

North Carolina Election Fraud Issue

Flawed provisions, inconvenient options, lack of communication & education, weak penalties

By Amber McReynolds

The absentee ballot fraud that happened in North Carolina's 9th Congressional district was inexcusable, and likely criminal. The state Election Board acted correctly in unanimously voting to order a new election. But, lest the wrong lessons be learned from the episode, it's important to recognize the real culprit. It wasn't mailed-out ballots themselves, 32 million of which were cast in the midterms without a hint of real scandal in other states. Rather, the situation in North Carolina presents the perfect example of what *not* to do in election administration. It provides a classic example of a poorly designed election process and ineffective, outdated laws.

As an election official who had oversight of millions of mailed-out ballots in Denver for more than a decade, I can speak directly to what works and what doesn't. My advice to North Carolina is simple: look West. In the 2018 midterms, according to Pew Research, a full 69% of votes cast in the West emanated from mailed-out ballots. As the popular TV ad says, "We know a thing or two, because we've seen a thing or two."

Election administration --- from the laws to the conduct of elections --- must be relentlessly focused on the protection of the right to vote, not merely on who wins the election.

North Carolina has five significant flaws in its election process that created the conditions for this situation to arise, one that fundamentally undermined voter confidence.

- Burdensome Witness Requirements

- In virtually every other state, a voter need only sign his or her ballot return envelope. Election officials then compare that signature with the official signature on file prior to validating the ballot. In the West, we use 100% signature verification at the elections office, with bipartisan judges and thorough, immediate notification and a reasonable timeline to "cure" any signatures in question.

But in North Carolina, the voter must get their ballot witnessed by 2 persons - 18 years or older, or alternatively by a public notary (NC Gen Stat § 163-231). By creating this undue burden, it leaves voters confused about the process and reliant on someone else to help. This was the opening clearly exploited by the political operatives in CD-09.

- Lack of Sufficient Drop-off Options for Voters

If a North Carolina voter has not mailed their absentee ballot back soon enough, state law requires hand-delivery, in-person to a county election office which may be many

miles away. (NC Gen Stat §163-231) And by law that person must be a close relative. But for those who have trouble meeting the delivery requirements, and don't know the rules, it opens a door that others can walk through.

In contrast, in the West we supplement returning ballots via the US mail with ample secure drop boxes available 24x7, right up until the official close of voting on Election Day. In addition, we operate staffed "vote centers" where voters can receive assistance, replace lost ballots, etc. That makes voting by mailed-out ballot convenient throughout the entire cycle, and keeps the door closed to those who would take advantage of a North Carolina-like model.

- Lack of a Ballot Tracking System

- In Western states, where vote by mail has been widely used over time and systems are far more advanced, there are safe, proven tools that provide voters with better customer service, the ability to track their own ballot (just like you would track a package), and confirm that it was properly and timely received. (Example: [Ballot TRACE](#) or [Ballot Scout](#)) It was pioneered in Denver and now many states and local jurisdictions utilize [ballot tracking](#) which provides text or email notifications to voters about the status of their ballot at any given moment, from the time it is printed and mailed, to when it is out for delivery, and then all the way until it is has been received by the election official, verified and sent into the counting room. This provides voters and election officials complete visibility of the mail ballot envelope at each step in the process which is key to deterring and detecting interference.

- Lack of Communication to Voters with Instructions

Again, look West. Communication, [clear design](#), and voter education are key across all methods of voting. Examples: "Seal your ballot once it is voted," "Do not provide it to someone that you do not trust," etc. Western states have perfected ballot instructions, [envelope design](#), [marketing campaigns and messaging](#), and the list goes on. This matters to ensure voters have a positive voting experience with clear and concise voter instructions.

- Lack of protections for voters within North Carolina election laws

- Various states have enhanced their laws to protect voters with serious penalties that disincentivize illegal behavior. This is key to ensuring that all voters have access to a fair process and are protected from undue influence, interference, or intimidation.

For example, in Oregon tampering with a mailed ballot is a felony --- for each single ballot affected. That felony is punishable by up to five years in prison and up to a \$125,000 fine for every occurrence. With a handful of ballots intentionally misdirected, a perpetrator would be looking at potentially decades in prison.

Even inadvertent mishandling comes with painful penalties. Recently, a civic-minded group in Oregon collected 97 ballots to drop off but misplaced them temporarily and

then did not get them to the elections office until the day after the election. While the court found it was indeed an honest mistake, the fine was \$1,000 per ballot, or \$95,000. In Colorado, when a [bad actor](#) was caught voting his wife's ballot, he was held accountable.

What happened in North Carolina was most unfortunate. But the most important take-away is it was also eminently preventable. By addressing the issues outlined above, that state, and every state, can put in place the process to protect our sacred right to vote so that indeed, "We, the People Choose."