancing and erecting barriers between election workers and voters at check-in tables. Voters were encouraged, but not required, to wear masks at early voting sites. However, election observers were required to wear face masks and adhere to social distancing guidelines. Any

observer who did not adhere to the mask rules or social distancing requirements was required to leave.

North Carolina voters were not asked to submit to a temperature check before entering polling places; under state law, voters could not be turned away from voting or denied entry to the voting place if they had a fever or other symptoms of illness. If a voting site generally required all non-voters to wear masks and submit to temperature screenings prior to entering the building, or if a municipality enacted the same requirements for all municipal-owned buildings, the voting place within the affected building was sectioned off so that voters, who did not go through the safety checks, could not enter other areas of the building (See [Numbered Memo 2020-30](#)). The North Carolina Department of Health and Human Services issued the [Interim Guidance for Election Voting Locations](#) that provided additional instructions to election officials. The effort seemed to have been successful because a NCSBE news release [stated](#) that there had been zero clusters of coronavirus cases tied to voting sites in North Carolina as of November 24.

North Carolina made [curbside voting](#) available at every in-person voting center in the 2020 general election, for voters unable to enter the voting place without physical assistance, due to age or disability. The term “disability” was defined to include voters unable to enter the polling place due to age or physical or mental disability, such as agoraphobia; those with medical conditions that increased their risk of severe COVID-19 complications; those who could not wear a mask due to a medical or behavioral condition or disability; and those experiencing symptoms of coronavirus. (See [Numbered Memo 2020-20](#)). Curbside voting allowed voters to cast a ballot while in their vehicle, and some locations provided a walk-up area. Curbside voters were required to sign an affidavit affirming that they were unable to enter the voting place to cast their ballot. Additionally, any voter who qualified for assistance could ask for help at an early voting site ([N.C.G.S. § 163-166.8](#)). Those with medical exceptions were allowed to vote curbside, but they were not required to do so.

North Carolina made use of several arenas or large venues as voting sites to allow for greater social distancing practices. Several of the arenas used in the 2020 election were large stadiums in Mecklenburg County, the second-most populous county in the state. Officials in Mecklenburg County made use of the [Spectrum Center, Bojangles Coliseum, and Bank of America Stadium](#). The large facilities were adapted so that both voters and election officials could effectively navigate the arena during the voting process. Arenas and other large venues helped accommodate the expected high voter turnout, facilitated safe voting, and decreased wait times at other voting locations. The director of elections for Mecklenburg County, Michael Dickerson, stated that the sports arena partnerships were successful. Dickerson specifically

[noted](#) that the publicity that came from sports teams offering their facilities assisted early voting turnout and “cascaded all the way down.”

B. Poll Worker Recruitment

North Carolina took significant steps to recruit a sufficient number of poll workers for the 2020 election. Poll workers were [difficult to find](#) in the primary runoff in North Carolina. Many poll workers called in absent on the day of election for the primary, creating shortages in some areas. NCSBE made [four recommendations](#) to Governor Roy Cooper and the state legislature to increase the number of available poll workers for the general election. And [SB 217](#) ensured that unemployed benefits were not affected by working at the polls and eliminated a requirement that a majority of poll workers at a precinct reside in that precinct. [HB 1169](#) allowed poll workers to serve in precincts other than their own. North Carolina also launched its Democracy Heroes program, which recruited [nearly 60,000 poll workers](#). By October 8, 2020, North Carolina had signed up enough poll workers to form a “[reserve corps](#)” for the general election, according to NCSBE Director Karen Brinson Bell. Outside groups, such as [Power the Polls](#) in partnership with [Democracy North Carolina](#), recruited 30,526 potential poll workers in North Carolina (8,789 in Mecklenburg County alone) through coalitions with businesses, social media platforms, and local stakeholders.

However, North Carolina did not adopt all [four](#) of the NCSBE’s recommendations to recruit and retain poll workers. First, the legislature and governor chose not to expand the student poll worker program. The NCSBE recommendation would have allowed students to serve in the role of judge or chief judge at voting sites and would have lowered the age requirement to 16 instead of 17. Second, they chose not to make Election Day a holiday and did not provide paid leave for state and county employees to serve as poll workers for the day. State and county employees were on average at a lower risk of complications from COVID-19 than typical poll workers, who have been, on average, around 70 years old. Lastly, they chose not to increase poll worker compensation. North Carolina was ultimately able to recruit and retain a sufficient number of poll workers to avoid major problems in the 2020 general election.

C. Election Day Incidents

North Carolina saw several high-profile incidents of voter intimidation during the 2020 general election. First, there was [an incident](#) in Graham, North Carolina, where police officers pepper-sprayed men, women, and children attending a get-out-the-vote rally. The rally took place on the last day for North Carolina residents to sign up for same-day voter registration. Those hurt in the incident [filed a suit](#) against the officers for both excessive force and

deprivation of the “right to vote free from intimidation, harassment, threats, or other forms of coercion.” Additionally, an [armed supporter of President Trump](#) was arrested after he returned with an open-carry firearm to a polling place that he had been banned from due to his previous loitering with a firearm.

North Carolina state law [prohibits](#) intimidating any legally qualified voter. Any direct or [indirect](#) attempt at voter intimidation is a Class 2 misdemeanor. Though the statute does not provide an explicit definition of intimidation, the State Board of Elections [provided](#) examples of conduct that could unlawfully intimidate voters. Officials were already concerned about voter intimidation, following statements that President Trump made at a rally in [Winston-Salem](#). President Trump encouraged attendees there to “[b]e poll watchers when you go [to the polls]. Watch all the thieving and stealing and robbing they do.” Shortly after this rally, the North Carolina State Board of Elections [reminded](#) voters they must be authorized to be poll observers on Election Day and that voter intimidation is illegal.

Early voting in North Carolina also drew [complaints](#) about voter intimidation. There were [documented incidents](#) of electioneering within the 50-foot buffer zone (in which campaigning and political paraphernalia is prohibited). There were incidents in which voters were videotaped, and instances of abusive language and racial slurs were directed at people at polling places. One former Wake County Commissioner and an official Republican poll observer at the Wake Forest early voting site was [cited and charged](#) after being accused of pushing an election worker. In Guilford County, poll observers were [seen not wearing masks](#), which is required for observers. Despite the documented issues, local NAACP leaders [remained optimistic](#) that overall people would be able to safely access the polls. Despite the seriousness of the voter intimidation described above, voters in North Carolina turned out in record numbers in the 2020 general election.

VI. Post-Election Day

The vote count in North Carolina went smoothly in the 2020 general election. North Carolina [was the second to last state](#) to be called by the Associated Press, with only Georgia called later. The delay to call the race in North Carolina was mostly motivated by the number of outstanding mail ballots that could have potentially allowed Biden to overtake Trump’s lead. In the past three North Carolina general elections, the Democratic candidate had won the majority of support in early voting and then eventually lost when the Election Day vote was counted. With so many outstanding “early votes” left to count after Election Day this time around, it was possible that Biden could have overtaken Trump’s Election Day lead. Additionally, the U.S.

Supreme Court's order upheld the extended absentee ballot receipt deadline of November 12. This meant that ballots could be accepted until November 12, as long as the ballot return envelopes had been postmarked on or before Election Day.

Table 2. *Number of Early Votes and Share Won by Candidate in 2020, 2016, 2012 General Elections.*

2020	Trump		Biden	
Method	Votes	Share	Votes	Share
Early (Mail or In-person)	2,168,626	47.01%	2,385,332	51.71%
2016	Trump		Clinton	
	Votes	Share	Votes	Share
Early (Mail or in-person)	1,474,296	47.1%	1,552,203	49.6
2012	Romney		Obama	
Early (Mail or in-person)	1,294,067	47.2%	1,426,129	51.9%

Source: North Carolina State Board of Election

Unlike other battleground states, in North Carolina, there were neither recounts nor litigation concerning the statewide federal races. While the count and call took longer than other states, North Carolina did not experience the same forms of scrutiny as did other states for the count and outcome of the race. President Trump, who along with his campaign were key drivers of litigation in other battleground states, carried the state of North Carolina and thus did not file claims challenging the state results.

Provisional ballots in North Carolina were less than 1% of ballots cast in the 2020 general election. The NCSBE confirmed that there were just over [40,000 provisional ballots](#) cast in the November election. In 2016, nearly [61,000 provisional ballots](#) were cast statewide, but only about 27,000 of them (44 percent) were counted.

After Election Day, each county board of elections met, before certifying the results, to make decisions about whether provisional ballots submitted by voters would be counted. Such meetings were held between Election Day and November 13, and approved provisional ballots

were added to the vote totals. There are specific rules about which provisional ballots can be counted, and the decisions are made by the five-member bipartisan boards for each county.

VII. Conclusion

North Carolina managed to conduct an accessible and safe election amidst the global pandemic. The state legislature and the NCSBE took action to ensure the monetary and human resources necessary were available to adapt their system for the election. North Carolina had record-breaking voter registration, total votes, and votes by mail, and had the lowest mail rejection rate in recent elections. Accomplishing these feats required local election officials to adapt their processes in order to receive, count, and tabulate a five-fold increase in mail votes. Despite confusion caused by the numerous lawsuits regarding the notice-and-cure process for voting, the election did not face the same challenges that were present in other states. North Carolina provided an example of a state implementing significant changes to effectuate a safe and fair election amidst unprecedented challenges. It is unclear whether the state will maintain these accessibility changes for future elections.