

Defend Democracy Project

NEW REPORT

The Three Greatest Threats to Democracy in North Carolina

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Democracy in North Carolina is under attack by Donald Trump and his allies. This report describes the most dangerous of many ongoing efforts. We surveyed grassroots organizers, legal analysts, and academic experts to identify the key risks.

Our analysis found three primary threats that are intertwined, working at every level of the electoral process, starting with state and local election administration. They are targeting local election officials, and state legislators are refusing to protect poll workers from the growing threat of violence and harassment. Second, these ideologues are pushing radical legal theories that would allow the state legislature to unilaterally set election rules and overturn presidential electors. Finally, they are pushing a slate of bills, lawsuits, and initiatives predicated on baseless election conspiracy theories, aiming to constrict ballot access.

These threats are designed to overturn the will of American voters, and take away our most basic right to choose their own leaders. Trump and MAGA Republicans in North Carolina are actively working to disrupt election administration, obstruct certification, and suppress votes in order to consolidate power over elections for decades to come.

State Officials Threatening North Carolina's Election Administrators

North Carolina Legislators Have Refused to Protect Poll Workers. Election officials in North Carolina are [facing an onslaught](#) of threats, intimidation, and acts of aggression from their MAGA constituents, many of whom have peddled “disproven election conspiracies.” Local election offices are [taking matters into their own hands](#), starting public outreach campaigns (“Mythbuster Mondays”) to provide accurate information about how elections are run and how ballots are cast and counted. As the first state to send out absentee ballots for the November election, North Carolina’s poll workers are [dealing with threats to their safety](#) while election offices are flooded with frivolous and conspiratorial [public records requests](#) from election deniers. The State Board of Elections’ executive director revealed that local election officials have even [installed panic buttons and bulletproof glass](#) in their offices in response to public hostility. In spite of these threats, lawmakers have refused to take action to protect election administrators in the state. In June 2022, a group of state legislators introduced [SB 916](#), which would have [protected election officials](#) from threats, harassment, and intimidation, while banning third-party post-election audits. The North Carolina legislature [refused to consider the bill](#), which remains stalled in committee even as the state Senate [reconvenes monthly](#) to reconsider election bills.

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Trump Allies Are Protecting Partisan Observers Targeting Election

Administrators. Former Trump lawyer Cleta Mitchell, who was heavily involved in the plot to overturn the 2020 election results, is leading an effort across North Carolina to recruit poll workers and observers from a [network of grass-root groups](#) that reportedly “promote misinformation and espouse wild theories about the 2020 election.” In light of harassment by partisan observers against poll workers during the 2020 election, the North Carolina State Board of Elections [adopted new rules](#) with heightened security precautions for poll workers ([officially denominated](#) as Proposed Temporary Rule [08 NCAC 10B.0101](#) and [08 NCAC 20.0101](#)). After the temporary changes were sent to the state Rules Review Commission for final approval, however, Mitchell successfully [convinced](#) the commission to [block the proposed safety poll worker protections](#) and allow partisan polling observers to visit secure voting precincts without any additional oversight or regulation.

Lawsuits Threatening North Carolina’s Electoral Certification Process

State Lawmakers Are Presenting a Far-Right Legal Theory In the Supreme Court That Could Allow State Legislatures To Overturn Election Results. This fall, the U.S. Supreme Court has agreed to hear a gerrymandering case pushed by the North Carolina state legislature that could allow state legislatures to enact unfettered voter suppression laws, draw egregious racial and partisan gerrymanders, and overturn presidential election results even when they lose.

- **North Carolina Elected Officials Intend To Continue Gerrymandering Districts to Seize Power Without Majorities.** North Carolina state legislators have a long history of gerrymandering legislative districts to suppress the will of voters. In 1991, the state’s redistricting map [failed to pass scrutiny from the Department of Justice](#) for diluting Black voting power. Legislators attempted to minimize ballot access in the new map, and were [forced to re-draw](#) the maps once again in 1997. In 2010, the legislature drew such an egregious gerrymander (“with [surgical precision](#),” in the words of a state judge) that [three different maps](#) were used for just five election cycles. Last year, the North Carolina legislature adopted a [new set of gerrymandered districts](#) that failed to pass judicial review. This time, however, after an unfavorable state-level Supreme Court decision in [Moore v. Harper](#), North Carolina lawmakers appealed to the conservative-supermajority U.S. Supreme Court, which has [agreed to hear the case](#) this fall.
- **North Carolina Plaintiffs Are Advocating the Radical Independent State Legislative Doctrine.** In [Moore v. Harper](#), MAGA arguments are predicated on the extremist “[independent state legislature](#)” (ISL) doctrine, a radical legal theory [opposed by](#) all 50 states’ Supreme Court chief justices that would render state legislatures

Defend Democracy Project

unaccountable to judicial oversight and, ultimately, the popular vote. Trump lawyer John Eastman [has filed an amicus brief](#) supporting the North Carolina legislators' ISL doctrine, while 13 state attorneys general from Alabama, Arizona, Arkansas, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Oklahoma, South Carolina, Texas, and Utah have [filed a separate brief](#) backing the MAGA legal theory as well.

- **A Favorable SCOTUS Ruling Will Allow the North Carolina State Legislature to Ignore the Popular Vote.** Though the litigation is focused on shielding radical state legislatures from constitutional clauses like the Voting Rights Act, the ruling will also [decide how every state selects presidential electors](#). A MAGA ISL victory for North Carolina plaintiffs would empower so-called independent legislatures to unilaterally reject legitimate election results and send “alternative” elector slates to the electoral college (per the [original](#) 12th amendment) against the will of voters. In turn, a North Carolina ISL would be free to gerrymander legislative and federal districts, directly-administer state and federal elections, and overturn free and fair election outcomes at-will – [undermining democracy](#) without any judicial or executive oversight.

Voter Suppression Efforts Targeting Ballot Access

Since 2020, North Carolina Lawmakers Have Escalated Attacks On Ballot Access.

Since 2020, state lawmakers have [reportedly](#) made a number of attempts to “[change the rules](#) of mail-in voting, scrub supposedly fraudulent voters from the state’s [voter rolls](#) and seize [voting machines](#).” In the legislature, five bills have been [introduced](#) this year that would “increase the risk of election subversion,” according to legal experts. In June 2022, MAGA loyalists requested that [the State Board of Elections adopt a rule](#), “requiring county election boards to conduct signature checks on the thousands of requests they received for absentee ballots.” North Carolina [already employs](#) “among the nation’s toughest rules” by requiring a notary’s signature or two witnesses for all mail-in ballots. At the federal level, ten of North Carolina’s fifteen members of Congress [voted against](#) legislation to protect voting rights. Three Trump-[aligned](#) lawmakers from North Carolina have also actively worked to roll back voting rights at the federal level. Rep. David Rouzer (NC-7) has [cosponsored legislation](#) to ban automatic mail-in ballots and automatic voter registration, requiring Social Security Numbers to register to vote. Rep. Gregory Murphy (NC-3) [claims](#) that opposition to voter ID restrictions intended to “legitimize voter fraud.” Rep. Virginia Foxx (NC-5) has [continued to allege](#) ‘fraud’ conspiracies about “irregularities and allegations of voter fraud” that are “of grave concern.”

MAGA Plaintiffs Are Defending Discriminatory Voting Laws In Court. In *Holmes v. Moore*, state lawmakers [are opposing](#) a pending state Supreme Court [review](#) of the North Carolina legislature’s [court-suspended](#) voter ID restrictions, passed as a constitutional amendment in December 2018. The amendment was [first blocked](#) less than a year after its passage, then [struck down for racial discrimination](#) in 2021 when a North Carolina Superior

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Court panel ruled that the law “was motivated at least in part by an unconstitutional intent to target African American voters.” In August 2022, the state Supreme Court [ruled](#) in *North Carolina NAACP v. Moore and Berger* that the North Carolina state legislature [lacked the authority](#) to represent the people when it passed the constitutional amendment including [restrictive voter ID laws](#). Furthermore, the court ruled that the legislature was convened under unconstitutionally [racially-gerrymandered districts](#) when it passed the constitutional amendment in the first place, and remanded the final decision to a [lower court](#). As with gerrymandering, the North Carolina legislature has a [long history of limiting ballot access through targeted voter ID restrictions](#) – the state’s 2013 voter ID mandate was [struck down](#) by a federal appeals court in 2016 after the court ruled that the law attempted to discourage voting by Black voters with “almost surgical precision.”

North Carolina Businesses Have Bankrolled Anti-Democratic Legislation.

Throughout the past year, North Carolina’s three largest corporations have continued to support anti-democratic principles. Lowe’s, based in Mooresville, has donated at least \$145,000 to members of Congress who [opposed an expansion of federal voting rights](#) this year. The Charlotte-based Bank of America has donated thousands to state officials who [voted for legislation erecting barriers to ballot access](#) this cycle. Nucor, also based in Charlotte, has donated at least \$496,800 to both state and federal lawmakers who [opposed voting rights or voted for ballot restrictions](#) this year.

Election Deniers Are Trying To Roll Back Voting Rights For 56,000

Formerly-Incarcerated North Carolinians. Since 2019, North Carolina legislators have [fought for](#) a [racially-discriminatory](#) 1973 state law that created undue barriers to voting for formerly incarcerated citizens from voting – in [violation of the State Constitution](#), which holds that North Carolinians with felony convictions can only re-gain the right to vote after “...that person shall be first restored to the rights of citizenship in the manner prescribed by law.” In April 2022, after [years of legal back-and-forth](#), the North Carolina Court of Appeals [ruled](#) in *Community Success Initiative (CSI) v. Moore* that formerly incarcerated voters could not be unconstitutionally disenfranchised after leaving prison or jail. The ruling granted the right to vote to more than 56,000 individuals and marked [the largest expansion of voting rights in the state](#) in 50 years. Instead of celebrating the ruling, North Carolina legislators [argued](#) that the ruling “misread legislative history” about the 1973 law barring felons from voting, and are [appealing to the state Supreme Court](#), aiming to [disenfranchise thousands of unincarcerated North Carolinians](#) with felony convictions once again ahead of the November election.