



September 30, 2024

VIA EMAIL

Dear North Carolina Election Officials:

Campaign Legal Center (CLC) writes to provide you with information regarding how your offices can properly adjudicate frivolous challenges to voter eligibility under N.C. Gen. Stat. §§ 163-85 and 163-86 to minimize the burden on election administration and protect the rights of voters, including important guidance on limitations imposed by federal law.¹

CLC is a nonpartisan, nonprofit organization working to protect and strengthen the U.S. democratic process across all levels of government through litigation, policy analysis, and public education. CLC seeks a future in which the American political process is accessible to all citizens, resulting in representative, responsive, and accountable government. Consistent with that mission, we have worked with election officials across the nation to improve their administrative policies, protect the freedom to vote of citizens within their jurisdictions, and strengthen the democratic process.

To that end, CLC is concerned about the potential for frivolous mass eligibility challenges during the upcoming election, which have become increasingly common across the country.² In recent election cycles, partisan actors have relied on faulty databases to bring hundreds of thousands of challenges to voter eligibility across the nation.³ These databases attempt to match voter registration records with publicly

¹ This letter is not legal advice; it is intended to present a summary of relevant North Carolina and federal law.

² See, e.g., Nick Corasaniti & Alexandra Berzon, *Trump's Allies Ramp Up Campaign Targeting Voter Rolls*, N.Y. Times (Mar. 3, 2024), <https://www.nytimes.com/2024/03/03/us/politics/trump-voter-rolls.html> (noting the recent wave of voter eligibility challenges in states such as Georgia, Michigan, and Nevada); David Gilbert, *Election Deniers are Ramping Up Efforts to Disenfranchise Voters*, Wired (Jul. 31, 2024), <https://www.wired.com/story/election-deniers-efforts-disenfranchise-voters/>.

³ See Robyn Sanders & Alice Clapman, *Protections Against Mass Challenges*, Brennan Ctr. for Just. (July 17, 2024), <https://www.brennancenter.org/our-work/research-reports/protections-against-mass-challenges-voter-eligibility>. One common database is Eagle AI, which experts have criticized for its frequent identification of eligible voters as ineligible. See Alice Clapman & Andrew Garber, *A New Antidemocracy Tool*, Brennan Ctr. For Just. (Sept. 5, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/new-antidemocracy-tool>.

available information, but that information is almost always incomplete or out of date, making the database matches unreliable.⁴ They also often improperly flag registered voters with the same name as ineligible individuals, voters who are temporarily staying in another place but remain qualified at the address at which they are registered, and households where some but not all residents have moved.⁵ As a result, mass challenge lists almost always include significant numbers of eligible voters who should not be removed from the rolls.⁶

Mass eligibility challenges organized by partisan challengers and submitted with insufficient evidence risk disenfranchising eligible voters and causing unnecessary disruption to the orderly administration of the 2024 elections. We recognize that many election offices have lost their most experienced officials because of threats and volatility in the wake of the 2020 election and that this will be the first presidential election for new staff. We hope this letter will assist you as you provide guidance to your staff and volunteers regarding the rules for voter challenges and their responsibilities in dismissing challenges that are made without cause, allowing your office to ensure a fair and orderly election, safeguard voters from intimidation, and minimize administrative disruption.

To mitigate the potential harms to both voters and election administrators caused by baseless mass challenges and safeguard the right to vote as provided by the North Carolina Constitution,⁷ CLC provides the election law summary below to support your development of uniform processes for adjudicating voter eligibility challenges in compliance with the following requirements of North Carolina and federal law.

I. Voter Challenges in North Carolina

As you are likely aware, North Carolina law establishes different procedures for challenges to voters' eligibility in advance of the election, challenges at polling places on Election Day and during the early voting period, and challenges to absentee ballots. For all challenges, however, the election code makes clear that challenges "shall not be made indiscriminately and may only be made if the challenger knows, suspects or reasonably believes" the challenged voter is ineligible.⁸ Importantly, the burden of proof is on the challenger to offer affirmative proof of the challenged voter's ineligibility.⁹

The North Carolina State Board of Elections' Voter Challenge Procedures Guide provides additional guidance on the different types of challenges.¹⁰

A. Challenges in Advance of the Election

⁴ See Sanders & Clapman, *supra* note 3.

⁵ See *id.*

⁶ See *id.*

⁷ N.C. Const. Art. VI, § 1 (detailing the rights of North Carolina voters).

⁸ N.C. Gen. Stat. § 163-90.1.

⁹ *Id.*

¹⁰ *Voter Challenge Procedures Guide*, N.C. State Bd. of Elections (updated Dec. 18, 2023), <https://s3.amazonaws.com/dl.ncsbe.gov/Legal/Voter%20Challenge%20Guide.pdf> [hereinafter "Voter Challenge Procedures Guide"].

North Carolina law permits private parties to challenge an individual’s right “to register, remain registered or vote[.]”¹¹ Challenges may only be made by another voter who is registered in the same county as the challenged voter, and must be brought at least 25 days prior to Election Day.¹² **Any challenge made to a voter’s eligibility to cast a ballot in the 2024 General Election brought by an individual not registered to vote in the same county as the challenged voter, or made after October 11, 2024, must be summarily rejected.**¹³

Challenges can only be made on one or more of the following grounds: the challenged voter (1) resides in another state;¹⁴ (2) resides in another county and has resided outside of the county of registration for at least 30 days preceding the election; (3) resides in another precinct and has resided outside of the precinct of registration for at least 30 days preceding the election; (4) is under 18 years old; (5) is currently serving a felony sentence;¹⁵ (6) is deceased; (7) is not a U.S. citizen; (8) resides in another municipality (if applicable); or (9) is not who they claim to be.¹⁶ **A challenge brought on any other grounds—including the race, ethnicity, or primary language of the voter—is invalid on its face and must be summarily rejected.**¹⁷

While challenges based on residence in another precinct or county are permissible, election officials are prohibited from considering a challenge based on a voter’s *change* in residency where the requested remedy is removal from the voting rolls.¹⁸ If the county board receives a challenge alleging that the challenged voter previously lived at the address listed on their voter registration, but has since moved, the board is prohibited from holding a preliminary hearing and must summarily reject the challenge.¹⁹

Any challenge brought within 90 days before a federal election—or after August 7, 2024 for the 2024 General Election—must be based on individualized evidence specific to the voter.²⁰ Evidence that a mass mailing

¹¹ N.C. Gen. Stat. § 163-85(a).

¹² *Id.*

¹³ *Id.*

¹⁴ For more information on how North Carolina law defines residency for the purpose of voter eligibility, see Voter Challenge Procedures Guide at 7-8.

¹⁵ Under North Carolina law, a person who is convicted of a felony loses their right to vote until they complete any term of incarceration, probation, and/or parole associated with their felony conviction. *Voter Eligibility for People Serving Felony Sentences*, N.C. State Bd. of Elections, [https://www.ncsbe.gov/registering/who-can-register/registering-person-criminal-justice-system#:~:text=Once%20a%20person%20is%20convicted,they%20have%20completed%20their%20sentence,\(last visited Sep. 16, 2024\)](https://www.ncsbe.gov/registering/who-can-register/registering-person-criminal-justice-system#:~:text=Once%20a%20person%20is%20convicted,they%20have%20completed%20their%20sentence,(last%20visited%20Sep.16,2024)).

¹⁶ N.C. Gen. Stat. § 163-85(c).

¹⁷ *See id.*

¹⁸ *See N.C. State Conf. of NAACP v. Bipartisan Bd. of Elections & Ethics Enft*, No. 1:16CV1274, 2018 WL 3748172, at *12-13 (M.D.N.C. Aug. 7, 2018); Voter Challenge Procedures Guide at 6.

¹⁹ *See id.*

²⁰ 52 U.S.C. § 20507(c)(2)(A); *N.C. State Conf. of NAACP*, No. 1:16CV1274, 2018 WL 3748172, at *12; Voter Challenge Procedures Guide at 6. *See also* N.C. Gen. Stat. § 163-85(e). Under

was sent to the challenged voter and then returned as undeliverable is, on its own, insufficient to meet the challenger’s burden to provide individualized evidence.²¹ A challenger similarly cannot meet this burden by providing generic evidence from a “public website or database that conveys no information specific to the circumstance of the voter.”²² Each challenge must specify the particular facts showing the challenged voter’s alleged ineligibility and be made “separately, in writing, under oath [subject to criminal penalties for perjury²³], and on forms prescribed by the State Board.”²⁴ **Mass challenges or challenges to more than one voter’s eligibility made on a single form are impermissible under North Carolina law and should be summarily rejected.**²⁵

The county board will receive the challenge and schedule a preliminary hearing, where the challenger must proffer evidence or testimony to support the challenge.²⁶ The challenger bears the burden of proof, and the county board must dismiss the challenge if it does not find probable cause of the challenged voter’s ineligibility based on the evidence or testimony presented.²⁷ If the board finds probable cause, it must schedule a full hearing on the challenge.²⁸

At least 10 days prior to the hearing, the county board must mail a written notice of the challenge to the challenged voter, stating the grounds asserted and the time and place of the hearing.²⁹ At the hearing, the board must explain to the challenged voter the requirements for voting in the state and ask the voter to affirm their eligibility.³⁰ The board may also take other evidence under oath.³¹

At both the preliminary stage and on the merits, the hearing must be individualized, meaning that the board may not hold a single hearing to decide more than one challenge at the same time.³²

Based on the evidence presented, the board must decide whether to sustain the challenge; it may find the voter ineligible only if the challenger offers affirmative proof

North Carolina law, “a letter mailed by returnable first-class mail to the voter at the address listed on the voter registration card and returned because the person does not live at the address” constitutes prima facie evidence that the voter does not reside in the precinct. *Id.* However, this is not the type of individualized evidence required within the 90-day period preceding a federal election. *See* Voter Challenge Procedures Guide at 6.

²¹ *See N.C. State Conf. of NAACP*, No. 1:16CV1274, 2018 WL 3748172, at *7.

²² Voter Challenge Procedures Guide at 6.

²³ N.C. Gen. Stat. §§ 163-85(b), -90.3.

²⁴ *Id.* § 163-85(b)

²⁵ *See id.*

²⁶ *Id.* § 163-85(d).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* § 163-86(b). A copy of this notice should be provided to the challenger and to the chairman of each political party in the county. *Id.*

³⁰ *Id.* § 163-86(c).

³¹ *Id.* § 163-86(b).

³² *Id.* §§ 163-85, -86.

of the challenged voter's ineligibility.³³ Both the challenger and the challenged voter may appeal the board's decision to the county superior court within 10 days.³⁴

B. Challenges at Polling Places

North Carolina also allows challenges to ballots during early voting and on Election Day by any voter registered in the county in question, inside of the polling place.³⁵ The challenge must be based on one or more of the following grounds: (1) any of the reasons for challenges made in advance of the election; (2) the person has already voted; (3) the voter is not registered with the political party (in a partisan primary); or (4) the voter did not present photo identification.³⁶ Challenges based on any other grounds, including the impermissible grounds listed in the previous section, are invalid on their face and must be summarily rejected.³⁷

No person—including fellow voters and election officials—may challenge a voter's eligibility on the grounds that that voter did not present proper voter identification if that voter claims an exception to the voter ID requirement and completes the Photo ID Exception Form.³⁸ Moreover, a private party may not challenge a voter based on the private party's belief that the voter's photo identification does not sufficiently resemble the voter or that the identification does not meet the legal requirements of name similarity.³⁹ Private parties are also prohibited from challenging a voter who informs the election officials that they will vote a provisional ballot and provide their photo ID later on the basis that the voter did not provide photo ID.⁴⁰ However, a voter may challenge another voter for receiving a regular ballot without presenting photo ID at all if that voter does not claim an exception, or for presenting an ID that is plainly not an acceptable form of photo ID for voting.⁴¹

An Election Day challenge is heard by the chief judge and the two judges of election of the precinct, who are appointed by the county board,⁴² at the polling place before the polls close.⁴³ The precinct officials must explain the requirements for voter eligibility to the challenged voter and, if the voter affirms under oath that they are eligible, the officials may conduct an evidentiary hearing to determine whether to sustain the challenge.⁴⁴ Unlike with preelection challenges, returned mail sent to the voter's address is not admissible in a hearing on an Election Day challenge.⁴⁵

³³ *Id.* § 163-90.1.

³⁴ *Id.* § 163-90.2(c).

³⁵ *Id.* § 163-87. The precinct's judges, chief judges, or assistants may also challenge voters' eligibility regardless of their county of residence. *Id.*

³⁶ *Id.*

³⁷ *See id.*

³⁸ *Numbered Memo 2023-03*, N.C. State Bd. of Elections at 9 (updated Feb. 26, 2024), <https://s3.amazonaws.com/dl.ncsbe.gov/sboe/numbermemo/2023/Numbered%20Memo%202023-03%20Photo%20ID%20and%20In-Person%20Voting.pdf>.

³⁹ *Id.* at 9.

⁴⁰ *Id.* at 8-9.

⁴¹ *Id.* at 8.

⁴² *See* N.C. Gen. Stat. § 163-41(a).

⁴³ *Id.* § 163-88(a).

⁴⁴ *Id.*

⁴⁵ *Id.* § 163-88(c).

Even if a challenge is sustained, the voter in question may complete a “challenged ballot,” which will be preserved for 22 months after the election and considered only in the case of a contested election.⁴⁶

C. Challenges to Absentee Ballots

The election code specifies that challenges to absentee ballots may occur any time before 5 p.m. on the fifth business day after Election Day.⁴⁷ Only a voter registered in the same county as the absentee voter may challenge the ballot, and the burden of proof remains on the challenger.⁴⁸ In a general election, challenges may only be brought on one of the following grounds: the voter (1) is not a resident of North Carolina or the county, municipality, or precinct where they are registered; (2) is under 18 years of age; (3) is currently serving a felony sentence; (4) is deceased; (5) is not a U.S. citizen; (6) is not who they present themselves to be; or (7) has already voted.⁴⁹

A private party may not bring a challenge based on “[p]erceived deficiencies with an absentee ballot application or container-return envelope, or a photo ID copy or exception form[.]”⁵⁰ These issues remain under the exclusive authority of the county board, and “the county board’s decision to approve an absentee application is not subject to review through a voter challenge.”⁵¹

In order to be valid, the challenge must be signed, be in writing on a form prescribed by the State Board, and specify the reasons why the ballot should not be counted or why the challenged voter is not legally entitled to vote.⁵² The challenge must be addressed to the county board, but it can be given to the chief judge of a precinct, who will then pass the challenge along to the county board.⁵³

Notice of an absentee ballot challenge must be sent to the challenged voter in advance of the hearing “in a manner designed to provide the voter actual notice.”⁵⁴ County boards must notify the voter whose ballot is being challenged as soon as possible. For challenges filed during the canvass period, boards must notify the voter within one notice business day of receiving the challenge and must attempt to contact the voter by email or phone if provided in the voter’s record.⁵⁵

The full county board hears absentee challenges on the day of the county canvass, which takes place 10 days after the election.⁵⁶ Such hearings must be attended by the full county board, which will hear the challenger’s reasons for the challenge and may

⁴⁶ *Id.* § 163-88.1.

⁴⁷ *Id.* § 163-89(a).

⁴⁸ *Id.* § 163-89(b).

⁴⁹ Voter Challenge Procedures Guide at 3-4.

⁵⁰ *Id.* at 4.

⁵¹ *Id.*

⁵² N.C. Gen. Stat. § 163-89(c).

⁵³ *Id.* § 163-89(d).

⁵⁴ Voter Challenge Procedures Guide at 11-12.

⁵⁵ *Id.*

⁵⁶ N.C. Gen. Stat. § 163-89(e).

take other evidence under oath.⁵⁷ The board must make its decision without opening or reviewing the ballot in question.⁵⁸ The challenged voter may personally, or through an authorized representative, attend the hearing to present evidence as to the ballot's validity.⁵⁹ As with all challenges, the burden is on the challenger to offer affirmative proof to support the challenge.⁶⁰

If a challenge is overruled, the absentee ballot must be counted by the board of elections and tallied as an unchallenged absentee ballot.⁶¹

II. Other Legal Requirements

As you know, both federal and North Carolina law provide robust protection against voter intimidation and other forms of infringement on the fundamental right to vote. The process for responding to voter challenges—especially those conducted in bulk—must therefore comply with all federal and state laws, as well as the U.S. Constitution. As such, all North Carolina election officials have the responsibility to protect North Carolina voters from baseless and discriminatory challenges and ensure that the adjudication of all voter challenges complies with both state and federal law.

A. Racially Discriminatory Challenges

Organized challengers frequently target voters from historically disenfranchised communities in an attempt to intimidate or deter members of those communities from voting.⁶² Sustaining such discriminatory challenges could violate the U.S. Constitution and federal law. Taken together, the Equal Protection Clause of the Fourteenth Amendment⁶³ and Section 2 of the Voting Rights Act⁶⁴ prohibit the use of voting practices that result in citizens being denied equal access to the democratic process on account of “race, color, or membership in a language minority group.”⁶⁵ Because these are often the exact groups targeted by mass challenges, local elections officials should consider carefully whether granting mass challenges brought before them would have the effect of unlawfully disadvantaging voters because of their race.

B. Voter Intimidation

Baseless mass challenges to voter eligibility could constitute voter intimidation, because such challenges are often made in bad faith to deter eligible citizens—

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* § 163-90.1(b).

⁶¹ *Id.*

⁶² See, e.g., Nicolas Riley, *Voter Challenges*, Brennan Ctr. for Just. at 11-12 (2012), https://www.brennancenter.org/sites/default/files/legacy/publications/Voter_Challengers.pdf.

⁶³ U.S. Const. amend XIV, § 1.

⁶⁴ 52 U.S.C. 10301.

⁶⁵ See *Guidance Under Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, for Redistricting and Methods of Electing Government Bodies*, U.S. Dept. of Justice (Sept. 1, 2021), <https://www.justice.gov/opa/press-release/file/1429486/download>.

including members of historically disenfranchised groups—from voting. Such voter intimidation is illegal under both federal and North Carolina law.

Federal law provides that anyone who “intimidates, threatens, coerces, or attempts to intimidate, threaten, or coerce, any other person for the purpose of interfering with the right of such other person to vote” in a federal election has committed a federal crime.⁶⁶ Additionally, several federal statutes impose civil liability for voter intimidation. Section 11(b) of the Voting Rights Act makes it unlawful to “intimidate, threaten, or coerce” another person, or attempt to do so, “for voting or attempting to vote” or “for urging or aiding any person to vote or attempt to vote.”⁶⁷ In 2016, a federal court determined that voter challenges that intentionally target geographic areas with a large percentage of racial or ethnic minorities and that had the purpose or effect of deterring qualified members of those minority groups from voting violated a court order in a case involving claims under Section 11(b).⁶⁸ Further, the U.S. Department of Justice has cautioned that challenges made with the intention of or that have the effect of intimidating a reasonable voter can violate Section 11(b).⁶⁹ And the Ku Klux Klan Act of 1871 makes it unlawful for “two or more persons to conspire to prevent by force, intimidation, or threat,” any voter from casting a ballot for the candidate of their choice.⁷⁰

Similarly, North Carolina gives its citizens the right to vote without being intimidated, threatened, or coerced. As such, it is a class 2 misdemeanor under North Carolina law for a person to “directly or indirectly, to discharge or threaten to discharge from employment, or otherwise intimidate or oppose any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not to cast, or which that voter may have failed to cast.”⁷¹

To ensure that baseless mass challenges do not unlawfully intimidate voters, each precinct clerk should ensure that only challenges made using the proper procedure and supported by sufficient evidence are considered and sustained. Precinct clerks should also not hesitate to refer incidents of voter intimidation, including baseless mass challenges, to the North Carolina State Board of Elections⁷² and U.S. Department of Justice (DOJ).⁷³

⁶⁶ 18 U.S.C. § 594.

⁶⁷ 52 U.S.C. § 10307(b).

⁶⁸ See *Democratic Nat’l Comm. v. Republican Nat’l Comm.*, No. CV 81-03876, 2016 WL 6584915, at *2 (D.N.J. Nov. 5, 2016).

⁶⁹ See *Voter Registration List Maintenance: Guidance under Section 8 of the National Voter Registration Act*, 52 U.S.C. § 20507, U.S. Dept. of Justice at 3 (Sept. 2024), <https://www.justice.gov/crt/media/1366561/dl> [hereinafter “DOJ Guidance”].

⁷⁰ 42 U.S.C. § 1985(3).

⁷¹ N.C. Gen. Stat. § 163.247(a)(7).

⁷² Reports of voter intimidation can be submitted to North Carolina’s State Board of Election at polling places or by calling the office at 919-814-0700.

⁷³ The DOJ Civil Rights Division can be reached at 800-253-3931, and voter intimidation reports can be submitted online at <https://civilrights.justice.gov/report>. More information on DOJ’s resources to protect voting access can be found at <https://www.justice.gov/opa/pr/justice-department-releases-information-efforts-protect-right-vote>.

C. Uniform and Nondiscriminatory Standards

The U.S. Constitution and federal law require that each state and political subdivision use uniform, nondiscriminatory standards and processes for evaluating voter eligibility challenges.⁷⁴ Under the U.S. Constitution, counties in the same state are prohibited from “us[ing] varying standards to determine what [i]s a legal vote” when processing ballots in presidential elections.⁷⁵ Similarly, the National Voter Registration Act (NVRA) mandates that any voter registration list maintenance activity be “uniform, nondiscriminatory, and in compliance with the Voting Rights Act[.]”⁷⁶ including “any list maintenance activity based on third party submissions.”⁷⁷ The U.S. Department of Justice has advised that numerous list maintenance methods commonly used in mass voter eligibility challenges might violate the NVRA, including “comparing voter files to outdated or inaccurate records or databases, taking action that erroneously affects a particular class of voters (such as newly naturalized citizens), or matching records based solely on first name, last name, and date of birth.”⁷⁸

The NVRA further mandates that election officials may not “systematically remove” ineligible voters from voter registration rolls within 90 days preceding an election for federal office.⁷⁹ According to the U.S. Department of Justice, this restriction “applies to list maintenance programs based on third-party challenges derived from any large, computerized data-matching process.”⁸⁰

The North Carolina statute likewise recognizes voters’ rights to a uniform and nondiscriminatory procedure for voting systems, including counts and recounts, established by the State Board of Elections.⁸¹

Precinct clerks and county boards should work to eliminate any meaningful divergence among them in the standards and processes used to evaluate voter challenges in different precincts and replace them with uniform standards and processes. By doing so, North Carolina’s voter challenge processes can avoid the “arbitrary and disparate treatment” of challenged ballots that violates the Constitution.⁸²

D. Removals Based on Change of Address

The NVRA strictly regulates the process for removing a registered voter from the voter registration rolls based on suspected change of address, including when removals are

⁷⁴ See *Bush v. Gore*, 531 U.S. 98, 104 (2000) (finding that the lack of uniform standards across counties for when to count a ballot violates the Constitution’s Equal Protection Clause).

⁷⁵ *Id.* at 107.

⁷⁶ 52 U.S.C. § 20507(b).

⁷⁷ DOJ Guidance at 3.

⁷⁸ *Id.*

⁷⁹ 52 U.S.C. § 20507(b)(1).

⁸⁰ DOJ Guidance at 4.

⁸¹ N.C. Gen. § 163-182.1(b).

⁸² *Bush*, 531 U.S. at 104-05.

triggered by mass eligibility voter challenges.⁸³ Election officials may only remove a voter from the list of registered voters based on change in residence when: (1) the voter confirms in writing that they have moved outside of the jurisdiction; or (2) election officials have satisfied the process outlined in Section 8(d)(2) of the NVRA.⁸⁴ The United States Department of Justice has cautioned that “[a] third-party submission—such as a submission of another individual’s information via an online portal or a challenge based solely on public database information—is not confirmation by the registrant of a change of address.”⁸⁵ Consequently, **removing individuals from the list of registered voters due to suspected change of address on the basis of mass voter eligibility challenges alone likely violates the NVRA.**⁸⁶

* * *

By ensuring compliance with the processes, requirements, and limitations of North Carolina’s voter challenge laws, you can mitigate the potential harm and disruption caused by frivolous voter eligibility challenges. Our hope is that this summary of the relevant law will help you to prepare proactively to develop written procedures and policies for adjudicating such challenges and train your staff, volunteers, and election inspectors on the requirements of North Carolina and federal law applicable to voter eligibility challenges.

Please do not hesitate to reach out with any questions. We stand ready to assist you in upholding federal and state law and protecting North Carolinians’ freedom to vote.

Sincerely,

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⁸³ See 52 U.S.C. § 20507(b); DOJ Guidance at 4-6.

⁸⁴ See 52 U.S.C. § 20507(b)-(d); DOJ Guidance at 4. The DOJ Guidance also provides detailed information on the requirements of Section 8(d)(2). Election officials may only remove a voter under Section 8(d)(2) of the NVRA if that voter: (1) does not vote in any election between the date the notice was sent and the second general election following the notice; and (2) does not respond to the notice. 52 U.S.C. § 20507(d)(2).

⁸⁵ DOJ Guidance at 4.

⁸⁶ *Id.* at 4-5.