

Voter Integrity Project Legislative Agenda (Draft)

Overview of VIP-NC Legislative Agenda

REAL voter ID, controlled by DMV and not by the Boards of Election

Same-day (or “one-stop”) registration to too fraud-friendly and should be terminated

Require Provisional Ballots to be retrievable

Reform college student practices to include emancipating any who register to vote at college (taking them off their parents’ state taxes)

Require voters to register from physical address (not PO boxes or vacant lots)

Explicitly require sworn affirmation of citizenship in order for registration to be counted.

Require proactive voter roll list maintenance by inter-state, intra-state and intra-county data sharing.

Prohibit payments for anybody registering others (or themselves) to vote.

Increase the transparency of the public voting record

Give election observers more specified rights

Terminate Early Voting

Tighten loopholes to prevent the abuse of court-ordered “Mentally Incompetent” voters.

Tighten loopholes to prevent abuse by voter “assistants” not on BOE payroll.

Aggressive review of touch screen voting machines

Allow civil enforcement and private right of action on certain sections of NC election laws.

Increase penalties for election fraud

Protect the voting rights of military voters

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1 **1. REAL voter identification.** The presentation of either a military ID card or a DMV-issued
2 photo ID card should be required in order for any citizen of North Carolina to vote. Any new
3 applicants for voter registration will provide their full social security number (SSN) to the Board
4 of Election. In the event of a third-party registration drive, the BOE will request the SSN before
5 issuing their voter registration cards. If this request is not returned, the BOE should initiate a
6 second mailing 14 days later. If neither request is answered, the applicant should not be
7 registered to vote. Once the BOE has the SSN, they should verify it against the Social Security
8 Death Index before issuing any voter registration. Any applicants who provide a false social
9 security number should be charged for attempting to commit the crime of election fraud and
10 should have their registration information referred to the District Attorney and to federal
11 immigration officials. Any voter attempting to cast a vote without valid ID will be allowed a
12 Provisional ballot and will have ten days to produce the proper form of identification in order
13 for their vote to be counted in the election. A photocopy of the ID card will be required for any
14 citizen requesting an absentee ballot and will be used by the Board of Elections to confirm the
15 identity of the absentee voter before the transmission of a blank ballot or the acceptance of an
16 otherwise obtained ballot or for any electronic ballots to be accepted. The legislature will fund
17 a program to advertise the new policy change and will set aside funds to provide an ID card free
18 of charge to those citizens signing an affidavit, testifying that they cannot afford to purchase
19 either a driver's license or an official NC Identification card. The Legislature should also provide
20 funding to staff a mobile license (or ID) issuing facility that will be accessible at times and places
21 that are convenient to those most in need of the service. Weekend accessibility should be
22 required for this program and the location of the mobile facility should operate at places that
23 people normally congregate (churches, community centers, shopping centers, etc) in addition
24 to the normal license-issuing offices across the state. The Legislature should also set aside funds
25 to allow the State of North Carolina to defend this law through State and Federal court systems
26 and against Department of Justice challenges.

27 **Discussion:** Requiring the DMV as the only issuing facility avoids many of the pitfalls observed in
28 the ID card business. At one extreme, there was a proposal in California that would have
29 equipped each polling location with an ID-card issuing facility. Aside from the expense of such a
30 scheme, the integrity of the entire process would render the law useless. The DMV issuing the
31 cards would help prevent a black market in ID cards and in the illegal use of counterfeit ID card
32 machines. Another advantage to the DMV's added responsibilities is the laws already on the
33 books regarding correct addresses on driver's licenses and on citizenship documentation
34 required for persons seeking a new license. Caveat: The DMV must continue to be held
35 accountable for issuing any licenses or ID cards only to US citizens and that clearly identify any
36 bearers who are not US citizens but otherwise qualify for a license or ID card. NC already issues

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1 a non-standard ID for those under the legal drinking age. This model should apply to any non-
2 U.S. citizens who are issued a driver's license.

3 The purpose of the Social Security provision is to prevent fraudulent applicants from using a
4 SSN belonging to someone who is dead, which is a fairly common credit-fraud practice. Since
5 credit bureaus have figured out a way to use the SSDI to confirm their applicants' identity, there
6 is no reason that we shouldn't expect the same sort of due diligence in preventing election
7 fraud.

8 The absentee ballot provision was successfully implemented in Kansas and has survived court
9 challenges. It is useful because of the well-known loopholes in governing the current absentee-
10 ballot procedures that are considered vulnerable to systematic vote fraud by many election
11 process observers (Civitas, VIP, True the Vote, etc.)

12 Access to ID cards for the poor is a big provision that Georgia and Indiana included as a means
13 of overcoming court challenges and it even led to success at the SCOTUS level. This law will be
14 challenged and should be written in such a way that the integrity of the electoral system takes
15 precedence over the imagined injustices that third parties will assign to it. Critics will attempt to
16 make this law ineffective regardless of any compromises written into it, so we support a bold
17 approach to this law that will push REAL voter ID with minimal exception.

18

19 **2. Abolish Same-Day Registration (also called "one-stop") Voting.** Delete any references
20 allowing the procedure in NCGS 163 and rescind any SBOE guidance on the subject.

21 **Discussion:** Timely verification of the true identity and residency of the provisional voter is
22 impossible because of the short time lapse between the election and the canvass/certification
23 of the election. The current law also creates a lower standard of citizenship that circumvents
24 the residency requirements spelled out in the NC Constitution and in NCGS Chapter 163 and has
25 severe 14th Amendment implications regarding "equal protection" under the law. As currently
26 written, the law allows two classes of voters: responsible and irresponsible. The problem is that
27 some of the latter group may use this loophole as a means of voting more than once. Abolishing
28 SDR would institute a uniform application of the 30-day residency requirement for all voters
29 instead of just for the responsible ones. [Common Cause and other proponents of SDR](#) argue
30 that any person living and breathing on Election Day has a right to vote and we would agree
31 with that basic concept; but the standard remedy has been for such voters to cast an absentee
32 ballot from their previous address. The entire SDR process negates any concept of an
33 enforceable residency requirement. While this may be an acceptable trade-off among SDR
34 advocates, current law and any workable validation process offers no practical way to prevent

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1 malicious voters from casting votes in more than one state. Detection of this type of vote fraud
2 may be more likely in the future (after states finally learn how to share voter-roll data), but in
3 the near term, it is a crime that can affect the outcome of an election with little to no chance of
4 the perpetrator ever being caught. It may be noted that only 14 states have ever had this law in
5 force, and the number was temporarily reduced by the Maine Legislature’s effort to rescind the
6 policy in their state. After their success in revoking it, the League of Women Voters and ACLU
7 joined other groups to launch a successful “people’s veto” (allowed under Maine’s law) against
8 the revocation. Their state did not have the same research publicity that Civitas recently
9 earned, so the opponents were successful in framing it as a “voting rights” issue and used mass
10 propaganda to reinstitute the fraud-friendly provision.

11 **3. Require all Provisional Ballots to be retrievable.** All provisional ballots should be retrievable.
12 Any voter either accidentally or deliberately inserting a Provisional ballot into the vote tabulation
13 machine is guilty of a crime with specified penalty. This crime and penalty should be stated in
14 bold letters on the Provisional Ballot outer envelope that voters are required to sign. Any
15 election employee allows the casting of a Provisional Ballot shall be subject to personnel action.
16 Cause machine to reject Provisional ballots through election Day.

17 **Discussion:** This law would bring to Provisional ballots the same safeguards already required for
18 ballots cast either by absentee or by Early voting. We have received numerous reports of voters
19 (either accidentally or on purpose) walking over to the tabulation machine with a Provisional
20 Ballot and placing their completed ballots into the machine before any election officials can
21 intervene. Poll workers may be too busy or may simply assume the voter will follow instructions
22 to put the ballot into the envelope, but that’s not always the case and there is no law to curb
23 the behavior. Both the voter and the election worker need to be held responsible.

24 **4. Reform Student Voting.** Enforce the same residency requirements on college students as
25 required for any other citizen by encouraging absentee balloting from a student’s home of
26 record and by discouraging their voting from a college address unless they have taken
27 emancipation measures to establish a permanent residence from an address within commuting
28 distance of their college. The act of a student registering to vote at an address not belonging to
29 the student’s parent or legal guardian should be considered an act of emancipation that would
30 prohibit the child from being claimed on the parent’s state income taxes.

31 **Discussion:** Currently, students can vote either at home or at college, but not both. By law, the
32 location hinges on where a student “intends” to live. Others say it simply relies on “where you
33 lay your head,” but this policy ignores the NC Constitution and all statutory residency
34 requirement used to determine whether or not a student qualifies for in-state or out-of-state
35 tuition rates.

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1 Additionally, students who do not really intend to live (after graduation) in or near their college
2 community have no real interest in the local elections and have been found to skew the
3 outcome of local races in the direction of their faculty. This asymmetric power relationship
4 between a college professor (with a grade book and a bully pulpit) and their highly
5 impressionable wards is an abuse of power along the same lines as an employer who pressures
6 his/her employees to vote for one particular person or party. While many in the media would
7 condemn such a practice in the harshest possible terms, they turn a blind eye when this same
8 relationship is abused in academia. Addressing this abuse of power would also help lower the
9 disproportionate influence that a local college has over the local and state-house politics by
10 preventing professors from overly influencing their (otherwise disinterested) students in their
11 votes.

12 This problem is further exacerbated when students use a central campus mailing facility for
13 their registration address, which is common practice at (according to our limited research)
14 Warren Wilson College, Wake Forest, NC School of the Arts, Winston Salem State University, NC
15 Central University and Duke University. In fact, the policy at Warren Wilson College led to costly
16 litigation in Buncombe County when it was discovered that students did not all live at that
17 single address and, in fact, were scattered across two County Commission districts. It was also
18 learned that some students (and faculty) who were not even living on campus were using the
19 central campus address for their voter registration.

20 The revised law would make them choose one address and stick with it, rather than allowing
21 them to vote from a residence they may or may not have even lived in for the required 30 days.

22 Critics will claim that this law is designed to suppress student voting, but we posit that it would
23 shift the strategy of political organizations toward students' absentee voting. Historically, this
24 was how military voters participated, so anyone arguing that college students are too
25 irresponsible to request their absentee ballots is implying that college students are not as
26 intelligent as their military peers. Encouraging absentee ballots would also encourage more
27 thoughtful deliberation before a student casts (what may be) his or her first vote. It also may
28 foster healthy discussion between students and their parents who may even happen to be
29 paying the tuition!

30 **5. Require a bona fide residential address for any voter.** Voters must not be allowed to use
31 vacant lots or business addresses for their registrations with exceptions for persons who swear
32 to be "homeless," and for persons whose house is temporarily condemned due to remodeling,
33 fire, flood or some other act of God. Homeless persons would be allowed to use an institutional
34 street address, provided the registration is witnessed by another registered voter who works to
35 that institution. The institution and the employee will be held responsible for knowingly

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1 witnessing false voter registrations under the provisions of this law. If a property is condemned
2 and is challenged by another registered voter, the burden of proof is on the challenged voter to
3 provide evidence that s/he intends to renovate or restore the property within the immediate
4 six months. The challenged voter in such a scenario would have the remedy of registering from
5 his/her temporary address. Any voter arriving at the polls with the incorrect address will be
6 given a Provisional Ballot.

7 **Discussion:** Registering from an address at which nobody can possibly live (on a long-term
8 basis) should serve as prima facie evidence that the voter does not reside at that location.
9 Discretion should be limited by-law to prevent the county BOE from abusing their power. The
10 long-term exception would include property that was recently damaged by water or fire, but
11 not vacant lots even if the voter owns the lot. Key would be for the burden of proof to be
12 shifted to the person registered at the vacant or condemned property. We received one report
13 of the Halifax County BOE voting (2-1) to retain the registration of such voters, even when they
14 had been living out-of-state for two years. This law would limit such abuse at the local level.

15 **6. End the “check-box dilemma” regarding the citizenship of voters.** Failure to explicitly state
16 one’s citizenship status on the voter registration form would disallow the registration from
17 being entered onto the voter rolls under any circumstances.

18 **Discussion:** This should not have to be a law, but in the absence of such a law, California’s
19 Secretary of State has (quietly, but in writing) mandated that, “If the voter does not check
20 either the ‘Yes’ or ‘No’ box, and the registration is otherwise complete, the registration should
21 be processed normally and entered on the voter rolls.” Prohibiting this practice in the law may
22 help prevent a future Executive Director of the SBOE from quietly implementing a similar in NC.
23 There may be other states using this same loophole, since US law requires the yes-no question
24 on the applicant’s citizenship; but the law fails to direct any subsequent action. Most states do
25 the right thing, while at least one does not and this signals the potential for others to exploit
26 that loophole.

27 **7. Increase transparency in voter list maintenance through several directed measures.**

28 **A) Interstate data sharing.** With one exception, the Department of Public Health should not be
29 constrained in sharing data with counterpart agencies in other states. Any state still prohibited
30 from sharing their data specifically “for the purposes of voter roll maintenance” should be given
31 two years to allow unlimited reciprocal data exchanges between states or they would no longer
32 be allowed access to any NC DPH data.

33 **Discussion:** All states share their death records w/ other states for the purposes of resolving
34 death-related matters of business partnerships, corporate ownerships, inheritance issues, etc.

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1 We have been advised by the NC DPH that some states (Virginia and SC among them) do not
2 allow the data to be used specifically for voter list maintenance. This seems to be a subtle
3 agreement that was quietly buried in the law to allow corrupt political practices in the days
4 gone by and it needs to be brought into the open for all to see.

5 **B) Participate in interstate voter roll integrity efforts.** Support efforts to create a multi-state
6 voter roll database or any other measures intended to prevent or eliminate duplicate
7 registration of voters.

8 **Discussion:** There are serious efforts underway to eliminate the practice of persons illegally
9 voting in more than one state. Investigative reports have surfaced where this has happened
10 with Florida voters who also live in New York. We have observed Florida voters who are also
11 living in the Western part of North Carolina and are researching to identify any who actually
12 voted in both states for the 2012 November election. The General Assembly should foster any
13 such efforts to eliminate (or discourage) the practice by directing the NC BOE to participate in
14 such efforts.

15 **C) Intra-state data sharing.** The NC Division of Motor Vehicles should exchange unlimited data
16 with the State Board of Elections for the purposes of voter list maintenance. This data should
17 be used by the BOE to eliminate or modify the registrations of any license or ND ID card holders
18 who either a) moved out of state; b) obtained a Lawful Presence license; c) changed their
19 names; or d) changed their address.

20 **Discussion:** It shouldn't take a law, but it does. State law already requires updates to DMV
21 within 30 days after a driver moves and such updates automatically trigger tax office
22 notifications when the person moves across county lines; so election offices should get the
23 same automatic updates whenever registered voters change their address, names, or
24 citizenship status. This law should—in no way—limit the SBOE from undertaking investigations
25 that would be facilitated by use of the DMV's data base, but should augment maintenance by
26 requiring periodic updates.

27 **D) Intra-county data sharing.** Require the sharing of records from each county's Register of
28 Deeds and Clerk of Courts with the county's Board of Elections to aid election officials in their
29 list maintenance efforts on a weekly (or more frequent) basis, with one final crosscheck
30 required 24 hours prior to any Election Day.

31 **Discussion:** Clerks of Courts across the state are frequent nodes of information that have been
32 regularly ignored by Boards of Election in their maintenance of the voter rolls. While the
33 sharing of such data is not prohibited under current state law, it is has rarely been undertaken
34 in a proactive manner. This law would direct the sharing of information related to relevant

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1 transactions such as deed transfers, deaths, declarations of mental incompetence and felony
2 convictions. It would also require the sharing of voluntary information submitted to the courts
3 by people ducking jury duty by claiming to be felons or by people claiming not to be US citizens.
4 A reporting process is already in place for the reporting of felons disqualified due to
5 convictions, but none exist for those who self-report any other status.

6 **E) Clerks of Court document retention.** Clerks of Court should retain for four years the
7 completed copy of a standardized form signed by any person who requests to be disqualified
8 from jury duty for any of the following reasons for their disqualification: 1) I am not a US citizen;
9 2) I am not a resident of this county; 3) I am not a resident of North Carolina; 4) I am a felon; 5)
10 A court has judged me to be mentally incompetent. These forms will include the prospective
11 juror's full name, age and physical address and the information contained on these forms will
12 be available to the public and is not subject to the privacy rights afforded persons eligible for
13 jury duty under NC law.

14 **Discussion:** This is a follow-on issue to the jury-disqualification investigation we conducted in
15 early 2012. the Clerks of Court will need to retain the source document submitted by people
16 ducking jury duty or there is no way to prosecute those who lie to the courts. Further, after the
17 initial success of VIP-NC in identifying several hundred Wake County residents who had claimed
18 to be non-US citizens and had also registered to vote, the Administrative Office of the Courts
19 instructed their county affiliates to deny any further requests from VIP-NC on this issue, citing
20 (2012) SB 133 provisions. This is a misapplication of the law, but we lack resources to take legal
21 actions against their deliberate efforts to deny our access to this public information. The law
22 needs to be amended in the statutes to reduce both voter fraud and unlawful jury duty
23 avoidance.

24 **F) Enforce the data-sharing provisions.** Any state or county department or agency failing to
25 comply with these laws should be subject to civil action under a proposed NC version of the
26 National Voter Registration Act, Sec 9.

27 **Discussion:** This right to civil action is a poison pill included in the 1993 NVRA that forced states
28 to register voters at every imaginable venue (welfare offices, DMV offices, etc) or be subject to
29 civil suit where the losing party would pay the Plaintiff's attorney and litigation fees unless the
30 US government is the losing party. A North Carolina application of this law should be enacted
31 but limited in scope to only certain provisions of the NCGS 163. The requirement for the Boards
32 of Election to maintain the voter rolls is just such a provision that should be enforced with this
33 mechanism as it reflects the intent of NVRA.

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1 **8. No Compensation for Citizen Registrars.** It should be punishable for anyone to receive
2 compensation in exchange for their own (or someone else's) voter registration. No person or
3 party should receive payment for the registering of voters in NC. Both the person registering
4 voters and the organization paying the person should be held liable if found to violate this law
5 and should be subject to jail and fines.

6 **Discussion:** While the 1993 NVRA ended the practice of only government employees being
7 allowed to submit names for voter registration, they didn't address compensation. Removing
8 financial incentives would help reduce the motivation for such registrars to accept illegal (or
9 fictitious) registrations. The law should include credible penalties along with serious per-
10 registration fines against both the organization and any individuals actually soliciting the
11 registrations.

12 **9. Increase Election Transparency.** There should be no less than a five-day public inspection
13 period on the SBOE website after an election is fully canvassed but before the race is certified
14 to allow the public to scrutinize the election for fraudulent actions. In addition to the current
15 capability to search data by whole or partial name, the data should also be searchable by whole
16 or partial address. Upon discovery of an unlawful voter during this inspection period, any
17 registered voter should have the right to challenge the legality of another voter if the
18 challenger can provide credible evidence to support the challenge. Any retrievable ballot may
19 be withheld or revoked during this period if it can be found that the vote belonged to an
20 unlawful voter. Prima facie evidence of such unlawful voting should include sworn affidavits,
21 death certificates and evidence of mail returned undeliverable by the US Post Office. The Board
22 of Election should assist any challenger with data research from their office and from any other
23 state-maintained data bases without hindrance.

24 **Discussion:** Historically, the courts have been very hesitant to overturn an election once it is
25 certified by the Certifying Official in any state. While our organization has been able to find
26 persons who unlawfully voted either by absentee or other Early Voting ballot, but any further
27 research is limited by the impact of certification. With the US Constitution delaying Electoral
28 College votes until mid-December, there appears to be no valid reason for a rushed certification
29 of state elections. Currently, certification coincides with the end of canvassing and often
30 precedes the posting of the voting history on the SBOE website, making moot the idea of any
31 transparency before the race is certified. The address-searchable provision would allow people
32 to confirm that no imaginary persons have been secretly registered at their address or at their
33 neighbors' addresses. If a fictitious person has been registered at a person's address, a sworn
34 affidavit from the person on the lease or deed should serve as adequate proof for the challenge
35 unless the person being challenged testifies against the challenger. The requirement for
36 agencies to facilitate the research is intended to prevent any legal expenses for a challenger

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1 who wishes to know what the DMV or the Register of Deeds has in their files about the voter
2 being challenged. For example, if a voter is receiving an absentee ballot at an out-of-state
3 address by listing an in-state residence, but the voter has never lived at that address, then any
4 evidence from the DMV or Register of Deeds should be accessible before the hearing into the
5 matter without burdensome AOC procedures. (As examples, consider the strange cases of Joan
6 Magazine and James L. Woods).

7 **10. Specified Election Observer Rights.** Except for the protection of personally identifying
8 information that is deemed “confidential” under NC law, observers should not be hindered
9 from movement around the polls immediately before, during and immediately after the hours
10 of the election, and are allowed on the premises during any time in which the ballot boxes are
11 not sealed. Any order by a Chief Judge that limits their movement or expels an observer from
12 the polls must be justified, issued and signed by that Judge and witnessed and signed by at least
13 one other Precinct Judge. Any Judge proven to have expelled or limited an observer from the
14 Precinct without cause should be fined on their first offense not less than the full day’s wages
15 for performing their election duties and should be permanently barred from their position upon
16 second offense. The appellate process would match that of election protests.

17 **Discussion:** The intent is to change the abusive power relationship between observers and
18 Judges. We received numerous reports of Judges violating the intent of current NCGS 163 laws
19 on observer freedom to move around the Precinct but had no way of resolving such matters in
20 a timely manner. While the law prohibits observers from seeing an NCDL # or a voter’s DOB,
21 some Judges have taken abusive liberty to prevent observers from seeing any meaningful
22 activities at their precincts. One observer was (literally) ordered to stand in a certain corner that
23 prevented him from seeing anything at the polls! Another case involved the observer being
24 pressured to leave the precinct after the polls were closed but before the ballot boxes were
25 sealed.

26 **11. Abolish Early Voting.** Voters may still vote prior to the election by no-excuse absentee
27 ballot either by mail or in-person at their county’s Board of Election office, but counties should
28 not be authorized to operate satellite “Early Voting” locations beyond the County BOE offices.

29 **Discussion:** While not specifically required either by NVRA or HAVA, several states have
30 instituted it. The intent of Early Voting (EV) was met in other states through the use of “no-
31 excuse” absentee balloting. North Carolina has both no-excuse absentee voting and EV already
32 in place. The expense of EV is burdensome to the counties (running into six figures in several
33 counties) and there is no evidence of increased voter participation. County Commissions
34 seeking to limit this cost were overruled by State BOE, even though they had questionable
35 authority to mandate such expenses. The convenience EV provides to the voter is also

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1 applicable with no-excuse absentee voting and this fact makes one of these programs
2 redundant. Considering the enormous cost of EV, we believe it should be eliminated.

3 The susceptibility to fraudulent activity during Early Voting should also be considered in any
4 discussion. The judging from frequent excuses listed on provisional ballots, the anonymity given
5 to voters at most Early Voting locations appears to have motivated thousands of voters across
6 the state to vote in someone else's name. The problem is mitigated by the "real" voter being
7 allowed to use a provisional ballot; but there is no way to detect this type of election fraud if
8 the "real" voter doesn't bother to vote during that election. The added burden of extending
9 Early Voting into the weekend prior to Election Day has also served to overwhelm election
10 officials with tasks that prevents their last-minute actions mandated by law. While there are
11 penalties against voting twice, this type of crime is very difficult to prosecute as it requires
12 picture-perfect memory of election workers during a last-minute rush (usually Saturday before
13 Election Day) when no photography or photo ID has been allowed.

14 **12. Clarify Election Law on voting by Court-directed "Mentally Incompetent."** State law needs
15 amending to prevent persons legally ruled to be "mentally incompetent" from voting unless the
16 right is expressly granted in the same or subsequent court orders. Any such registered voters
17 should be removed from the voter rolls no sooner than the initiation of absentee or Early
18 Voting for the 2016 general election. Care providers and their facility's licensed owners who
19 assist or otherwise enable any voting by persons legally declared mentally incompetent should
20 be liable under the civil proceedings outlined in 1993 NVRA, Section 9.

21 **Discussion:** Court-directed "Mentally Incompetent" (MI) are being exploited for their votes by
22 people in a "power relationship" with their wards. While § 122C-58 grants civil rights of care
23 facility occupants, the courts have rendered the law meaningless by defaulting to "all rights
24 granted" unless specified otherwise. If the law would change that default position in the area of
25 voting, the abuse of such persons for their votes would be reduced to a trickle. Other states use
26 a "mentally incompetent" check block, (along the same lines as the citizenship and felon
27 questions already allowed) as a means of minimizing the exploitation of this class of needy
28 citizens, but a phase-in period would allow interested (MI) voters the opportunity to obtain a
29 judicial order that allows them to vote. The civil liability provision will motivate licensed
30 operators to care about any employees engaging in partisan activism at their workplaces.

31 **13. Stronger Guidance on Voter Assistance.** Only a legal guardian or close relative (as defined
32 in § 163-230.1 f) should be allowed to witness absentee ballots or to assist a voter at the polls
33 on or prior to the election. Individuals assisting voters should provide identification and a
34 statement of "near relative" status. Individuals "assisting" voters would provide the same type
35 of photo identification required of voters. As applicable, the person's legal Guardian may

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1 identify another designated witness by creating a sworn power-of-attorney statement
2 authorizing a named witness, but the witness may not be a care giver for the voter.

3 **Discussion:** We received numerous reports of people incapable of communicating any
4 knowledge of the day of the week or even the name of the planet on which they live, but they
5 were dragged to the polls and were exploited for their votes. In one case, the parent
6 complained and was made to feel so uncomfortable by the facility operators that he had to
7 remove his daughter from the facility. As long as the mentally incompetent are allowed to vote,
8 they become exploitable by those wishing to take advantage of their diminished capacity. The
9 effect of this is the same as allowing elementary school students to vote and then paying their
10 teachers to bring them to the polls. It violates the rights of these most vulnerable of citizens
11 and is despicable.

12 **14. Reassess utility and accuracy of touch screen voting machines.** This law would authorize
13 photographic documentation in voting enclosure for research purposes if voter's identity is not
14 revealed and the voter authorizes the photographic research to an election official at the polls.
15 If the accuracy of any machine is found to be significant below a 99 percent confidence interval,
16 the machines should be decertified for use in the election. Any machine failing a second test
17 should be destroyed. Any subsequent tabulation machine specifications should only contain
18 open-source coding and may not contain any "proprietary coding" in the machine programming
19 language.

20 **Discussion:** Voter confidence in the touch-screen voting machines is at an all-time low and
21 needs to be researched. The standard refrain from across the state to repeated accounts of the
22 machine changing a voters vote from A to B has been to blame the voter. When a research
23 protocol was developed and presented in two counties, Board members claimed it would
24 require approval of the SBOE. This research needs to be directed by the NCGA or it will not
25 happen and voter confidence in the electoral process will continue to erode. The open-source
26 coding provision would allow innovation with less secrecy and would mitigate claims of "black
27 box voting" that are disenfranchising voters with a meme that the elections are being rigged by
28 tabulation machine programmers.

29 **15. Civil enforcement and private right of action.** A NC application of Title 42 Sub I-H, Sec.
30 1973gg-9 should be authorized in specified sections of NCGS § 163. Governmental units found
31 not to be in compliance with certain specified sections of election law should be subject to
32 financial penalties for non-compliance and may be ordered to pay the legal expenses of
33 Plaintiffs.

34 **Discussion:** This law mirrors these Sec 9 "loser pays" liability provisions of the 1993 NVRA by
35 giving authority to private citizens to enforce certain aspects of election law. Title 42 Sub I-H,

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1 Sec. 1973gg-9 says, “the Attorney General may bring a civil action in an appropriate district
2 court & articulates specific private actions: In a civil action under this section, the court may
3 allow the prevailing party (other than the United States) reasonable attorney fees, including
4 litigation expenses, and costs.” Rather than grant a blanket provision for the entire statute, the
5 application of this right to sue on behalf of minority should be limited to the more significant
6 portions of NCGS § 163 to prevent frivolous lawsuits.

7 **16. Increase Penalties for election fraud.** Currently, § 163-82.19 says, “Any person who willfully
8 and knowingly and with fraudulent intent gives false information on the application is guilty of a
9 Class I felony.” This low priority has motivated many Prosecutors to ignore election fraud in
10 their offices, so the penalties should be elevated to a higher level.

11 **Discussion:** Election fraud in North Carolina is a Class I (below H and above J) felony, very low in
12 judicial priority.

13 **17. Military Voting should be protected.** Violation of the federally mandated deadline for
14 county election boards to mail ballots to their military voters should be punishable under NCGS
15 and under the provisions of civil enforcement and private right of action and said deadline
16 should not be waived for any NC election without an order by Wake County Superior Court. An
17 affected military member’s immediate relative should have legal standing.

18 **Discussion:** States routinely miss their deadline for sending out ballots to military members and
19 the federal government has been shown in media accounts to be routinely granting waivers for
20 their inaction. NC law should reflect the federal deadline but assign penalties to the County
21 Board of Elections and their Director for non-compliance.