

FAIR ELECTION FUND REPORT

North Carolina State Board of Election's Administration of Elections 2024

The Fair Election Fund is a non-partisan public interest organization committed to promoting effective administration of elections in a transparent way that instills public confidence in electoral results. This is the second of multiple state reports evaluating the performance of the State Board of Elections in administering elections.

In conducting its Report on the North Carolina State Board of Election's election administration, The Fair Election Fund, in part, relied on the nonpartisan tenants proposed by the Carter-Baker Report. The Carter-Baker Report was released by a bipartisan commission in 2005 to address "Americans [] losing confidence in the fairness of elections" and to address other "problems of our electoral system." The Carter-Baker Report rightly proclaimed "[e]lections are the heart of democracy. They are the instrument for the people to choose leaders and hold them accountable...If elections are defective, the entire democratic system is at risk."

The Carter-Baker Report included over 80 recommendations to improved election administration in the United States. These recommendations encompass the Carter-baker Reports five pillars of an effective electoral system:

To build confidence, the Commission recommends a modern electoral system built on five pillars:(1) a universal and up-to-date registration list, accessible to the public; (2) a uniform voter identification system that is implemented in a way that increases, not impedes, participation; (3) measures to enhance ballot integrity and voter access; (4) a voter-verifiable paper trail and improved security of voting systems; and (5) electoral institutions that are impartial, professional, and independent.

The Fair Election Fund evaluated these nonpartisan recommendations and created a modernized five-part analysis focused on the areas that have the greatest impact on the effective administration of elections, increasing transparency, and increasing voter confidence.

The Fair Election Fund Five-Part analysis:

- (1) **The impartial, professional, and independence of election administration**
- (2) **The administration of elections and enforcement of existing laws**
- (3) **The transparency of election process**
- (4) **The quality of the voter registration list**
- (5) **Leadership to Instill Confidence in Election Results**

Using this Five-Part Analysis, this report evaluates the North Carolina State Board of Election's performance in administering elections, and provides recommendations to improve the administration of elections, increase transparency, and increase voter confidence.

Executive Summary

The North Carolina State Board of Elections (NCSBE) is a five-member board responsible for overseeing and administering elections in the state. The board is appointed by the Governor, who selects members from nominations submitted by the state's two largest political parties, allowing the party that holds the Governor's office to appoint a majority of the members. The NCSBE has significant discretion in election administration, including setting voting procedures, resolving election disputes, and interpreting state election laws.

The Fair Election Fund's analysis of NCSBE's election administration found failures that undermine the confidence of voters in North Carolina. This includes the NCSBE issuing orders that are inconsistent with North Carolina law, blatant examples of voter fraud, NCSBE creating the appearance of impropriety, and a severely outdated voter registration list that includes non-North Carolina residents.

I. The Impartial, Professional and Independence of Election Administration

A. Senate Bill 749 & Senate Bill 382

Recognizing the inherently partisan nature of the NCSBE appointment process, the North Carolina Legislature passed two bills- Senate Bill 749 (SB 749) and Senate Bill 382 (SB382)- aimed at creating a more impartial, professional and independent NCSBE. These legislative efforts sought to restructure the NCSBE's composition and appointment process to reduce political influence and ensure fairer election oversight. However, these efforts have been met with significant legal and political opposition, culminating in a lawsuit filed by Governor Roy Cooper.¹

Senate Bill 749, passed in 2023, removes the Governor's power to appoint members to the NCSBE, granting it to the North Carolina Legislature instead.² Under this new law, the General Assembly would assume the responsibility of selecting members, shifting the appointment process away from the executive branch and into the hands of the legislature. Governor Cooper swiftly challenged SB 749 in court, arguing that the new law prevents the Governor from exercising his constitutional duty "to ensure that the laws are faithfully executed". Governor Cooper contended that the law unconstitutionally deprives him of a critical executive function- appointing election officials- and, in doing so, violates both the Separation of Powers Clause of the United States Constitution and the Faithful Execution Clause of the North Carolina Constitution. The lawsuit requested that the court block the implementation of the law, maintaining the Governor's appointment authority over the NCSBE.

Senate Bill 382, passed alongside SB 749, introduces similar reforms but with an alternative approach to restructuring the NCSBE. In addition to removing the Governor's appointment power, SB 382 transfers the authority to the elected State Auditor, rather than the General Assembly.³ This provision aims to establish a more independent appointment process by placing election

¹ Verified Complaint, *Cooper v. Berger*, No. 23CV029308-910 (N.C. Super. Ct. Oct. 17, 2023).

² S.B. 749, 2023 Gen. Assemb. Reg. Sess. (N.C. 2023).

³ S.B. 382, 2023 Gen. Assemb. Reg. Sess. (N.C. 2023).

oversight responsibilities in the hands of an official elected by the people of North Carolina, rather than a politically appointed board.

On October 17, 2023, Governor Cooper filed a lawsuit against North Carolina Senate leaders and House Speaker Tim Moore, challenging both SB 749 and SB 382. The North Carolina Superior Court has ordered the case to be heard by a three judge panel on March 24, 2025.⁴ The dispute over SB 749 and SB 382 underscores the highly polarized nature of election administration in North Carolina. At a time when public confidence in elections is paramount, the ongoing power struggle between the Governor and the legislature raises concerns about the politicization of election oversight and the long term stability of the state's electoral process.

B. Partial Ballot Access Administration

While most voters viewed the 2024 election solely as a battle between former President Donald Trump and Vice President Kamala Harris, other candidates also sought the Presidency. One of these candidates- Dr. Cornel West- faced significant challenges from NCSBE in certifying his party and candidacy for the 2024 general election ballot.

Any group of voters that seeks ballot access as a political party in North Carolina must file a petition with the NCSBE. The new political party must then collect signatures of at least 200 registered voters from each of the three congressional districts in North Carolina, amounting to no less than 0.25% of voters in the last general election for Governor.⁵ Petitions are then collected by each county where the Chairman of each county board of elections examines and verifies the petitions. Once verified, the petitions are then sent to NCSBE to determine the sufficiency of the petitions.⁶

In preparation for the 2024 election, three proposed political parties sought ballot access: (1) Constitution Party; (2) We the People; and (3) Justice for All. Dr. Cornel West was a candidate of the Justice for All party, and as well as the other two petitioning parties, had timely submitted petitions with substantially more signatures than the statutory requirement. However, on June 26, 2024, the NCSBE declined to certify the three political parties. North Carolina statute indicates that during the certification process of new political parties through petition, the only issue for the NCSBE to determine is whether the petitions are sufficient.⁷ The statute does not provide the NCSBE any additional discretion.

Dr. Cornel West is a self-described non-Marxist socialist and has been described as “a leftist academic [and] progressive activist.”⁸ As such, Dr. West supporters were primarily voters who were sympathetic to Democratic candidates, i.e. they would vote for Harris if Dr. West did not run. But when he sought ballot access, NCSBE denied it to him, taking issue with the proposed general purpose and intent of Justice for All. Justice for All was seeking to obtain ballot access for

⁴ Consent Order, *Stein v. Berger*, No. 23CV029308-910 (N.C. Super. Ct. Feb. 11, 2025).

⁵ N.C. Gen. Stat. § 163-96(a)(2).

⁶ *Id.*

⁷ *Id.*

⁸ AP News, *Cornel West is back on Michigan's presidential ballot, judge rules* (August 26, 2024) <https://apnews.com/article/cornel-west-michigan-ballot-ruling-4eecb8eddec7db7d17f6d82686286354> (Last accessed December 26, 2024).

presidential candidate Dr. West which, according to NCSBE, is not a proper purpose and intent. However, notably absent from North Carolina law is any prohibition on the use of a candidate name in the proposed new party’s general purpose and intent. The law does not define “general purpose and intent;” it simply states, “In addition to the form of the petition, the organizers and petition circulators shall inform the signers of the general purpose and intent of the new party”.⁹ The law does not say that the general purpose and intent cannot reference any particular candidate.

This is not the first time the NCSBE has abused their authority to deny parties ballot access. In 2022, the Green Party was seeking access to the North Carolina ballot when the NCSBE denied the new party ballot access. The Green Party was ultimately placed on the ballot when the Court ordered NCSBE to do so and to pay the Green Party attorneys’ fees for its conduct.¹⁰

SECTION I: Impartial, Professional and Independence of Election Administration
GRADE C

II. Administration of Elections and Enforcing Existing Laws

Fair Election Fund’s analysis revealed numerous examples of NCSBE failing to enforce existing election laws. These actions give the appearance of complete disregard for the rule of law and contempt for statutorily mandated election integrity standards.

A. Invalid Ballots

Following the 2024 general election, four candidates – Jefferson Griffin, a Republican candidate for associate justice of the Supreme Court of North Carolina; Ashlee Adams, a Republican candidate for N.C. Senate District 18; Stacie McGinn; a Republican candidate for N.C. Senate District 42; and Frank Sossamon, a Republican candidate for N.C. House District 32 – filed a consolidated election protest with NCSBE challenging the results of their elections based off the validity of certain ballots.¹¹ Among the contested ballots were 60,273 ballots cast by registered voters whose voter registration database records contained neither a driver’s license number nor the last-four digits of a social security number, 266 ballots cast by overseas citizens who have not resided in North Carolina but whose parents or legal guardians were eligible North Carolina voters before leaving the United States, 1,409 ballots cast by military or overseas citizens that were not accompanied by a photo ID or an ID exception form, 240 ballots cast by voters who were serving a felony sentence as of Election Day, 156 ballots cast by voters who were deceased on Election Day, and 572 ballots cast by voters whose registration was denied or removed. All four candidates in the protest lost their races by margins of fewer than 1,000 votes.

⁹ N.C. Gen. Stat. § 163-96(b).

¹⁰ *North Carolina Green Party v. North Carolina State Board of Elections*, 5:22-cv-00276-D-BM (E.D. N.C. 2022).

¹¹ N.C. State Bd of Elections, Decision and Order: *In re Election Protests of Jefferson Griffin, Ashlee Adams, Frank Sossamon, and Stacie McGinn* (Dec. 11, 2024) (https://s3.amazonaws.com/dl.ncsbe.gov/State_Board_Meeting_Docs/Orders/Protest%20Appeals/Griffin-Adams-McGinn-Sossamon_2024.pdf).

The protest challenges overseas and military voters who did not include a photocopy of their ID or an exception form when casting their absentee ballots. However, even though the state election administrative code exempts overseas and military voters from the photocopy requirements, the exemption is in violation of state law, which requires photocopy of ID to be included in all mail in ballots.¹² Additionally, under North Carolina's Uniform Military and Overseas Voters Act, overseas voters are permitted to vote and cast ballots in North Carolina elections. However, this violates the North Carolina's Constitution which requires state residency for voting in state and local elections.¹³

The most comprehensive issue within the protest is the challenge of thousands of voters who do not have a driver's license or social security number on file in their official voter registration record. The Help America Vote Act ("HAVA") requires individuals registering to vote to provide one of the two forms of identification.¹⁴ If the individual does not have one of the two forms of identification identified in the statute, they may check a box to get a unique voter ID. Such individuals must bring additional documents from an approved list of HAVA documents showing their current name and address the first time they vote in order to cast a ballot. However, sometime after HAVA's passage in 2004, the NCSBE provided an unclear voter registration application form that did not make it explicit that those numbers were required.¹⁵ Despite the issue being corrected, the NCSBE declined to contact the 225,000 voters identified as having registered since 2004 without either a driver's license or social security number on their record.¹⁶

The NCSBE responded to the election protest by dismissing each issue. The NCSBE voted 3-2, along party lines, to dismiss the protests because there was "lack of probable cause that an election law violation, irregularity or misconduct had occurred."¹⁷ The controversy surrounding this protest highlights ongoing concerns over election integrity, voter registration procedures, and the balance between federal and state election laws. As legal challenges proceed, the outcome of these disputes could shape future election administration in North Carolina, particularly with regard to voter identification requirements and the eligibility of voters.

B. Unsealed Container-Return Envelopes

North Carolina General Statutes require that absentee ballots must be sealed in container- return envelopes and returned to county boards of elections in sealed container-return envelopes.¹⁸ Additionally, the General Assembly provides the requirements that a container-return envelope must satisfy.

The application on the container-return envelope must contain: (1) a certificate of eligibility to vote for execution by the absentee voter; (2) a space for identification of the envelope with the voter and the voter's signature; (3) a space for the signatures, printed names, and addresses of

¹² N.C. Gen. Stat. § 163-234.

¹³ N.C. Const. art. VI, § 2.

¹⁴ 52 U.S.C. §§ 20901-21145.

¹⁵ Verified Complaint, *Kivett v. N.C. State Bd. of Elections*, No. 24CV041789-910 (N.C. Super. Ct. Dec. 31, 2024).

¹⁶ *Id.*

¹⁷ *In re Election Protests of Jefferson Griffin, Ashlee Adams, Frank Sossamon, and Stacie McGinn*, *supra*.

¹⁸ N.C. Gen. Stat. § 163-231.

two witnesses who witnessed the voter casting his or her absentee ballots; (4) a space for the name and address of any person who assisted the absentee voter in casting the ballots; (5) a space for approval by the county board of elections; (6) a space for reporting if the voter’s name has changed; (7) a list of certain acts related to absentee voting that are unlawful; (8) an area to attach documents related to the requirement that the voter provide legally acceptable identification of him- or herself; and (9) a bar code or other unique identifier used to track the ballots.¹⁹

However, 2021 guidance from the NCSBE suggested that absentee ballots do not need to be returned to the requisite county board of elections in the sealed container-return envelopes as long as the ballots are sealed in the envelopes in which they and the container-return envelopes are returned. Specifically a NCSBE numbered memo states that an absentee ballot should be considered to have been “received in a sealed envelope and... therefore not deficient” when the “[b]allot is inside the executed ballot envelope, which is not sealed and appears to have been opened and re-sealed, but the ballot envelope is received in a sealed return envelope” or the “[b]allot is not inside the ballot envelope or has been placed inside the clear sleeve on the ballot envelope used for including the photo ID documentation, but the return envelope is sealed.”²⁰

The NCSBE’s interpretation directly contradicts with statutory language requiring ballots to be sealed upon return in a container-return envelope. NCSBE does not have the authority to interpret such statutes in a way that effectively ignores the legislature’s decision to expressly and repeatedly require that ballots be sealed in container-return envelopes and submitted in those sealed container-return envelopes to the county boards of elections. By overriding legislative mandates through administrative guidance, the NCSBE exceeded its authority and compromised election security.

SECTION II: The Administration of Elections and Enforcement of Existing Laws

GRADE: D

III. The Transparency of the Election Process

A. Access for Election Observers

Transparency is paramount to the public’s confidence in our election. One of the most effective ways to make elections transparent is to allow observers to have meaningful access to all aspects of the voting process. The Carter Baker Report identified this as a critical issue.

In too many states, election laws and practices do not allow independent observers to be present during crucial parts of the process, such as the testing of

¹⁹ N.C. Gen. Stat. § 163-229(b).

²⁰ Karen Brinson Bell, Exec. Dir., N.C. State Bd. of Elections, Numbered Memo 2021-03: *Absentee Container-Return Envelope Deficiencies* (June 11, 2021)

voting equipment or the transmission of results. In others, only certified representatives of candidates or political parties may observe. This limits transparency and public confidence in the election process. Above all, elections take place for the American people, rather than for candidates and political parties. Interested citizens, including those not affiliated with any candidate or party, should be able to observe the entire election process, although limits might be needed depending on the size of the group.

To ensure the transparency and integrity of the voting process, poll watchers are present at all polling places in North Carolina counties. Under North Carolina law, the chair of each political party in the county can appoint two observers or 10 at-large observers per polling place. State political parties can each designate 100 at-large observers who are North Carolina registered voters, and they can observe any polling place in the state. Individuals authorized to appoint observers have to submit a signed list of the observers in writing to the county board of elections, who send the list to each precinct. An unaffiliated candidate may also appoint two observers per voting location. Observers appointed by county parties must be registered voters of the county, and at-large observers must be registered voters in the state.²¹

The exclusion of nonpartisan observers raises concerns about transparency and public trust. Election integrity is not solely a partisan issue; it is a fundamental democratic principle that affects all voters, regardless of political affiliation. Allowing only partisan-appointed poll watchers creates the appearance that election oversight is controlled by political entities rather than by neutral, civic-minded individuals. This system can fuel mistrust among voters who may feel that the process is being monitored with partisan interests rather than impartial oversight.

To truly enhance the transparency and integrity of North Carolina's elections, the NCSBE should consider expanding the eligibility criteria for poll watchers to include nonpartisan organizations and independent citizens who have undergone proper training and vetting. By doing so, the NCSBE can foster greater public confidence in the election process, ensuring that all voters—regardless of political affiliation—believe in the fairness and legitimacy of the state's electoral system.

B. Unprecedented Election Schedule Changes

In North Carolina, counties are responsible for submitting early voting plans to the NCSBE well in advance of each election. These plans include contracts with tax-funded polling places, finalizing a budget for early voting, and determining logistical details to ensure an efficient and accessible early voting process. Historically, from 2016 through 2022, the earliest date by which counties have been asked to submit early voting plans was August 5th in an election year.²² However, in 2024, the NCSBE implemented a drastic and unexpected shift in the timeline.

²¹ N.C. Gen. Stat. § 163-45.1, 163-227.6; North Carolina Board of Elections, Tips for Monitoring or Observing the Election at Polling Sites.

²² *NCSBE Quietly Modifies Election Document After NCGOP Slams 'Blatant Partisanship'*, Carolina J. (Apr. 18, 2024).

According to the “master election schedule” published by NCSBE, counties were initially given a “best practices” deadline to submit their early voting site plans by August 2nd, 2024. But in early April 2024, Karen Brinson Bell, the Executive Director of the NCSBE, notified counties that they would instead be required to submit early voting plans by May 7th, 2024- nearly three months earlier than usual. Many county elections officials pointed out that May is far too early for submitting finalized plans, as most counties have not yet passed their budgets. Without an approved budget, securing funding for early voting sites and other election-related expenses becomes a major challenge. One county elections director told NCSBE that this extraordinary deadline “blindsided” counties, especially in rural areas across the state, forcing them to research, enter into contracts, and approve site plans without county budgets in place.²³

Meanwhile, as counties scrambled to prepare for the new deadline, early voting for statewide runoff elections were underway. This overlap placed an immense strain on election officials, particularly in counties with fewer resources and smaller election teams. “The plans are due prior to budgets being passed and site locations being properly researched by county staff. This is clearly a blatant partisan move”, said Keith Weatherly in Wake County, North Carolina at a regularly scheduled NCSBE meeting on April 11th, 2024.²⁴

SECTION III: The Transparency of Electoral Process

GRADE: B-

IV. The Quality of the Voter Registration List

North Carolina hosts some of the most competitive elections in the country, with races frequently decided by razor-thin margins. Whether at the local, county, or state wide level, numerous examples in recent years illustrate how just a handful of votes can determine the outcome of a North Carolina election. Given this high level of competition, North Carolina law has implemented critical safeguards to protect the integrity of its elections and the accuracy of its voter registration list.

One of these safeguards requires that each voter must be properly registered before casting a ballot.²⁵ Additionally, NCSBE is legally obligated to conduct regular vote maintenance to remove from the voter rolls individuals who have either passed away or moved out of the country. Another law requires NCSBE to receive and review data regarding whether specific voters have self-identified as unqualified to vote, ensuring that such individuals are promptly removed from the voter roll.²⁶ These policies are designed to maintain the integrity of the voter rolls and prevent fraudulent or erroneous registrations from impacting election outcomes.

²³ Letter from Jason D. Simmons, Chairman, North Carolina Republican Party, to the North Carolina State Board of Elections (Apr. 16, 2024).

²⁴ *Id.*

²⁵ *See* N.C. Const. Art. VI § 3.

²⁶ *Id.*

To facilitate voter registration while ensuring compliance with these safeguards, North Carolina law grants the NCSBE the authority to create and manage voter registration application forms.²⁷ These forms serve as the primary mechanism for collecting and preserving essential voter information, ensuring that all individuals participating in election meet the state’s legal qualifications. According to state law, the voter registration form is required to collect the applicant’s driver’s license number or social security number.²⁸ Only if the applicant lacks both forms of identification does the state law allow the NCSBE to assign the applicant a unique voter registration number.²⁹

However, litigation in recent years has uncovered a significant failure in NCSBE’s administration of voter registration requirements. For at least a decade, the NCSBE used a statewide voter registration form which failed to collect a registrant’s driver’s license number and/or the last four digits of their social security number-directly violating statutory requirements.³⁰ The discovery become a focal point in the 2024 election, as four candidates previously cited, challenged the results by filing an election protest with NCSBE, arguing that it compromised the legitimacy of voter registration and, by extension, election results. Despite the gravity of these concerns, the NCSBE ultimately dismissed these protests, mostly along party lines.³¹ In defense of its decision, the NCSBE argued that it would be “unfair” to disqualify ballots from voters who did “everything they were told to do to register”.³² While voter disenfranchisement should be avoided whenever possible, this rationale fails to address the core issue: the NCSBE’s long standing failure to comply with voter registration laws in the first place. By neglecting to collect essential voter identification information, the NCSBE not only violated statutory requirements but also created conditions that invite uncertainty, disputes, and diminished confidence in the electoral process.

Moving forward, the NCSBE must take immediate and transparent corrective action to ensure full compliance with state law. This includes a comprehensive audit of the voter registration system and a commitment to regular and thorough voter list maintenance. Without such reforms, the integrity of North Carolina’s election will continue to be called into question, threatening public confidence in the democratic process.

SECTION IV: The Quality of the Voter Registration List

GRADE: D-

²⁷ See N.C. Gen. Stat. § 163-82.3.

²⁸ See N.C. Gen. Stat. § 82.4 (a) (11).

²⁹ See N.C. Gen. Stat. § 82.4 (b).

³⁰ See *Republican National Committee v. North Carolina State Board of Elections*, 5:24-CV-00547-M (E.D.N.C. 2024).

³¹ See North Carolina State Board of Elections, Decision and Order: *In re Election Protests of Jefferson Griffin, Ashlee Adams, Frank Sossamon, and Stacie McGinn* (Dec. 11, 2024).

³² *Id.*

V. Leadership to Instill Confidence in Election Results

A. NCSBE Executive Director Questioned by State Senate for Misconduct

Karen Brinson Bell, the Executive Director of the NCSBE, has faced significant scrutiny throughout her tenure, particularly regarding her handling of election issues and guidance surrounding the 2020 election. One of the most prominent controversies came when the North Carolina Senate Election Committee questioned whether Karen Brinson Bell had altered election rules to conflict with the North Carolina General Assembly’s legislative decisions, even after early voting had already commenced.

In North Carolina, any administrative rules enacted by the NCSBE or guidance issued by the Executive Director must align with, and cannot contradict, the statutes enacted by the General Assembly.³³ This legal framework ensures consistency and prevents overreach by the NCSBE in areas where legislative authority resides with the General Assembly.

Prior to the 2020 election, the North Carolina General Assembly passed a law designed to simplify mail-in voting while also safeguarding against potential abuses and fraud.³⁴ With the onset of the COVID-19 pandemic, this law made several adjustments to voting procedures, particularly with regard to absentee ballots. These included reducing the witness requirement for absentee ballots from two signatures to just one, and creating an online system for absentee ballot requests. The bill was passed by large majorities in both chambers of the General Assembly, reflecting a bipartisan effort to streamline the process and accommodate voters during the public health emergency.

However, shortly after the bill was passed, Democratic attorney Mark Elias, who had been involved in other high-profile election related lawsuits, filed a lawsuit in an attempt to overturn the witness requirement and extend the deadline for receiving absentee ballots. Elias sought to push the deadline for absentee ballots back by more than a week, well past Election Day. This legal challenge, which was eventually resolved through a settlement, set off a series of events that have raised concerns among lawmakers and the public.³⁵

The controversy came to a head when the Senate Election Committee questioned the settlement agreement between Elias, Democratic Attorney General Josh Stein, Karen Brinson Bell, and the Democratic-majority NCSBE.³⁶ The settlement resulted in a six-day extension to the deadline for receiving absentee ballots, as well as the elimination of the witness requirement for absentee ballots. Instead of requiring voters to have a witness, the settlement instead allowed voters to

³³ See N.C. Gen. Stat. § 163-22(a) (“The State Board shall have general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of such primaries and elections as it may deem advisable so long as they do not conflict with any provisions of this Chapter.”).

³⁴ NC H.B. 1169, General Assembly of North Carolina, (2020).

³⁵ Josh Stein, *Statement on State Board of Elections Litigation*, N.C. Dep’t of Justice (Oct. 2, 2020), <https://ncdoj.gov/attorney-general-josh-stein-statement-on-state-board-of-elections-litigation/>.

³⁶ Andrew Dunn, Lawmakers to Question Elections Board Director on ‘Collusive’ Settlement, *Carolina Journal* (Mar. 23, 2021), <https://www.carolinajournal.com/lawmakers-to-question-elections-board-director-on-collusive-settlement/>.

submit an affidavit attesting to the authenticity of their absentee ballots. The timing of this settlement raised significant concerns. It was entered into after early voting had already begun in North Carolina, directly contradicting the absentee by-mail voting rules that had been in place prior to the settlement.

B. Challenges in North Carolina Leadership

Given the significant criticisms surrounding NCSBE’s election administration and declining public confidence in the integrity of its election results, the state is experiencing a notable turnover in county election directors. NCSBE Executive Director Karen Brinson Bell revealed that in the last five years, 58 county election directors have left their positions, with eight departures in just the first quarter of 2024 alone.³⁷ Out of these changes, 36 were due to retirement, 20 to resignation, and only seven of these individuals stayed within the elections field, with one moving to another state.³⁸

As the turnover continues, the impact is felt at the local level. In 2024, at least 26 county election directors, more than a quarter of the state’s leadership, faced their first presidential election as top election administrators. This loss of experienced leadership has raised concerns within the NCSBE. Karen Brinson Bell noted that “It does keep us up at night” and that “even a well-skilled person, who is very passionate about being a public servant, it’s quite a feat for them to take on”. For instance, Swain County, home to roughly 14,000 residents, hired a new Election Administrator just weeks after he graduated with a political science degree from Emory University. Tasked with overseeing all election processes in his county, he not only managed the office with just two other employees but was also charged with enforcing the state’s new voter ID laws while handling campaign finance reporting.³⁹

The ongoing turnover in election leadership is a cause for alarm, especially as North Carolina’s elections are frequently experiencing contentious political battles. To maintain public trust, the NCSBE must ensure that election challenges are handled with transparency, integrity and professionalism. However, the rise in election protests and challenges indicates that the current state of NCSBE leadership- marked by understaffing and a lack of experienced officials- has only fueled the crisis of confidence in the state’s electoral process.

SECTION V: Leadership to Instill Confidence in Election Results

GRADE B-

³⁷ Theresa Opeka, *Surge in County Election Director Turnover Raises Concern*, Carolina J. (Apr. 2, 2024),

³⁸ *Id.*

³⁹ Fredreka Schouten, *A Tide of Election Worker Resignations Raises Alarms Ahead of 2024*, CNN (Nov. 5, 2023), <https://www.cnn.com/2023/11/05/politics/election-worker-resignations-2024-elections/index.html>.

NORTH CAROLINA STATE BOARD OF ELECTIONS

PERFORMANCE SUMMARY

SECTION I: Impartial, Professional and Independent Election
Administration

GRADE: C

SECTION II: The Administration of Elections and Enforcement
of Existing Laws

GRADE: D

SECTION III: The Transparency of Electoral Process

GRADE: B-

SECTION IV: The Quality of the Voter Registration List

GRADE: D-

SECTION V: Leadership to Instill Confidence in Election Results

GRADE: B-

OVERALL GRADE: C