

**PROVISIONAL RIGHTS AND PROVISIONAL BALLOTS IN A
SWING STATE: UNDERSTANDING HOW AND WHY NORTH
CAROLINA COLLEGE STUDENTS LOSE THEIR RIGHT TO
VOTE, 2008-PRESENT**

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INTRODUCTION

For millions of voters across America, Election Day serves as a celebration of the constitutionally protected right to vote, enshrined under the U.S. Constitution and its Fifteenth, Nineteenth, and Twenty-Sixth Amendments.¹ But for students at North Carolina Central

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University (“NCCU”), the 2016 election was a nightmare. At NCCU’s on-campus precinct, hundreds of students waited in line for hours to vote because poll workers were dividing their time between assisting voters and filing provisional ballots.² NCCU students were key members of a youth cohort more than 300 strong in Durham County in 2016 who cast provisional ballots on election day only to have them discarded.³ The

for their rigorous editing and patience in working with seven co-authors; and Lauren Howell and Nick Mendoza, whose recording of the students’ presentation is available at *Student Voting Rights in a Pandemic: Provisional Ballots, Provisional Rights*, YOUTUBE (Oct. 12, 2022), <https://youtu.be/Yxd9GRhgbMs>.

1. The Fifteenth, Nineteenth, and Twenty-Sixth Amendments, commonly referred to as the voting rights amendments, expanded voting rights throughout the nineteenth and twentieth centuries. Together, they guarantee that voting rights cannot be abridged on the account of race, sex, or age, respectively. See *Voting and Election Laws*, USA.GOV (May 24, 2022), <https://www.usa.gov/voting-laws> (providing description of these amendments in section titled “Constitutional Amendments Affecting Voting Rights”).

2. See Michael Wines et al., *Voters Find Long Lines and a Range of Irritants, But No Outright Disruption*, N.Y. TIMES (Nov. 8, 2020), <https://www.nytimes.com/2016/11/09/us/politics/voter-fraud.html>.

3. We have defined young voters to include voters between the ages of eighteen and twenty-five. To conduct the data analysis, we reached out to the Elections Data Analyst at the North Carolina State Board of Elections through a public record request to acquire the provisional balloting data from the general elections in 2008, 2012, 2016, 2018, and 2020 with age included as a variable. This step was necessary because the publicly available provisional data did not have an age variable associated with each voter, and there were not enough common identifiable variables to join the publicly available provisional data with public voter registration records. We then filtered the overall datasets to create two specific datasets for each election, one consisting of provisional voters between the ages of eighteen and twenty-five and one for just voters over the age of twenty-five. We used this data to determine the raw number of provisional voters by age group, the status of the provisional ballots that were cast in each election, the percent of provisional ballots that were rejected, reasons why a voter cast a provisional ballot, reasons a voter’s ballot was rejected, and equivalent data at the county and precinct levels. We then joined the provisional ballot data with publicly available datasets from the State Board of Elections to determine the total number of ballots (in-person, absentee, provisional) cast by each age group in North Carolina among the five elections to calculate rates of provisional voting. The datasets added in this step come from *Voter History Data, Voter History Stats Files by Election Date*, N.C. STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/results-data/voter-history-data> (last visited Aug. 13, 2022) [hereinafter *Voter History Data*]. It should be noted that we removed absentee and vote-by-mail ballots while calculating provisional balloting rates. A future researcher will be able to find a plethora of publicly available data on the North Carolina State Board of Elections website and, if additional variables are needed, can submit a public records request through the portal. We are very appreciative of the level of publicly available election data from the North Carolina State Board of Elections and are grateful for the support from Caroline Myrick, Elections Data Analyst at the State Board. See *Absentee and Provisional Data*, N.C. STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/results-data/absentee-and-provisional-data> (last visited Aug. 13, 2022); *Public Records*, DURHAM CNTY. BD. OF ELECTIONS, <https://www.dcovotes.com/public-information> (last visited Aug. 13, 2022). We also requested the files of all provisional balloting with age data included from the State Board of Elections. The titles of the datasets

NCCU election day precinct was a particularly bad spot for such disfranchisement, with fully three quarters of all provisional ballots cast there rejected, much higher than the already high statewide rejection rate of 60% in 2016.⁴ Although long lines did not develop at NCCU on election day in 2020, provisional ballot rejection rates for young voters have continued to increase there as well as across Durham County and the state of North Carolina.⁵ In 2020, nearly every provisional ballot cast by young voters at NCCU's precinct on election day was rejected.⁶ Rather than serving as a failsafe that protects the voting rights of young citizens, provisional ballots seem to be hindering young citizens' constitutionally protected rights to vote.

Finding explanations for these trends is challenging, particularly when one considers Durham County's historical commitment to expanding the voting rights of its citizenry. The city's history is rich with stories of young civil rights leaders fighting for both the right to vote and the sanctity of open elections. In 1957, three years before the famous student-led protests erupted at Woolworth's lunch counter in Greensboro, young Black Durhamites worked alongside civil rights leader Reverend Douglas Moore to organize sit-in protests at segregated Durham lunch counters.⁷ Generations of Black community organizers have shaped Durham—from Black Wall Street to the creation of NCCU.⁸ Founded by Dr. James E. Shepard in 1910, NCCU was the first publicly

we received from the State Board are “provisional_20081104_eoy_age.txt,” “provisional_20121106_eoy_age.txt,” “provisional_20161108_eoy_age.txt,” “provisional_20181106_eoy_age.txt,” and “provisional_20201103_eoy_age.txt.” Files included county and precinct data, as well as the reasons provisional ballots were accepted, partially counted, or rejected. NCCU's Election Day precinct is number 55-49 in Durham County and comprises the oldest historical part of the campus. But not all students who attend NCCU or who live in its dormitories reside within precinct 55-49.

4. See *supra* note 3; *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020; *infra* Appendix, Figure 2. Youth Provisional Ballots Cast at NCCU, Precinct 55-49, 2008-2020.

5. See *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

6. See *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020; Figure 2: Number of Youth Provisional Ballots Cast on Election Day at NCCU, Precinct 55-49.

7. The history of civil rights struggle in Durham, including the less well-known sit-in protest at the Royal Ice Cream store in 1957, has been beautifully told and analyzed by Christina Greene. See CHRISTINA GREENE, OUR SEPARATE WAYS: WOMEN AND THE BLACK FREEDOM MOVEMENT IN DURHAM, NORTH CAROLINA 28–29, 66–69 (2005); see also LESLIE BROWN, UPBUILDING BLACK DURHAM: GENDER, CLASS, AND BLACK COMMUNITY DEVELOPMENT IN THE JIM CROW SOUTH 309, 313 (2008).

8. BROWN, *supra* note 7, at 14, 114–15, 145 (discussing “Black Wall Street”); see also *id.* at 35, 122 (discussing NCCU).

funded and supported college open to Black students in North Carolina.⁹ Black leadership in Durham has helped make the county the most progressive in the state.¹⁰ Durham's civil rights history and the contemporary disenfranchisement of young Black voters at NCCU pose a perplexing narrative challenge about the political impact and efficacy of provisional balloting.

In this article, we analyze election data and conduct interviews with students who cast provisional ballots to investigate a pressing ethical question: do provisional ballots enhance or hinder the constitutional voting rights granted to students under the Twenty-Sixth Amendment?¹¹ This question cannot be answered without considering the history of racial voter suppression in North Carolina, as well as the specific contexts in which young people of all races have attempted to exercise their right to vote over the past several elections.¹² We define systemic racism in voting as the policies and practices that suppress the ability of citizens of color to register and to vote whether or not intentional bias against them is present. We also consider whether age-related discriminations have handicapped young citizens as a vulnerable class of voters. Students at NCCU and elsewhere face persistent barriers to their right to vote because of specific challenges generated by systemic racism, their age and status as transient first time voters, and the interaction between the two.

We begin by examining the track record of provisional balloting for all citizens in North Carolina and in Durham County between 2008 and

9. *Our Heritage*, N.C. CENT. UNIV., <https://www.nccu.edu/we-are-nc-central/our-heritage> (last visited Aug. 13, 2022). On James Shepherd's life and work in the context of segregation, see GLENDA ELIZABETH GILMORE, *GENDER AND JIM CROW: WOMEN AND THE POLITICS OF WHITE SUPREMACY IN NORTH CAROLINA, 1896-1920* 139-40 (2d ed. 2019).

10. Since 2000, Durham County has posted the highest Democratic turnout in a presidential election of any of the state's 100 counties. See Gunther Peck, *Learning the Right Lessons: How the Dems Lost North Carolina*, MEDIUM (Feb. 3, 2017), <https://medium.com/dukeuniversity/learning-the-right-lessons-how-the-dems-lost-north-carolina-90522ac5cd2d>.

11. For a comprehensive overview of ongoing legal barriers to student voting, see Yael Bromberg, *Youth Voting Rights and the Unfulfilled Promise of the Twenty-Sixth Amendment*, 21 U. PA. J. CONST. L. 1105, 1138-50 (2019). The Twenty-Sixth Amendment, ratified in 1971, asserts that "[t]he right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age." U.S. CONST. amend. XXVI, § 1. Despite this amendment's guarantee, young voters have faced numerous acute problems in exercising the right to vote since the inception of the amendment.

12. On the history of provisional ballots as one part of voter suppression in the United States, see CAROL ANDERSON, *ONE PERSON, NO VOTE: HOW VOTER SUPPRESSION IS DESTROYING OUR DEMOCRACY* 56-58, 83, 145 (2018); TOVA ANDREA WANG, *THE POLITICS OF VOTER SUPPRESSION: DEFENDING AND EXPANDING AMERICANS' RIGHT TO VOTE* 153-55 (2012).

2020, exploring who cast them, how many ballots were rejected, and how those rates have changed over time. Using election data at the county and state levels,¹³ we document the disenfranchisement of young citizens of all races and class backgrounds through provisional voting across North Carolina. We demonstrate that youth voters of color have been more likely than their white counterparts to cast provisional ballots in both North Carolina and in Durham County. We argue that disenfranchisement through provisional balloting in Durham County, with its disproportionate impact on Black youth, has not occurred because of a deliberate effort against Black or young voters but rather because of voter registration and election administration policies that consistently hurt transient college students. We must consider both age discrimination and structural racism if we are to make sense of the disenfranchisement harming young people across North Carolina.

Those flaws in voter registration and election administration have exacerbated the disadvantages that college students confront when exercising their constitutionally protected right to vote. Some examples of election administration errors include mixed messaging over the correct addresses young people should use to register; inconsistent standards for poll workers to inform young citizens of their options after casting a provisional ballot; and ambiguous information from university officials about where, when, and how college students should vote. Our analysis illuminates many of the unexpected consequences of current election law and administrative procedures. In the final section of our analysis, we assess what election officials and university administrators might do to realize and protect the voting rights enshrined in the Twenty-Sixth Amendment.

I. HISTORY OF PROVISIONAL BALLOTING IN NORTH CAROLINA

Provisional ballots were first mandated nationwide by Section 21082 of the Help America Vote Act of 2002 (“HAVA”).¹⁴ Though North Carolina

13. See *supra* note 3; *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020; *infra* Appendix, Figure 2. Youth Provisional Ballots Cast at NCCU, Precinct 55-49, 2008-2020.

14. Six states were originally exempt from the National Voter Registration Act (“NVRA”), passed in 1993, which formed the basis for implementing HAVA. *The National Voter Registration Act of 1993 (NVRA)*, U.S. DEPT OF JUST. (Mar. 11, 2020), <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

That exemption meant that Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin, and Wyoming did not have to comply with HAVA’s provisional balloting requirements because of pre-existing processes to correct ballots, including same-day voter registration (“SDVR”) or automatic voter registration (“AVR”). See 52 U.S.C. § 20503(b); 42 U.S.C. § 15482(a). Despite this exemption, many of these states have implemented provisional

law offered provisional ballots in specific cases prior to 2002, HAVA expanded the scope of provisional balloting across the state.¹⁵ North Carolina has continued to widen its application of provisional ballots since 2002, with several general statutes addressing the distribution and counting of provisional ballots.¹⁶ Despite the application of provisional ballots statewide since the turn of the century, provisional ballots are still only intended to be used as a last resort.¹⁷ The rate at which provisional ballots are cast and the rate at which they are rejected are often seen as a measure of a state's election performance.¹⁸ As noted by The Pew Center on the States, "provisional ballots provide a partial, but imperfect solution to underlying problems in our election system."¹⁹

balloting because of its usefulness in election administration; today, only Idaho, Minnesota, and New Hampshire do not issue provisional ballots. See *Provisional Ballots*, NAT'L CONF. OF STATE LEGISLATURES (Jan. 10, 2022), <https://www.ncsl.org/research/elections-and-campaigns/provisional-ballots.aspx>. On the relationship between HAVA and NVRA, see Help America Vote Act of 2002, § 302, 42 U.S.C. § 15482 (exempting states outlined in the NVRA, 52 U.S.C. § 20503(b)). On connections between the NVRA and HAVA, see David Kimball, Martha Kropf & Lindsay Battles, *Helping America Vote? Election Administration, Partisanship, and Provisional Voting in the 2004 Election*, 5 ELECTION L.J. 447, 450–51 (2006).

15. Prior to HAVA, North Carolina was one of seventeen states to offer some form of provisional balloting when a voter's registration could not be verified at the polls, requiring the voter to sign an affidavit with an account of the situation along with their provisional ballot; if the voter's registration could be verified, the vote would later be counted. See CONST. PROJECT, ELECTION REFORM BRIEFING: THE PROVISIONAL VOTING CHALLENGE 3–5 (n.d.), https://electionline.org/wp-content/uploads/2018/09/Provisional_Voting.pdf.

16. N.C. GEN. STAT. § 163-166.11 (2021) was introduced in 2014 and lays out the statutory laws surrounding provisional ballots in North Carolina. The statute explains that a poll worker must notify the individual they are casting a provisional ballot, and at the time the voter casts a provisional ballot, poll workers

shall provide the individual written information stating that anyone casting a provisional official ballot can ascertain whether and to what extent the ballot was counted and, if the ballot was not counted in whole or in part, the reason it was not counted. The State Board of Elections or the county board of elections shall establish a system for so informing a provisional voter. It shall make the system available to every provisional voter without charge, and it shall build into it reasonable procedures to protect the security, confidentiality, and integrity of the voter's personal information and vote.

Id. § 163-166.11(4).

17. See *Provisional Ballots*, *supra* note 14.

18. See THE PEW CTR. ON THE STATES, PROVISIONAL BALLOTS: AN IMPERFECT SOLUTION 2 (2009).

19. *Id.* at 5. For an overview of the efficacy of the election process in North Carolina, see Thessalia Merivaki & Daniel A. Smith, *A Failsafe for Voters? Cast and Rejected Provisional Ballots in North Carolina*, 73 POL. RSCH. Q. 65, 65–78 (2020).

II. ANALYZING NORTH CAROLINA ELECTION DATA

Young people across North Carolina have historically cast provisional ballots at higher rates than the rest of the voting population, confirming a trend that is well established in scholarly literature.²⁰ In 2020, 2.129% of all youth who attempted to vote in person received a provisional ballot, compared to 0.740% of all adults.²¹ Amid a global pandemic, 10,577 young voters cast a provisional ballot in North Carolina either on Election Day or during the early voting period that began on October 31, 2020.²² Of more than ten thousand ballots cast by young voters, county election officials only accepted 2,154 ballots.²³ For every provisional ballot accepted in 2020, 3.6 young people had their provisional votes rejected.²⁴

The data from the 2020 election presents two salient trends. First, the percentage of young voters that cast provisional ballots declined slightly from 2016.²⁵ However, the rejection rate for young people's provisional ballots increased from roughly 66% in 2016 to 73% in 2020 statewide, despite the new opportunity all voters had to cure their provisional ballots during the early voting window by providing proof of residency or other necessary registration identification.²⁶ The scale of the

20. See, e.g., Bromberg, *supra* note 11, at 1145–46 (demonstrating that youth voters cast far more provisional ballots than older generations); DARON SHAW & VINCENT HUTCHINGS, REPORT ON PROVISIONAL BALLOTS AND AMERICAN ELECTIONS 7 (2013), https://web.mit.edu/supportthevoter/www/files/2013/08/Provisional-Ballots-Shaw-and-Hutchings.docx_.pdf (demonstrating that age is a more important factor than race/ethnicity in likelihood to vote provisionally).

21. See *supra* note 3; *infra* Appendix, Table 3. Rates for Casting and Counting Provisional Ballots by Age Group, North Carolina and Durham County, 2008-2020.

22. See *supra* note 3; *infra* Appendix, Table 3. Rates for Casting and Counting Provisional Ballots by Age Group, North Carolina and Durham County, 2008-2020.

23. See *supra* note 3; *infra* Appendix, Table 3. Rates for Casting and Counting Provisional Ballots by Age Group, North Carolina and Durham County, 2008-2020.

24. See *supra* note 3; *infra* Appendix, Table 3. Rates for Casting and Counting Provisional Ballots by Age Group, North Carolina and Durham County, 2008-2020. Precise tabulations about youth provisional balloting rates are not as common as survey data in the scholarly literature; this imprecision can distort the actual voting behavior of young citizens, many of whom do not know their ballots were provisional or whether they were counted. See SHAW & HUTCHINGS, *supra* note 20, at 8.

25. In 2016, 3.766% of all young voters in North Carolina who attempted to vote in person voted provisionally. In 2020, the rate was 2.129%. See *supra* note 3. The titles of the datasets we received from the North Carolina State Board of Elections are “provisional_20081104_eoy_age.txt,” “provisional_20121106_eoy_age.txt,” “provisional_20161108_eoy_age.txt,” “provisional_20181106_eoy_age.txt,” and “provisional_20201103_eoy_age.txt.”

26. See *supra* note 3. The title of the dataset we received from the North Carolina State Board of Elections is “provisional_20201103_eoy_age.txt,” and we calculated the rejection rate by counting the total number of rejected provisional ballots out of the total number of

problem and the alarming rejection rate of legally cast ballots suggest a need to better understand why so many provisional ballots were distributed to young voters and then subsequently rejected and why the rates of rejection have been increasing across North Carolina and within Durham County since 2008.²⁷

To get a clear picture of rejection rates, we considered the criteria used by county board of election officials to determine voter eligibility and whether a provisional ballot is accepted, rejected, or partially counted.²⁸ In North Carolina, provisional ballots were most commonly rejected in 2020 because the voter's registration was not on file.²⁹ In 2016, 80% of the 339 rejected provisional ballots cast by young voters in Durham County were thrown out because the voter had no apparent record of voter registration.³⁰ The COVID-19 pandemic exacerbated the existing problems with the voter registration process.³¹ The percentage of youth provisional ballots thrown out in Durham County in 2020 because there was no record of the voter's registration rose to 88%, 301 of the 341 rejected provisional ballots.³² The barriers young voters face

provisional ballots cast for particular age groups. To cure their ballots, voters provide additional information to be considered alongside their provisional ballot and use their Provisional Identification Number to check the status of their provisional ballot on an online portal or via telephone. *Provisional Voting*, N.C. STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/voting/provisional-voting> (last visited Aug. 13, 2022). According to State Board of Election guidelines, the election official is supposed to inform the voter if there are any follow-up steps the voter can take to make sure their ballot counts. For the provisional ballot procedure in North Carolina, see *id.*

27. See *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

28. See *supra* note 3; *infra* Appendix, Table 3. Rates for Casting and Counting Provisional Ballots by Age Group, North Carolina and Durham County, 2008-2020.

29. See *supra* note 3; *infra* Appendix, Table 2. Reasons for Rejecting Youth Provisional Ballots, Durham County and North Carolina, 2020. The title of the dataset we received from the North Carolina State Board of Elections is "provisional_20201103_eoy_age.txt."

30. See also *infra* Appendix, Table 2. Reasons for Rejecting Youth Provisional Ballots, Durham County and North Carolina, 2020.

31. Pam Fessler, *Pandemic Puts a Crimp On Voter Registration, Potentially Altering Electorate*, NPR (May 26, 2020, 5:01 AM), <https://www.npr.org/2020/05/26/860458708/pandemic-puts-a-crimp-on-voter-registration-potentially-altering-electorate>. Some of our interviewees expressed the difficulties they faced to secure housing and leasing during the pandemic, leading to the inability to provide proof of residency in North Carolina and complete their voter registration process. See *infra* Part IV.

32. See *supra* note 3. The title of the dataset we received from the North Carolina State Board of Elections is "provisional_20201103_eoy_age.txt." See also *Voter Registration Data 2016-2020*, N.C. STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/results-data/voter-registration-data> (last visited Aug. 13, 2022). The files we accessed include all up-to-date information for individuals who (1) registered to

when attempting to register to vote increased the total number of provisional ballots cast as well as the total of those discarded. Within Durham County, 42% of all rejected provisional ballots belonged to youth voters, substantially more than the already high statewide proportion of 31%.³³ As this data illustrates, age-based disparities in the 2020 election were also greater in Durham County in 2020 than across the state.

To diagnose the underlying reasons Durham County's numbers are worse for young voters, we must consider the role that a voter's demographic composition has in their risk to cast a provisional ballot. To do so, we fit a statistical model accounting for multiple factors, including race, ethnicity, gender identity, and age.³⁴ Specifically, we harnessed two logistic regression models—a statewide model and a model specific to Durham County—to compare provisional voting rates across all of these linked groups.³⁵ The data, sourced from the North Carolina State Board

vote, (2) formerly registered to vote, (3) attempted to register to vote, and (4) did not complete their registration process.

33. See *supra* note 3; *Voter Registration Data 2016-2020*, *supra* note 32.

34. To build the logistic regression models referenced in the article, we made use of the same datasets obtained through the North Carolina State Board of Elections public record request referenced in note 3. Consistent with the data cleaning process for the data analysis section, we changed variable markers to allow the data to be joined with the publicly available data for the 2008, 2012, 2016, and 2020 general elections. See *Voter History Data*, *supra* note 3. For our regression, we combined the results of all ballots cast in North Carolina and Durham County between 2008 and 2020 into two datasets. We again filtered out absentee and vote-by-mail ballots for the same reasons previously noted. The first logistic regression model was fit using the subset of just Durham County voters in order to make interpretations about the different risk factors for provisional voting in Durham compared to the rest of the state as a whole. The second logistic regression model included data from voters statewide, so no data filtering was needed. It is important to note that Durham County records are included in this statewide model, as not to obscure the statewide trends if viewed independently of the Durham model. Because the proportion of the provisional ballots cast is small relative to the overall number of ballots cast, we knew that the logistic regression models would not be useful for predictive purposes. As such, the models were solely used to isolate demographic features and analyze the individual impacts of these features on a voter's propensity to cast a provisional ballot, and their results should be taken as such. All insights derived from the model in the article were substantiated at or above a 95% significance level. While the model output did include some terms having a p-value above 0.05 (indicating a lack of statistical significance), these terms were included for transparency purposes only and were not included in our analysis. For in-depth model outputs for Durham County and North Carolina, see *infra* Appendix, Table 4. Likelihood for Casting a Provisional Ballot: Durham County, 2008-2020; *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020.

35. In order to draw meaningful conclusions, we separated voters into four age buckets. For the purpose of the model, young people are defined as all voters aged eighteen to twenty-five. The three older voter populations are composed of voters aged twenty-six to forty, forty-one to sixty-five, and above sixty-five, respectively. See *infra* Appendix, Table 4. Likelihood for Casting a Provisional Ballot: Durham County, 2008-2020; *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020.

of Elections, includes all in-person votes cast in North Carolina in the 2008, 2012, 2016, and 2020 general elections.³⁶ We found that race, ethnicity, gender identity, and age are all correlated with an individual's likelihood to cast a provisional ballot to varying extents, with race, ethnicity, and age being the most significant predictors in whether a provisional ballot is cast.³⁷ Our findings confirmed the modest scholarly literature finding that people of color possess higher rates of provisional balloting than their white peers.³⁸ All other demographic variables held constant, a Black voter in North Carolina was 1.594 times more likely to cast a provisional ballot than a white voter.³⁹ A Hispanic voter was nearly four times as likely as a white voter to cast a provisional ballot.⁴⁰

What is not well documented in North Carolina is the impact that age has in predicting ballot outcomes. Research has shown that people of color, particularly Black Americans, have been disproportionately and adversely affected by many facets of voting and election administration, but youth voters are often overlooked in this conversation.⁴¹ Shaw and Hutchings were among the first to find that a voter's age is a significant indicator of their risk to cast a provisional ballot,⁴² and our research confirms that this remains true in North Carolina. Since 2008, voters over sixty-five were the least likely age group to cast a provisional ballot in North Carolina, with only 9,466 provisional votes out of a total of

36. See *supra* note 3.

37. See *supra* note 3; see *infra* Appendix, Table 4. Likelihood for Casting a Provisional Ballot: Durham County, 2008-2020; *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020.

38. See, e.g., James S. Toscano Jr., *Whose Ballots Are Rejected? Demographic Dynamics of Provisional Ballots in North Carolina from 2010-2020 26-27* (2021) (Honors thesis, Duke University) (arguing that there are statistically significant injustices in North Carolina provisional ballot rejections along racial lines); DAVID C. KIMBALL AND EDWARD B. FOLEY, *UNSUCCESSFUL PROVISIONAL VOTING IN THE 2008 GENERAL ELECTION 12* (2009) (finding that rejection rates are higher in precincts with higher Black and Hispanic populations).

39. See *supra* note 34; *infra* Appendix, Table 4. Likelihood for Casting a Provisional Ballot: Durham County, 2008-2020; *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020.

40. See *supra* note 34; *infra* Appendix, Table 4. Likelihood for Casting a Provisional Ballot: Durham County, 2008-2020; *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020.

41. See SHAW & HUTCHINGS, *supra* note 20, at 7. Much like voters of other protected classes, youth voters face a number of unique challenges when casting a ballot. These challenges, many of which are addressed later in this article, include understanding how to register when moving frequently and how, where, and when to vote.

42. *Id.* at 19.

2,998,543 in-person votes, or 0.32%.⁴³ As voters age decreases, the rate at which they cast provisional ballots increases.⁴⁴ During presidential elections from 2008 to 2020, voters aged forty-one to sixty-five cast provisional ballots at a heightened rate of 0.79%, followed by twenty-six-to forty-year-olds at a rate of 2.02%.⁴⁵ Youth cast provisional ballots the most frequently, with 3.01% of in-person ballots cast being provisional during the same period.⁴⁶ In fact, a youth voter was more than *fourteen* times more likely to cast a provisional ballot than a voter older than sixty-five.⁴⁷

When considering the interaction between age and race in the case of youth voters of color, the results are even more startling. Since 2008, white voters over age sixty-five, the demographic least prone to casting a provisional ballot, did so at a rate of 0.13%.⁴⁸ Compared to a white adult voter, a young Black voter was more than *twenty-three* times more likely to cast a provisional ballot.⁴⁹ In Durham County, these generational and racial gaps are wider. A young Black person voting in Durham County was more than *twenty-five* times more likely than an older white person in Durham County to cast a provisional ballot over the previous four

43. See *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020. For an explanation of how we modeled the regression analysis appearing in Tables 1 and 2, see *supra* note 34.

44. See *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020; *supra* note 34.

45. See *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020; *supra* note 34.

46. See *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020; *supra* note 34.

47. See *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020; *supra* note 34.

48. See *infra* Appendix, Table 4. Likelihood for Casting a Provisional Ballot: Durham County, 2008-2020; *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020; *supra* note 34. The coefficients outputted by the logistic regression models (found under the “estimate” column of each table) were interpreted by comparing a baseline voter that is white, not Hispanic or Latino, and over sixty-five years old. To quantify the effect of multiple demographic differences, these coefficient estimates were multiplied together and interaction terms were added. For instance, to arrive at the conclusion that a young Black person in Durham County was more than twenty-five times more likely than a white person over sixty-five years old to cast a provisional ballot, we multiplied three distinct model coefficients: that a young person was 8.802 times more likely than an old person, that a Black person was 1.607 times more likely than a white person, and that a young Black person was an additional 1.778 times more likely to vote provisionally than the baseline voter. The product of the coefficients together yields the estimated 25.149:1 ratio below. It should also be noted that we refrained from drawing model-based conclusions about demographic populations that make up an extremely small part of Durham’s population.

49. See *supra* notes 3, 48; see *infra* Appendix, Table 5. Likelihood for Casting a Provisional Ballot: North Carolina, 2008-2020.

elections.⁵⁰ Taken together, these models show that both youth and minority voters are at significantly higher risk of casting provisional ballots. Coupled with the fact that Durham County has a higher proportion of both young voters and minority voters than the statewide average, this pattern helps to explain why Durham County suffers from heightened provisional rates relative to the rest of the state.⁵¹ These differences along generational and racial lines speak to the systemic problems within provisional balloting and suggest why the voting record of Durham County is a particularly topical example of youth disenfranchisement.

III. VOTER REGISTRATION POLICIES

To better understand why youth cast provisional ballots at inordinate rates, it is important to first consider the policies that govern how Americans register to vote. Voter registration policies vary from state to state, but all states must abide by national legislation about voter registration, including the National Voter Registration Act of 1993.⁵² In North Carolina, the State Board of Elections is tasked with implementing the voter registration policies laid out by NVRA.⁵³ In general, the North Carolina State Board of Elections administers the election process and determines how county election officials administer both statewide and national voter registration rules and location expectations.⁵⁴ The

50. See *supra* notes 3, 48; see *infra* Appendix, Table 4. Likelihood for Casting a Provisional Ballot: Durham County, 2008-2020.

51. See *supra* notes 3, 48; Table 4. Likelihood for Casting a Provisional Ballot: Durham County, 2008-2020. According to the 2020 Census data, 46.5% of Durham's population identified as part of a minority racial group, while 29.9% of North Carolina's population identified as part of a minority racial group. U.S. CENSUS BUREAU, 2020 CENSUS (2020); *QuickFacts: Durham County, North Carolina*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/durhamcountynorthcarolina> (last visited Aug. 13, 2022) [hereinafter *QuickFacts: Durham County*].

52. The National Voter Registration Act of 1993, 52 U.S.C. §§ 20501–20511, set forth a myriad of voter registration requirements that states have had to follow. The NVRA mandates that driver's license applications at state motor vehicle agencies must simultaneously serve as voter registration. *Id.* § 20504. It also mandates that states must offer voter registration by mail-in application. *Id.* § 20503. Lastly, it mandates that certain public offices, including public assistance and disability offices, must offer registration opportunities. *Id.* § 20506. NVRA applies to forty-four states and the District of Columbia. *The National Voter Registration Act of 1993 (NVRA)*, *supra* note 14. Like HAVA, select states are exempt only if they have same-day or automatic voter registration policies. See § 20503.

53. N.C. GEN. STAT. §§ 163-22(e), 163-82(a) (2021).

54. See *id.* § 163-22(a). The website for the North Carolina State Board of Elections outlines their duties as “the state agency charged with the administration of the elections process and campaign finance disclosure and compliance.” *About, North Carolina State*

decisions of the North Carolina State Board of Elections must comply with this existing legislation regarding the voting process.⁵⁵

For a voter's registration form to be validated by a county board of elections in North Carolina, they must be able to receive a registration card in the mail to verify their status.⁵⁶ Citizens are required to list a residential and mailing address when they fill out their registration.⁵⁷ If the registration card cannot be delivered to the mailing address, it is returned to the county board and the registration is rejected.⁵⁸ There are other possible reasons why registration forms are denied; for example, if a formerly incarcerated person has committed a felony, they had, until the most recent election of 2022, to complete parole before their registration would be accepted.⁵⁹ Nevertheless, the primary reason that young people in Durham have had their registration denied is the lack of a mailing address. In the last five years, all 923 young citizens with rejected registrations were denied because they did not have verifiable mailing addresses, documented as "undeliverable."⁶⁰ We have found no law in North Carolina stating that a citizen must possess an accessible mailing address to exercise their constitutionally protected voting rights; therefore, the state board has the power to adjudicate challenges to voter registrations.⁶¹

Board of Elections, N.C. STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/about> (last visited Aug. 13, 2022). At the federal level, the U.S. Department of Justice has enforcement responsibility over the National Voter Registration Act, and the U.S. Election Assistance Commission is responsible for the administration of the National Voter Registration Form and state reporting under NVRA. *The National Voter Registration Act of 1993 (NVRA)*, *supra* note 14. Sections 5–8 require states to offer various forms of voter registration opportunities in accordance with the National Voter Registration Act. *Id.* It is therefore an expectation of the North Carolina State Board of Elections to administer the elections process in accordance with federal law.

55. See § 163-22(a). The North Carolina State Board of Elections has cited federal law in administering voter registration policies, but these are also echoed in the statute. Statewide procedures are made explicit in N.C. GEN. STAT. §§ 163-82–163-83 (2019).

56. §§ 163-82.7(f), 163-82.8.

57. *Id.* § 163-82.10.

58. *Id.* § 163-82.7(f).

59. See N.C. GEN. STAT. § 13-1 (2022) (detailing the new rules for formerly incarcerated citizens in 2022).

60. *Voter Registration Data 2016-2020*, *supra* note 32. See also *infra* Appendix, Table 2. Reasons for Rejecting Youth Provisional Ballots, Durham County and North Carolina, 2020.

61. The question of what state election board officials can and cannot do regarding election administration is increasingly visible in the wake of the 2020 election. Board of elections officials do not make law but implement it; however, interpreting what implementation means can become a complex legal question. If homeless citizens are guaranteed the right to register and to vote without an address, does that mean election officials can waive the residential requirements for voter registration for a different

Durham County's voter registration records reveal a high number of young people whose registrations were rejected because the mailing address listed on their registration form was "undeliverable."⁶² Scholars have shown that there is a link between high numbers of rejected registrations and provisional balloting.⁶³ In our investigation of Durham County, we found strong evidence to support that connection.⁶⁴ Fourteen voters under the age of twenty-five attempted to register before the 2020 election and had their registrations rejected.⁶⁵ When these citizens showed up to vote on Election Day, either for the primary or the general elections, they discovered that they were not registered and were instructed to cast provisional ballots.⁶⁶ All fourteen of these citizens had their provisional ballots rejected.⁶⁷

At first glance, we discovered little evidence of racial inequity in the undeliverable files. Since 2018, 35.6% of all rejected youth registrations

protected class of voters? On the specific rules for election administration in North Carolina, see N.C. GEN. STAT. § 163-182.2 (2019) and N.C. GEN. STAT. § 163-22 (2019).

62. To conduct the data analysis of rejected voter registrations, we accessed the North Carolina statewide voter registration data from the North Carolina State Board of Elections. *Voter Registration Data 2016-2020*, *supra* note 32. We filtered this data for registrations in Durham County by young people aged eighteen to twenty-five that were rejected on the basis of "verification returned undeliverable." *Id.* Then, we cross-checked these observations with young voters in Durham who cast provisional ballots in elections from 2016-2020 using the Durham County provisional ballot data. *See supra* note 3. We checked for duplicate names in the rejected registrations files and for registrations that were rejected on Election Day, which would indicate that the registration via provisional ballot was rejected. *See supra* note 3. Finally, we calculated summary statistics of the demographic data for these voters, including race and age. *See Voter Registration Data 2016-2020*, *supra* note 32. To see how rejected voter registrations also produced provisional ballots that were rejected, we linked the voter registration file with the rejected provisional balloting file to find individuals who had been rejected twice. The reasons for provisional balloting rejection did not include a category for previously rejected voter registration, though "previously denied" may encompass some of these voters. *See infra* Appendix, Table 2. Reasons for Rejecting Youth Provisional Ballots, Durham County and North Carolina, 2020.

63. *See Merivaki & Smith, supra* note 19, at 74 ("[A]s the percentage of newly registered voters and rejected voter registrations in a county increases, the number of provisional ballots cast in that county also rises.").

64. *See supra* note 62.

65. *See supra* note 62. The title of the dataset we used from the North Carolina State Board of Elections is "ncvoter_durham.txt."

66. *See supra* note 62. The title of the dataset we used from the North Carolina State Board of Elections is "ncvoter_durham.txt."

67. *See supra* note 62. The title of the dataset we used from the North Carolina State Board of Elections is "ncvoter_durham.txt." We found provisional ballot information in both the provisional ballot files and verified that votes had not been counted through the individual voter search on the State Board of Elections website. *See Voter Search*, N.C. STATE BD. OF ELECTIONS, <https://vt.ncsbe.gov/RegLkup/> (last visited Nov. 27, 2022).

in Durham County identified as Black.⁶⁸ This number is almost exactly proportional to the county population but crucially underestimates the actual total number of Black citizens, as many choose to omit their race.⁶⁹ A closer look at the citizens who cast rejected provisional ballots after trying to register beforehand reveals a stronger racial correlation, however. Of the fourteen provisional voters who had prior registrations rejected, seven identified as Black, six did not choose a race option, and only one identified as white.⁷⁰ The correlation with race was even stronger when we examined those citizens whose registrations were rejected not once but twice as they sought to secure their voting rights. All nineteen of these citizens were young: eighteen Black and one identifying with two or more races.⁷¹ The voter addresses of these nineteen citizens revealed that most of them lived on or near the campus of NCCU, with 1801 Fayetteville Street appearing as the most frequent “undeliverable” mailing address.⁷² The 1801 Fayetteville Street address is the main campus address for NCCU, but students do not receive U.S. mail at this address.⁷³

A single voting story extracted from the data demonstrates how “undeliverable” addresses have repeatedly punished young Black citizens

68. See *supra* note 62.

69. See *QuickFacts: Durham County*, *supra* note 51.

70. See *supra* note 62. The title of the dataset we used from the North Carolina State Board of Elections is “ncvoter_durham.txt.”

71. See *supra* note 62. The title of the dataset we used from the North Carolina State Board of Elections is “ncvoter_durham.txt.”

72. See *supra* note 62 (listing 295 out of 993 mailing addresses as 1801 Fayetteville Street); see also N.C. CENT. UNIV., <https://www.nccu.edu/> (last visited Aug. 6, 2022). The title of the dataset we used from the North Carolina State Board of Elections is “ncvoter_durham.txt.” Even though 1801 Fayetteville Street is considered the primary campus address or NCCU, this address differs from students’ mailing addresses. As such, NCCU students live at one address and receive mail at another address, despite both addresses being located on a campus with an address of 1801 Fayetteville Street. This situation undoubtedly creates confusion when determining the proper address for registration. A similar phenomenon occurs at Duke University; Duke students live at their dormitory address and receive mail through a P.O. box, but when registering to vote, Duke encourages students who reside on-campus to use a third address—either 1 Duke University East Campus or 1 Duke University West Campus, depending on where the student resides. *Duke Votes*, DUKE UNIV., <https://vote.duke.edu/students/> (last visited Aug. 28, 2022).

73. There is no publicly available information about student’s mailing addresses, and an October 2020 message from the Chancellor encouraging students to vote did not include information about how to register as an NCCU student. *Messages from the Chancellor, Message from the Chancellor, Oct 16, 2020*, N.C. CENT. UNIV., <https://www.nccu.edu/leadership/office-chancellor/messages-chancellor> (last visited Aug. 28, 2022).

seeking to vote in Durham County.⁷⁴ Madison, a young black woman, enrolled at NCCU in the fall of 2018 and listed her mailing address as 1801 Fayetteville Street when she registered to vote during the first week of class on August 23, 2018.⁷⁵ Her registration form was deemed “undeliverable” because her address does not receive mail, and she could not receive her registration card.⁷⁶ When Madison showed up to vote on November 6, 2018, she was given a provisional ballot that was subsequently rejected.⁷⁷ Madison’s provisional ballot should have generated a valid voter registration.⁷⁸ Instead, she was once again struck from the voter rolls with no notification from the Durham County Board because she listed her university residence, 1801 Fayetteville Street, as her mailing address.⁷⁹ Madison showed up to vote during the 2020 March primary, and she was yet again given a provisional ballot that was rejected because she was not officially registered to vote.⁸⁰ This provisional ballot only succeeded in finally creating a valid voter registration because she no longer listed 1801 Fayetteville Street as her mailing address.⁸¹ Madison chose to go to the polls during early voting in the fall of 2020 perhaps because she learned that she could fix issues with registration during early voting due to North Carolina’s same-day

74. *Voter Registration Data 2016-2020*, *supra* note 32; *Voter History Data*, *supra* note 3.

75. Madison was not in fact interviewed by our research team. We called her several times but she did not respond. We reconstructed her voter history by locating her name and voting history in three files: the “verification returned undeliverable” file and the 2018 and 2020 Durham County provisional balloting files. *Voter Registration Data 2016-2020*, *supra* note 32; *Voter History Data*, *supra* note 3. We changed this individual’s name to Madison, as well as changed the names of all of the interviewees in Part IV below, to protect confidentiality in accordance with our Institutional Review Board protocol, submitted to Duke University’s Institutional Review Board and revised in Fall 2021 and approved February 22, 2022.

76. *Voter Registration Data 2016-2020*, *supra* note 32; *Voter History Data*, *supra* note 3.

77. *Voter Registration Data 2016-2020*, *supra* note 32; *Voter History Data*, *supra* note 3.

78. See *Provisional Voting Explained.*, DEMOCRACY N.C., <https://democracync.org/resources/what-is-provisional-voting-explained/> (last visited Aug. 13, 2022); see also *supra* note 72. One advantage of the provisional ballot is that, in cases where no record of registration is found, provisional ballots act as a registration form for future elections. DURHAM CNTY. BD. OF ELECTIONS, 2020 ONE-STOP MANUAL 107–09 (2020), <https://www.dcovotes.com/home/showpublisheddocument/32980>.

79. See *supra* note 72.

80. *Voter Registration Data 2016-2020*, *supra* note 32; *Voter History Data*, *supra* note 7; see *supra* note 72.

81. *Voter Registration Data 2016-2020*, *supra* note 32; *Voter History Data*, *supra* note 7; see *supra* note 72.

registration policy during the early voting period.⁸² After years of rejected provisional ballots and registrations, Madison successfully voted for the first time.⁸³

IV. STUDENT CASE STUDIES

Madison's voting history was not unique. What she thought of her own experiences is harder to know. Despite multiple attempts to contact Madison through the phone number on her voter registration file, we were unable to reach her and conduct an interview. Did poll workers inform her she was casting a provisional ballot that might not count? To illuminate what voters like Madison experienced when they cast provisional ballots in Durham County, we located the phone numbers for 182 young citizens out of 435 who cast provisional ballots in Durham County in 2020 and reached out to them directly by phone.⁸⁴ We contacted voters through text messages, phone calls, and voicemails over a period of two weeks. Thirty-two students answered. The ten in-depth interviews that resulted, each of them with the voter's full consent and with their confidentiality guaranteed, provided invaluable insights into the voting process for those casting rejected provisional ballots in 2020.⁸⁵ Just under half of the young voters reported that poll workers informed them they were casting provisional ballots, and none of them learned their ballots might not count. Just over half reported they were already registered to vote when they cast their provisional ballots. That ratio confirmed the results of a survey of twenty-five young provisional balloters at the NCCU precinct on Election Day in the spring of 2020,

82. See *supra* note 72; see also *Register in Person During Early Voting*, N.C. STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/registering/how-register/register-person-during-early-voting> (last visited Aug. 13, 2022).

83. *Voter Registration Data 2016-2020*, *supra* note 32; *Voter History Data*, *supra* note 7; see *supra* note 72.

84. Of the 435 provisional youth ballots cast in Durham County in 2020, 182 provided county election officials phone numbers on their voter registration applications. The phone numbers were found within the provisional ballot dataset for 2020 that we received from the North Carolina State Board of Elections titled "provisional_20201103_eoy_age.txt." We could not discern from the data file whether a voter had tried to register in the past, nor whether their provisional ballot was curable. Most of the reasons provided for rejection suggest that the provisional ballots cast were not curable: "Previously denied," "removed," "ineligible to vote," and "Registration after deadline." On reasons for provisional ballot rejection, see *infra* Appendix, Table 2. Reasons for Rejecting Youth Provisional Ballots, Durham County and North Carolina, 2020.

85. We asked all interviewees the following questions: (1) Do you remember any poll workers talking to you about provisional ballots? (2) Did you know you received a provisional ballot? (3) Did anyone tell you that your provisional ballot might not be counted? and (4) Had you already registered to vote when you received your ballot?

twelve of whom insisted they had already registered to vote at their current addresses.⁸⁶ It is impossible to tell from the records whether any of these NCCU voters had been expunged from voter rolls, but the majority of those casting provisional ballots were under the assumption that they were already registered to vote.⁸⁷

A comparison of two young voters whom we know were registered to vote and who nonetheless were prescribed provisional ballots—one from NCCU, the other from Duke University—highlights the problems generated by a flawed voter registration system. Heather and Andrew were seniors in the fall of 2020, studying politics and public policy at NCCU and Duke University, respectively.⁸⁸ They were already registered to vote at their local precincts.⁸⁹ When COVID-19 disrupted student housing, Heather and Andrew were each compelled to move off-campus on short notice.⁹⁰ Heather could not find housing in Durham and moved to Raleigh.⁹¹ Obligated to move at short notice, she was unable to provide Raleigh poll workers enough of the traditional documentation required to prove her residency and could not update her voter registration from Durham to Wake County.⁹² Heather returned to Durham to vote using her old address, but she was rejected after mentioning her new residence

86. Parker A. Martin & Leandre Blakeney, *The State of Provisional Ballots 8–9* (Apr. 25, 2020) (unpublished term paper) (on file with author). The authors' election day survey was administered outside the polling site for precinct 55-49 on March 3, 2020. *See id.*

87. Out of the eleven interviewees, six of them believed that they were already registered to vote. *See, e.g.*, Interview by Delaney Eisen with Heather, Student, Duke Univ. (Mar. 31, 2022); Interview by Hannah McKnight with Andrew, Student, Duke Univ. (Mar. 31, 2022); Interview by Hannah McKnight with Ben, Student, Duke Univ. (Mar. 31, 2022); Interview by Hannah McKnight with Michaela, Student, Duke Univ. (Mar. 22, 2022). Under direct Institutional Review Board approval, all direct citations come from interview transcripts in the author's possession.

88. Interview with Heather, *supra* note 87; Interview with Andrew, *supra* note 87.

89. Interview with Heather, *supra* note 87; Interview with Andrew, *supra* note 87.

90. Interview with Heather, *supra* note 87; Interview with Andrew, *supra* note 87. In Summer of 2020, Duke University released a new reopening plan that limited on-campus housing to first years and sophomores. Normally, Duke requires students to live on campus for three years and promises housing for all four years. *See* Matthew Griffin & Carter Forinash, *Duke Limits Fall Housing to First-Years and Sophomores, Scaling Back Reopening Plans*, DUKE CHRON. (July 26, 2020, 12:31 PM), <https://www.dukechronicle.com/article/2020/07/duke-university-email-fall-changes-housing-limited-first-years-sophomore-coronavirus>. This policy change left upperclassmen with only a few weeks to figure out where they would live for the fall term. For detailed accounts of students' struggles to find housing, *see* Leah Boyd, *Juniors and Seniors Scramble to Make Fall Plans After Duke Changes Course on Reopening*, DUKE CHRON. (Aug. 1, 2020, 7:55 PM), <https://www.dukechronicle.com/article/2020/08/duke-university-juniors-seniors-scramble-fall-plans-change-reopening-coronavirus>.

91. Interview with Heather, *supra* note 87.

92. *See id.*

in Raleigh.⁹³ “It was awful,” Heather said, “I think I started during early voting, and then went on trying even up until the last day. It was awful.”⁹⁴ Heather was honest about her current address, received a provisional ballot, and her vote was rejected.⁹⁵ “I remember being super frustrated,” she continued, “I remember going to multiple voting sites in Raleigh, multiple sites in Durham, where I was already registered to vote . . . it was just kind of weird that I couldn’t vote and I had to vote provisionally that year.”⁹⁶ When Heather learned that her provisional ballot had not been counted, she reflected on the futility and disappointment of her multiple attempts to vote.⁹⁷ After all her efforts, she was unhappy to learn that cure options might have been available had poll workers explained them to her.⁹⁸ “I can’t say they did inform me enough about the provisional ballot . . . Now that you’re asking about curing and things of that nature, I didn’t know anything about that.”⁹⁹ In Heather’s case, curing—the process of addressing resolvable problems with a voter’s registration to ensure their provisional ballot is counted—would have only been possible if she produced proof of her residence, an option that a school ID card should have been able to provide.¹⁰⁰ However, for students forced off-campus by the pandemic, their student ID no longer served as proof of residency.¹⁰¹ Given that Heather’s driver’s license listed her high school home address in Gastonia, North Carolina,¹⁰² she was out of options to re-register by the end of early voting. But no election worker or university administrator explained this option to her. Voting is important to Heather.¹⁰³ She remembers her

93. *See id.*

94. *Id.*

95. *See id.*

96. *Id.*

97. *See id.*

98. *See id.*

99. *Id.*

100. For a description of the processes for curing provisional ballots, see Memorandum from Kim Westbrook Strach, Exec. Dir., N. Carolina State Bd. of Elections, to Cnty. Bds. of Elections 1–9 (May 17, 2018) (on file with the North Carolina State Board of Elections & Ethics Enforcement). Not all provisional ballots are curable. For instance, there is no process for a voter who votes in the wrong precinct to cure their provisional ballot. Despite this, provisional ballots can still be cured in many cases by providing the correct registration information. Under North Carolina law, each provisional voter is supposed to receive a Provisional Identification Number (“PIN”) that they can use to check the status of their provisional ballot at least ten days following the election. *See Provisional Voting, supra* note 26. In addition, the poll worker is supposed to provide the voter with information about any possible next steps to ensure their ballot counts. *See id.*

101. Interview with Andrew, *supra* note 87. For a description of Duke’s COVID-19 housing decision, see Boyd, *supra* note 90.

102. *See* Interview with Heather, *supra* note 87.

103. *See id.*

family teaching her to care about her vote from an early age.¹⁰⁴ Heather explained she went above and beyond in her efforts to vote in the 2020 election because “the climate” made it “even more important to vote” and she became “even more involved in the world of politics.”¹⁰⁵ The disenfranchisement of such a passionate voter exemplifies the faults of North Carolina’s current voter registration system.

Like Heather, Andrew was required to search for housing when university authorities changed on-campus housing allocations right before the start of the fall semester.¹⁰⁶ He ended up subletting a room in Durham, but he lacked proof of his new address.¹⁰⁷ “My name wasn’t on the lease documents,” Andrew recalled, “it wasn’t documented on paper that I lived in the building.”¹⁰⁸ Caught in a blind spot in the eyes of local election officials, Andrew tried repeatedly during early voting to provide enough documentation to update his voter registration address, traveling every time to Duke’s campus site to talk to poll workers.¹⁰⁹ Andrew’s frustration shone through his subsequent voting story. “[W]hen I tried to go vote, I actually couldn’t vote because they said I didn’t actually have a registered address in the State of North Carolina. I mean, I had proof of my Venmo payments, I had proof—documentation—that I was a Duke student and I still couldn’t get a vote through the system.”¹¹⁰ Normally, photo student IDs from North Carolina universities could serve as proof of local residency—allowing students to register to vote during early voting.¹¹¹ In 2020, students who had been removed from campus due to

104. *See id.*

105. *Id.*

106. Interview with Andrew, *supra* note 87.

107. *See id.*

108. *Id.*

109. *See id.*

110. According to the North Carolina State Board of Elections,

[p]roof of residence for college students includes a current college/university photo identification card paired with either: 1. Any document originating with the educational institution and containing the student’s name and on-campus housing address or facility name; or 2. a current roster prepared by the college/university and transmitted to the county board of elections office, which lists all students residing in campus housing facilities.

Registering as a College Student, N.C. STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/registering/who-can-register/registering-college-student> (last visited Aug. 13, 2022) (describing in full detail how to register as a college student).

111. *Id.* Andrew’s experience is not unique. For an example of how a North Carolina lease without a mailing address prevented another college student from having his voter registration accepted, see Jack Fitzpatrick, *Student ID Cards Far from a Sure Ticket to the Voting Booth*, CTR. FOR PUB. INTEGRITY (Aug. 15, 2012), <https://publicintegrity.org/politics/voting-turns-into-frustrating-ordeal-for-college-student/>.

COVID-19 housing policies—at Duke, all juniors and seniors¹¹²—could not use their student IDs as proof of residence in Durham, even though they remained enrolled and their universities could have confirmed in-state residency.¹¹³ The impact of university housing and student ID policies on Andrew and Heather made it impossible for either of them to vote despite repeated efforts.¹¹⁴

Most of the students whom we interviewed expressed an acute frustration with the voter registration process that began well before the pandemic. Ben, a student at Elon University who lived in Durham in the fall of 2020, recalled registering to vote in high school at age sixteen through the process of pre-registration meant to encourage youth to vote when they became eligible at the age of eighteen.¹¹⁵ That practice seems to have backfired for Ben, who pre-registered to vote multiple times without any clear or enduring result.¹¹⁶ “I’m pretty sure I registered multiple times, because I remember, I pre-registered when I was [sixteen] I actually had to register multiple times, because it wouldn’t go through. I don’t know why.”¹¹⁷ Ben’s early introduction to voting was a cycle of error and confusion that too often plagues the voter registration experience.¹¹⁸ These errors teach young voters to view the process as arbitrary and capricious, enforcing distrust in the fairness of the election system. For Ben, confusion around the voting process was compounded by his status as the only eligible voter in a family of undocumented residents.¹¹⁹ “[I]t was my first time voting,” he remembers.¹²⁰ “None of my family has ever voted so I’m the first one to do so. I didn’t really know what to do.”¹²¹ Ben provided documentation of his residence and had successfully registered when he went to vote on

112. For the change in housing policy at Duke due to COVID-19, see Vincent E. Price, *Message From President Price on Updated Reopening Plans*, DUKE TODAY (July 26, 2020), <https://today.duke.edu/2020/07/message-president-price-updated-reopening-plans>.

113. See *Registering as a College Student*, *supra* note 110. In line with the Board of Elections policy, Duke University sends a roster to the Durham County Board of Elections office, including all current students residing in on-campus housing facilities. See *id.* Normally, Duke students are required to live on campus for at least three years, but when COVID housing policies trumped that commitment in the fall of 2020, upperclassmen were removed from the roster shared with the County Board of Elections, thus nullifying their ability to use their student ID as proof of address for registering to vote. See *id.*; Price, *supra* note 112; Interview with Andrew, *supra* note 87.

114. Interview with Heather, *supra* note 87; Interview with Andrew, *supra* note 87.

115. Interview with Ben, *supra* note 87.

116. See *id.*

117. *Id.*

118. See *id.*

119. See *id.*

120. *Id.*

121. *Id.*

Election Day.¹²² He was offered a provisional ballot because of a clerical error by the poll worker who failed to locate his existing registration.¹²³ Until our interview, Ben was totally unaware that he had cast a provisional ballot, nor did he know that it was rejected because election workers could not find his voter registration after the election.¹²⁴ Ben's experience makes it clear that the provisional balloting system was not fulfilling its purpose. His story remains obscure even in the official record of the State Board of Elections, which has used his provisional ballot to create a voter registration file but omitted that vote from his official public voting history, indicating "Your Voter History" as "0" and stating that "if this section is blank, we do not have a record that you voted in a past election in North Carolina."¹²⁵

Informing voters whose ballots had been rejected was an ethical challenge in conducting our research. We did not want to discourage young citizens from future political engagement, but we felt obligated to share the truth of their voting outcomes. We asked these young citizens how they felt about casting a rejected provisional ballot, including whether it made them more or less likely to engage in voting in the future. Interviewees responded in varied ways, but most of them expressed their determination to have their voices heard in spite of provisional ballot rejections. Heather reflected on her experience with a student's resiliency, explaining, "it made me want to prepare for the next election a lot better."¹²⁶ Ben expressed, "I feel like . . . [these] m—s don't want to hear me. They don't want to hear what I got to say, you know, my vote. I ain't gonna stop."¹²⁷ He also reflected that "[t]hese are . . . challenges that other people have faced and [under] way worse circumstances and at a larger scale," again repeating, "[t]hey're not gonna stop me. They're not stopping us."¹²⁸

Andrew likewise insisted that his provisional balloting experience was a one-time event, a deferral of his plan to vote in every election he can moving forward.¹²⁹ Interviewees tended to blame themselves for the fact they ended up casting a provisional ballot rather than any systemic flaws in the voting process. Andrew described anxiety about his

122. *See id.*

123. *See id.*

124. *See id.*

125. Every registered voter in North Carolina has a publicly accessible file with a voter history section that lists the elections in which the voter has participated. *See Voter Search*, *supra* note 67.

126. Interview with Heather, *supra* note 87.

127. Interview with Ben, *supra* note 87.

128. *Id.*

129. *See* Interview with Andrew, *supra* note 87.

subleasing living situation, a fact that was something “frowned upon” and that prevented him from fighting to cast a more secure ballot directly.¹³⁰ Other interviewees expressed disinterest in learning more about an election process that recorded ballots only to reject them.¹³¹ We do not know what the vast majority of young citizens whose provisional ballots were rejected actually thought, as most of the young citizens who had phone numbers did not answer our calls and many more listed no phone numbers at all. Since we believe that the people who were willing to talk to us on the phone tend to be more politically driven than the average provisional voter, we can speculate that hearing of past disenfranchisement does not encourage everyone and rather discourages youth from engaging in the political process.¹³² The role of discouragement is familiar in the long history of voter disenfranchisement.¹³³

The similarities between Duke and NCCU students whose provisional ballots were rejected highlight systemic flaws in election administration processes that disproportionately affect young voters; however, there are still stark differences in the frequency of provisional balloting on the two campuses. An examination of the addresses of the young voters casting provisional ballots in Durham County in 2020 reveal those differences between the two campuses. Twelve young people cast provisional ballots in the fifth precinct, which includes Duke’s campus, during the 2020 fall election, and seven of them were rejected.¹³⁴ By contrast, sixty-seven NCCU students cast provisional ballots in

130. *See id.*

131. Interview by Hannah McKnight with Teresa, Student, Duke Univ. (Mar. 21, 2022); Interview by Hannah McKnight with Autumn, Student, Duke Univ. (Mar. 21, 2022); Interview by Hannah McKnight with James, Student, Duke Univ. (Mar. 20, 2022). These interviewees did not consent to have transcripts created, and notes of the conversations are in the possession of the authors.

132. For previous research on biases created by survey response rates, see Katharine G. Abraham et al., *How Social Processes Distort Measurement: The Impact of Survey Nonresponse on Estimates of Volunteer Work in the United States*, 114 AM. J. SOCIO. 1129, 1129–65 (2009); Roger Tourangeau et al., *Sensitive Topics and Reluctant Respondents: Demonstrating a Link between Nonresponse Bias and Measurement Error*, 74 PUB. OP. QUAR. 413, 413–32 (2010).

133. On the role of voter discouragement as one tool in the history and return of voter suppression in the United States, see ANDERSON, *supra* note 12, at 2–6. On the role of discouragement in North Carolina and the impact of the poll tax and one party dominance in discouraging even middle-class Black citizens who could afford the poll tax from voting, see JAMES L. LELLOUDIS & ROBERT R. KORSTAD, *FRAGILE DEMOCRACY: THE STRUGGLE OVER RACE AND VOTING RIGHTS IN NORTH CAROLINA* 23–27 (2020).

134. *See Voter Registration Data 2016-2020, supra* note 32; *see also supra* note 3. The specific file we received from the North Carolina State Board of Elections with 2020 provisional ballots statewide is titled “provisional_20201103_eoy_age.txt.”

precinct 55-49 on Election Day, and sixty-four of them were rejected.¹³⁵ All of the NCCU students voting with provisional ballots were Black.¹³⁶

At first glance, this institutional disparity seems to present incontrovertible evidence that racial bias endures through the administration of provisional ballots by poll workers on Election Day. If we consider the most important difference in voting administration on the two campuses, another explanation emerges. Both NCCU and Duke University have been fortunate to have early voting sites on their campuses over the past four presidential election cycles, which dramatically expanded political participation on both campuses.¹³⁷ At NCCU, students who live on campus within precinct 55-49 also have the option to vote on campus on Election Day at the very same facility that housed early voting.¹³⁸ The building is well-known within the community as NCCU's precinct, and many students who live off-campus go there to vote on Election Day to vote, only to receive provisional ballots because they are at the wrong Election Day precinct. These election administration-created rules especially disadvantage young people. Having a campus precinct on Election Day has inadvertently harmed NCCU students because it has left them without early voting benefits like same-day registration and the ability to vote at any precinct. The only difference that Duke students have is that far fewer of them vote in Election Day precincts because the on-campus precinct that is known and accessible to Duke students is only open during early voting. The Election Day polling site for the fifth precinct is nearly a mile from the heart of Duke's campus, a recreation center hidden behind the VA hospital and a

135. See *Voter Registration Data 2016-2020*, *supra* note 32. On NCCU's precinct, see Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020; Figure 2. Youth Provisional Ballots Cast at NCCU, Precinct 55-49, 2008-2020.

136. See *Voter Registration Data 2016-2020*, *supra* note 32; see also *supra* note 3. The specific file we received from the North Carolina State Board of Elections with 2020 provisional ballots statewide is titled "provisional_20201103_eoy_age.txt."

137. For a history of young people's participation in Durham's voter registration wave of 2008, see Gunther Peck, *Movement Culture in Durham, North Carolina*, in *PEOPLE POWER: HISTORY, ORGANIZING, AND LARRY GOODWYN'S DEMOCRATIC VISION IN THE TWENTY-FIRST CENTURY* 66, 67-70 (Wesley C. Hogan & Paul Ortiz eds., 2021). For further research on the impact of on-campus early voting sites on student turnout, see Enrijeta Shino & Daniel A. Smith, *Mobilizing the Youth Vote? Early Voting on College Campuses*, 19 *ELECTION L.J.* 524, 524-29 (2020).

138. For a detailed list of early voting and Election Day precinct returns, see *Master Polling Place Listing*, DURHAM CNTY. BD. OF ELECTIONS, <https://www.dcovotes.com/home/showpublisheddocument/29860/637829350267000000> (last visited Aug. 13, 2022); see also *2022 General Election: Proposed Early Voting Plan*, DURHAM CNTY. BD. OF ELECTIONS, <https://www.dcovotes.com/home/showpublisheddocument/37198> (last visited Aug. 13, 2022).

thirty-minute walk from Duke's student union.¹³⁹ This geographic isolation has helped Duke students minimize provisional balloting by encouraging more students to vote early and reducing confusion about where to vote.

Both Duke and NCCU students have experienced unintended consequences of the election rules that differ between Election Day and early voting, creating conditions that exacerbate provisional balloting at NCCU. The absolute number of provisional ballots cast at precinct 55-49 has remained relatively steady, although the number of partially counted provisional ballots cast at 55-49 has dropped dramatically over time.¹⁴⁰ That decline suggests that students and their advocates are helping election day voters find their correct precincts, with fewer NCCU students voting in the wrong precinct.¹⁴¹ But in the recent midterm election of 2022, the number of provisional ballots cast at NCCU actually doubled to 128, with 126 ballots rejected.¹⁴² The provisional ballot rejection rate at NCCU was above 98% on November 8, 2022, dramatically reducing the official turnout rate for NCCU students with almost 45% of the total ballots cast at precinct 55-49 *not* counted on Election Day.¹⁴³ That extraordinary number suggests just how poorly provisional ballots are performing in protecting the voting rights of young Black citizens.

One explanation for this distressing trend not related to voter registration and election administration policies is that information about voting on NCCU's campus has become more challenging to find after the Republican-led North Carolina State Legislature eliminated

139. For a list of Durham County polling sites, see *Master Polling Place Listing*, *supra* note 138.

140. See *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

141. See *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

142. On NCCU's provisional balloting history through 2020, see *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020. There were 157 ballots successfully recorded in precinct 55-49 in the U.S. Senate race on November 6, 2022, but there were also 126 rejected provisional ballots cast at 55-49, meaning there were actually 283 ballots cast there on election day. See *November 6, 2022 Elections Files*, N.C. STATE BD. OF ELECTIONS, https://dl.ncsbe.gov/?prefix=ENRS/2022_11_08/ (last visited Dec. 18, 2022). For the official vote tally for precinct 55-49 on November 6, 2022, see *11/08/2022 Official General Election Results - Durham*, N.C. STATE BD. OF ELECTIONS, https://er.ncsbe.gov/contest_details.html?election_dt=11/08/2022&county_id=32&contest_id=1378 (last visited Dec. 18, 2022).

143. See Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020; *November 6, 2022 Elections Files*, *supra* note 142; *11/08/2022 Official General Election Results - Durham*, *supra* note 142.

funding for NCCU's nonpartisan Civic Engagement Center in 2015.¹⁴⁴ That closure has hampered the ability of both faculty and concerned students to inform the larger student body about voter registration challenges on election day. The primary blame for provisional ballot disfranchisement at NCCU does not reside with college administrators, faculty, or individual students, however, many of whom have tried repeatedly to become registered on campus and to vote. Interviews with voters who cast provisional ballots at NCCU on election day in 2020 provide insight into why election administration rules contribute to provisional balloting disenfranchisement. None of the interviewed NCCU students who cast provisional ballots were informed by election officials that their ballots might not be counted. The experience of Autumn typified that of many of her peers. On November 3, 2020, Autumn travelled to precinct 55-49 in order to vote.¹⁴⁵ She had registered to vote on campus earlier in the semester, but the poll worker who greeted her informed Autumn that her voter registration had not been confirmed, perhaps because her campus address could not be verified.¹⁴⁶ Instead, Autumn was offered a provisional ballot; poll workers supported her decision to vote but did not inform her that her ballot might not count, nor how she might correct the problem in the future.¹⁴⁷ Autumn only learned that her first vote did not count in March 2022.¹⁴⁸ Subsequent efforts to discover why her voter registration had been rejected, as well as why her provisional ballot was rejected, yielded little helpful information. The State Board of Elections website stated, as in Ben's case, that "we do not have a record that you voted in a past election in North Carolina."¹⁴⁹

The most substantial evidence that youth suffer unintended harm from the rules governing voter registration and provisional balloting emerges when we examine the statewide data on provisional ballot rejection rates. If the high number of rejected provisional ballots at NCCU resulted from a conscious racial bias against Black voters, we might expect to see the same trend for Black voters statewide.¹⁵⁰ But

144. Emma Loewe, *N.C. Central Students Campaign to Keep Institute for Civic Engagement Open*, INDY WEEK (Apr. 1, 2015, 7:00 AM), <https://indyweek.com/news/n.c.-central-students-campaign-keep-institute-civic-engagement-open/>; see *North Carolina-Election Results 2008*, N.Y. TIMES (Dec. 9, 2008), <https://www.nytimes.com/elections/2008/results/states/north-carolina.html>.

145. Interview with Autumn, *supra* note 131.

146. *Id.*

147. *Id.*

148. *Id.*

149. See Interview with Ben, *supra* note 87; *Voter Search*, *supra* note 67.

150. See *supra* note 3. The title of the dataset we received from the North Carolina State Board of Elections is "provisional_20201103_eoy_age.txt."

statewide data in 2020 revealed that young white and Black voters experienced roughly equivalent provisional ballot rejection rates.¹⁵¹ Young citizens designating themselves as white had their provisional ballots rejected at roughly equal or even slightly higher rates than young citizens who identify as Black.¹⁵² In Durham County, young Black students like Madison and Heather had their votes discarded because of fixable errors in the voting registration process, as well as disparate rules for voting on Election Day.¹⁵³ The large number of provisional ballot rejections in precinct 55-49 in Durham County on Election Day make vivid the systemic harms to young citizens that provisional balloting has generated. Voter registration errors and differing election day voting rules disproportionately discount the voting rights of young people.¹⁵⁴ Indeed, the harm to young citizens in North Carolina has intensified over time with age-based disparities in both the casting of provisional ballots and their rejections expanding over time, particularly in Durham County. In 2008, provisional balloting occurred less frequently in Durham than across the state, and those Durham citizens who did cast them, young and old, were *more* likely to have their ballots counted.¹⁵⁵ By 2020, Durham county's residents were far more likely to cast provisional ballots and to have them rejected, with almost no youth provisional ballots being counted.¹⁵⁶ Although the overall rates of casting provisional ballots have decreased since 2008, rejection rates have dramatically increased, making college age students far more likely than any other age cohort to lose their right to vote. Provisional balloting, designed to protect election security and the voting rights of transient citizens, increasingly has become a method for administering illegitimate ballots, depriving young people of their power to be heard.¹⁵⁷

151. See *supra* note 3; *infra* Appendix, Table 6. Youth Provisional Ballot Rejection Rates by Race in North Carolina, 2020. The title of the dataset we received from the North Carolina State Board of Elections is "provisional_20201103_eoy_age.txt."

152. See *supra* note 3; *infra* Appendix, Table 6. Youth Provisional Ballot Rejection Rates by Race in North Carolina, 2020.

153. See *supra* text accompanying notes 74–83, 88–105.

154. Durham County's rejection rate has increased much faster over the past four presidential election cycles than has the state. See *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

155. See *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

156. See *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

157. We confirm Yael Bromberg's findings on provisional ballots. Bromberg, *supra* note 11, at 1145–47.

V. POLICY RECOMMENDATIONS & CONCLUSION

In the 2020 election, the race for the North Carolina Supreme Court Chief Justice was decided by the slimmest of margins.¹⁵⁸ The losing candidate, incumbent Cheri Beasley, the first Black woman to hold that post in North Carolina's history, had campaigned as a democracy reformer, committed to improving the efficiency and fairness of administrative and electoral processes within the state.¹⁵⁹ There is a rich irony that Chief Justice Beasley's candidacy boiled down to provisional ballots, how many would count, and which side could cure more spoiled absentee-by-mail and provisional ballots in the days after the election.¹⁶⁰ The race was decided by just 401 votes, a much smaller margin than the 7,744 rejected provisional ballots cast by youth across North Carolina in 2020.¹⁶¹ For a brief moment, the public in North Carolina heard daily reports about provisional ballots, what they were, and how and whether they could be cured and counted.¹⁶² The outcome of the close election did not resolve debates about counting provisional ballots, nor did it generate energy for a more sustained investigation on why they were cast in the first place or what kinds of administrative reforms might make them more useful.

158. See *North Carolina Supreme Court Elections, 2020*, BALLOTPEDIA, https://ballotpedia.org/North_Carolina_Supreme_Court_elections_2020 (last visited Aug. 13, 2022).

159. Statewide newspaper coverage of the North Carolina State Supreme Court race highlighted ballot disputes, most of which were provisional. See Glenn Burkins, *Cheri Beasley Inches Ahead in Race for Chief Justice of N.C. Supreme Court*, CITY METRO (Nov. 14, 2020), <https://citymetro.com/2020/11/14/cheri-beasley-inches-ahead-in-race-for-n-c-supreme-court/>; Jordan Green, *Court Battle Over Disputed Ballots Could Determine Outcome of Chief Justice Race*, TRIAD CITY BEAT (Nov. 17, 2020), <https://triad-city-beat.com/court-battle-disputed-ballots-outcome-chief-justice-race/>; Wes Young, *Beasley Campaign Challenges Rejection of 87 Ballots in Forsyth County*, WINSTON-SALEM J. (Nov. 18, 2020), https://journalnow.com/news/local/beasley-campaign-challenges-rejection-of-87-ballots-in-forsyth-county/article_bd0a1ef4-29eb-11eb-bb96-2f712a582dd7.html; Danielle Battaglia et al., *NC Supreme Court Candidate Pushes to Count More Votes – If They're from Democrats*, RALEIGH NEWS & OBSERVER (Nov. 20, 2020), <https://www.newsobserver.com/news/politics-government/election/article247212499.html>; Brennan Doherty, *A Look at Provisional Ballots in North Carolina*, CAROLINA PUB. PRESS (Jan. 20, 2021), <https://carolinapublicpress.org/41625/a-look-at-provisional-ballots-in-north-carolina/>.

160. See *supra* note 159.

161. See *supra* note 159; *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

162. See, e.g., Press Release, Pender Cnty., N.C., How to Know Your Vote Counted in North Carolina (Nov. 5, 2020), <https://www.pendercountync.gov/2020/11/how-to-know-your-vote-counted-in-north-carolina/>.

The political stakes of provisional balloting for young citizens extend far beyond the outcome of a single election—illuminating pervasive challenges with the health and fairness of our democracy. To cure the inequities revealed by provisional ballots, we must first diagnose the problems within voter registration policies and election administration that accentuate these disparities. We have demonstrated first that young citizens and citizens of color are significantly more likely to receive provisional ballots because of challenges they face in proving their residence on voter registration forms.¹⁶³ We have also shown that the provisional ballots cast by youth are rejected at much higher rates than provisional ballots cast by older citizen cohorts.¹⁶⁴ A youth provisional ballot rejection rate of 95% in Durham County and 73% for all young North Carolinians in 2020 indicates that provisional ballots are not fulfilling their intended purpose of providing a failsafe for voters whose eligibility is uncertain.¹⁶⁵

We have argued that disenfranchisement through provisional balloting does not occur because of a deliberate effort to suppress the votes of young Black citizens but is instead a consequence of flaws in election administration generated by voter registration policies and by the actions of both election officials and university administrations. We have shown that provisional ballots possess few benefits for young citizens, because they are seldom counted (whether fully or partially) and often do not even serve as an enduring registration form.¹⁶⁶ Our research indicates that poll workers do not clearly explain the entirety of the provisional voting process and that very few citizens know if they have even cast a provisional ballot or how to avoid that conundrum in the future.¹⁶⁷ The lack of transparency in the administration of provisional ballots weakens their primary purpose for those whose ballots are rejected: securing a young citizen's future voter registration status. Madison was not alone in casting provisional ballots in consecutive elections after providing election officials the same address each time, unaware that her campus address was the cause of her disenfranchisement.¹⁶⁸

163. See SHAW & HUTCHINGS, *supra* note 20, at 7.

164. See *supra* text accompanying notes 41–51.

165. See *supra* note 3; *infra* Appendix, Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

166. See *id.*; see also *supra* text accompanying notes 74–79.

167. See, e.g., Interview with Heather, *supra* note 87; Interview with Andrew, *supra* note 87; Interview with Ben, *supra* note 87; Interview with Michaela, *supra* note 87; Interview with Teresa, *supra* note 131; Interview with Autumn, *supra* note 131; Interview with James, *supra* note 131.

168. See *supra* text accompanying notes 74–83.

Provisional voters are too often burdened with the responsibility to learn why they voted provisionally. If voters are not informed that there is a problem with their registration, they are unlikely to resolve the issue before the next election season. Even if a voter knows that their registration is incorrect, there is no formal procedure in North Carolina for voters to challenge a mistake made by a poll worker or election administrator.¹⁶⁹ In the current context, the provisional ballot serves as an empty promise to do right by young citizens, many of whom have already been failed by a flawed voter registration process.

Widespread democracy challenges deserve policymakers' immediate attention, but ultimately the root causes must be addressed with more specific changes at the board of elections and among university administrators. State and county boards of elections have a responsibility to ensure all eligible voters are able to exercise their right to vote and that state statutes are enforced at every polling place.¹⁷⁰ Places of higher education have a civic duty to assist their students through the complex voting process.¹⁷¹ That responsibility includes providing all students with accurate and up-to-date information about address requirements for successful voter registration on a college campus, access to an early voting site where voter registration problems can be fixed, deadlines to register if a student chooses to vote on election day, as well as details on how and when to request an absentee-by-mail ballot if voting at home. The rules governing voting should not be mystifying. When they are, they feed students' mistrust of an electoral system that very often does seem rigged by gerrymandering and unequal access to voting.

Through Numbered Memos, the State Board of Elections, in turn, should adopt the following practices. Under N.C. Gen. Stat. § 163-166.11 and HAVA, poll workers are supposed to notify voters that they are voting provisionally in both verbal and written literature.¹⁷² Our research indicates that the current method is not effective at ensuring clear communication.¹⁷³ The State Board of Elections should reconsider the way that poll workers explain the provisional voting and cure process to every citizen who casts a provisional ballot. To that end, election

169. For a description of the processes for curing provisional ballots, see Memorandum from Kim Westbrook Strach, *supra* note 100.

170. See N.C. GEN. STAT. §§ 163-19–163-37.1 (2019).

171. Higher Education Opportunity Act of 2008, Pub. L. No. 110-315, §§ 102(c), 104, 122 Stat. 3078, 3083–85, 3090 (codified in scattered sections of 20 U.S.C.) states that “higher education should facilitate the free and open exchange of ideas,” which we believe includes the right to cast one’s ballot and be counted in elections.

172. See N.C. GEN. STAT. § 163-166.11 (2020); Help America Vote Act of 2002, 52 U.S.C. §§ 20901–21145.

173. See § 163-166.11.

officials might prepare and distribute accessible written information, in English and Spanish, detailing the provisional balloting system, including the cure process.¹⁷⁴ If the voter receives a provisional ballot on account of a lack of registration, poll workers should verify that their information is accurately recorded on their ballot to ensure a successful registration for future elections. We also recommend that State Board of Elections officials consider adopting the following procedural changes: (1) ensure voter eligibility is not dependent on providing a valid mailing address if attempting to vote in person, which will not only help students and young voters but also will benefit people who are experiencing houselessness; and (2) guarantee that the physical location of an early voting site will not also serve as an Election Day precinct. Unless space issues necessitate the use of a location as both an early vote and election site, state and county officials should avoid this practice because it leaves young voters at risk for not knowing the different administrative rules between early voting and Election Day voting, which excludes same-day registration in North Carolina.¹⁷⁵

College administrators and universities also have a civic responsibility to make provisional balloting less frequent and, when necessary, a learning experience. When the Higher Education Opportunity Act was reauthorized in 2008, lawmakers maintained the provision requiring universities to make a good faith effort to register students to vote.¹⁷⁶ The statute reads that an

174. One model for doing this has already been created by a non-partisan nonprofit in Durham called Democracy NC. See *Provisional Voting Explained.*, *supra* note 78.

175. For the different rules regarding voting on Election Day versus early voting, see *Vote in Person on Election Day, Overview of Election Day Voting*, N.C. STATE BD. OF ELECTIONS, <https://www.ncsbe.gov/voting/vote-person-election-day> (last visited Aug. 13, 2022); see also Samantha Kummerer & Maggie Green, *Despite Increase in Early Voting Locations, Access Remains Difficult for Some*, ABC (Oct. 16, 2020), <https://abc11.com/early-voting-nc-vote-in/7055036/>; Quiana Shepard, *NCCU and Durham Community Show Out to Vote Early at Law School*, N.C. CENT. UNIV. (Oct. 16, 2020, 11:43 AM), <https://www.nccu.edu/news/nccu-and-durham-community-show-out-vote-early-law-school>.

176. See Higher Education Opportunity Act of 2008, Pub. L. No. 110-315, § 493(a), 122 Stat. 3078, 3308 (codified in scattered sections of 20 U.S.C.). The Act was not reauthorized and expired in 2013. In 2013, a “Dear Colleague Letter” from the U.S. Department of Education reminded universities that under § 487(a)(23) of the Higher Education Act of 1965, Pub. L. No 89-329, 79 Stat. 1219 (codified as amended in scattered sections of 20 U.S.C.), universities “must make the voter registration forms widely available to [their] students and distribute the forms individually to [their] degree or certificate program students who are physically in attendance at [their] institution. Distribution by regular or electronic mail is permitted.” See BRENDA DANN-MESSIER, U.S. DEP’T OF EDUC., REQUIREMENT FOR DISTRIBUTION OF VOTER REGISTRATION FORMS (2013), <https://web.archive.org/web/20180721014406/https://ifap.ed.gov/dpccletters/GEN1317.html>.

institution shall be considered in compliance . . . for each student to whom the institution electronically transmits a message containing a voter registration form acceptable for use in the State in which the institution is located, or an Internet address where such a form can be downloaded, if such information is in an electronic message devoted exclusively to voter registration.¹⁷⁷

In North Carolina, the most efficient and reliable solution has been for college administrators to share a list of eligible students with local county boards of elections and collaborate with state and county boards of elections to ensure student IDs serve as a proof of residency.¹⁷⁸ Universities should also provide students and their parents with transparent and comprehensible information regarding the protections provided to student voters under litigation related to the Twenty-Sixth Amendment in order to dispel the popular misunderstanding that voting can impact future taxes or tuition opportunities. And universities should hire full-time staff and train students to provide consistent and accurate information about the voting process to all members of the university community. If universities do not fulfill these civic duties, state boards of election and the Department of Education should step in to ensure that institutions of higher education do so and that boards of elections fulfill their functional responsibility. In short, colleges and universities should use administrative structures to adopt practices that will remove all procedural obstacles to voting.

177. Higher Education Opportunity Act of 2008 § 493(a) (amending § 487(a) to read as such).

178. A three-judge panel in *Holmes v. Moore* struck down North Carolina's 2018 Voter ID law in September 2021, finding that it violated the North Carolina State Constitution. *Holmes v. Moore*, 840 S.E.2d 244, 266 (N.C. Ct. App. 2020). Regardless, identification can serve as proof of address for registration, and allowing college students to use their student IDs for this purpose would alleviate the complications faced by students like Andrew and Heather. See Interview with Andrew, *supra* note 87; Interview with Heather, *supra* note 87. Under the previous 2018 ID law, colleges were able to apply for their student IDs to count as an acceptable form of identification, but this list was only set to be updated once every four years. See Act of Dec. 6, 2018, sec. 1.2(b), § 163A-1145.2, 2019 N.C. Sess. Laws 72, 75–76. Instead, we propose that student IDs serve as proof of address automatically and that all colleges be required to update their list of eligible students annually. Nationwide, student IDs are generally accepted in states where identification is required to vote. Fifteen states and the District of Columbia currently have no voter identification requirement; twenty-eight more states accept student IDs for voting, with eighteen of these also permitting voters to sign an affidavit in lieu of presenting ID; and only seven states—Arizona, Iowa, North Dakota, Ohio, South Carolina, Tennessee, and Texas—do not accept student IDs in any capacity. See *Student ID as Voter ID*, CAMPUS VOTE PROJECT, <https://www.campusvoteproject.org/student-id-as-voter-id/> (last visited Aug. 13, 2022).

In a well-functioning democracy, provisional ballots play an important role as a mechanism for addressing challenges that arise as transient citizens move into and out of geographically bound political maps. When provisional ballots add to the distrust many young citizens have in their democracy, however, they compound the problem they were designed to solve. This effect is well-illustrated by one of the students we interviewed, a woman named Michaela, whose voter registration was inaccurately processed by an election worker who misspelled her last name when inputting her form.¹⁷⁹ Michaela received a provisional ballot because her actual name did not appear in the voter database when she showed up to vote, a clerical error that provisional balloting should have fixed.¹⁸⁰ A search of North Carolina's voter database that included her birth date revealed the State Board of Elections' processing error.¹⁸¹ Michaela was relieved to learn that she was not responsible for the mistake that led to her provisional ballot's rejection.¹⁸² However, like Madison, Michaela's provisional ballot failed to provide her a valid voter registration.¹⁸³ Fortunately, she was able to register and vote during the 2020 primary with a dormitory address that was, inexplicably, accepted by election workers.¹⁸⁴ Her story exemplifies the need for reform, with consistent rules about how to register to vote, and ideally with same day registration the standard on election day. Michaela was frustrated that the election system seemed to be deliberately working to prevent her voice from being heard,¹⁸⁵ a sentiment shared by many young voters of color that highlights a rise of distrust and disillusionment with democracy. Michaela's concerns after learning that her provisional ballot was not counted reveal the damage that provisional balloting, as currently administered, can cause. The procedural errors that continue to disenfranchise her and other young citizens must be ameliorated. If we are to rebuild trust in voting and expand young citizens' capacity to advocate for their voting rights, we must rectify the flaws in our system of election administration.

179. See Interview with Michaela, *supra* note 87.

180. See *id.*

181. See *supra* note 67.

182. See Interview with Michaela, *supra* note 87.

183. See *id.*

184. See *id.*

185. See *id.*

APPENDIX

TABLE 1. YOUTH PROVISIONAL BALLOT REJECTION RATES,
DURHAM COUNTY AND NORTH CAROLINA, 2008-2020

Election Count (Raw # and %)	NCCU		Durham County		North Carolina	
2008 Election						
Rejected	79	52.7%	248	42.9%	8,415	60.0%
Partially Counted	40	26.7%	95	16.4%	1,123	8.0%
Fully Counted	31	20.7%	235	40.7%	4,477	31.9%
Total	150	100.0%	578	100.0%	14,015	100.0%
2012 Election						
Rejected	62	59.6%	369	50.8%	8,899	63.4%
Partially Counted	23	22.1%	106	14.6%	1,382	9.8%
Fully Counted	19	18.3%	252	34.7%	3,750	26.7%
Total	104	100.0%	727	100.0%	14,031	100.0%
2016 Election						
Rejected	60	75.0%	339	61.7%	11,086	66.6%
Partially Counted	10	12.5%	77	14.0%	1,330	8.0%
Fully Counted	10	12.5%	133	24.2%	4,218	25.4%
Total	80	100.0%	549	100.0%	15,634	100.0%
2020 Election						
Rejected	64	95.5%	341	78.4%	7,744	73.2%
Partially Counted	2	3.0%	37	8.5%	679	6.4%
Fully Counted	1	1.5%	57	13.1%	2,154	20.4%
Total	67	100.0%	435	100.0%	10,577	100.0%

Source: North Carolina State Board of Elections, voter files,
“provisional_20081104_eoy_age.txt,”
“provisional_20121106_eoy_age.txt,”
“provisional_20161108_eoy_age.txt,” and
“provisional_20201103_eoy_age.txt.”

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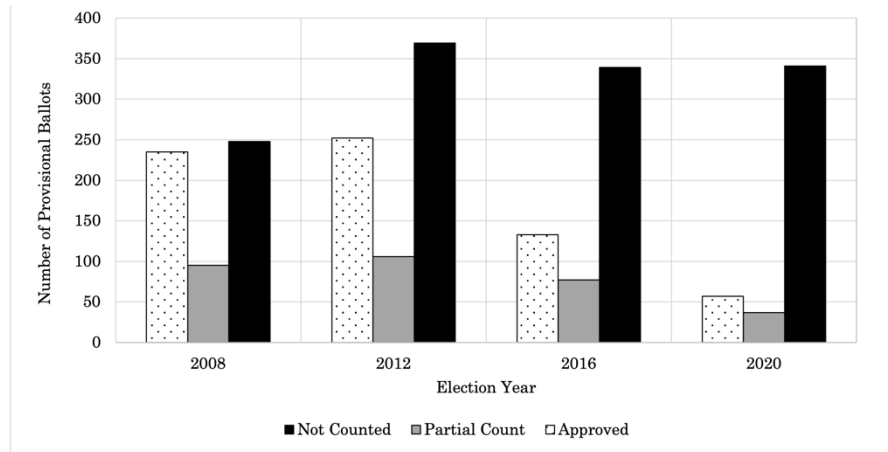
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TABLE 2. REASONS FOR REJECTING YOUTH PROVISIONAL BALLOTS,
DURHAM COUNTY AND NORTH CAROLINA, 2020

Reason for Provisional Ballot Rejection	Durham County	North Carolina
Not Registered	88.3%	76.2%
Registration After Deadline	1.2%	9.1%
Removed	2.9%	4.7%
Identification Not Provided	2.1%	2.8%
Moved More Than 30 Days Before the Election	1.8%	1.9%
Not Eligible to Vote	2.3%	1.8%
Previously Denied	1.7%	1.7%
Voter Already Voted	0.7%	0.7%
Other	1.2%	1.1%

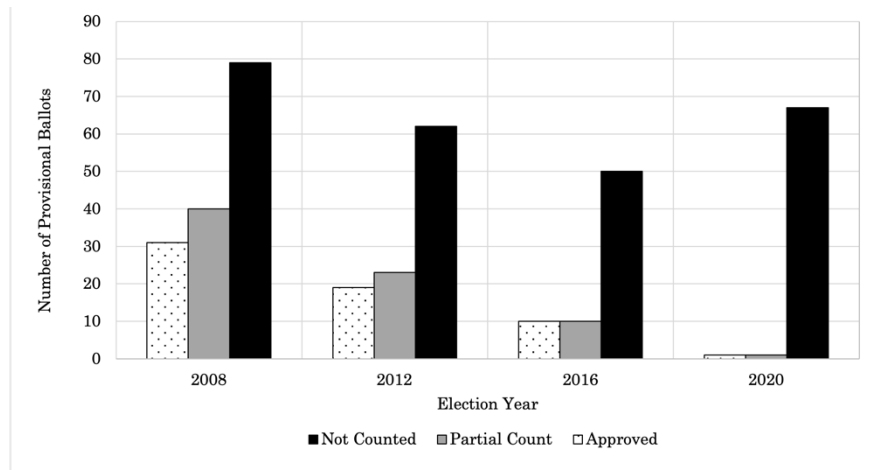
Source: North Carolina State Board of Elections, voter files, “provisional_20201103_eoy_age.txt.”

FIGURE 1. NUMBER OF YOUTH (18-25) PROVISIONAL BALLOTS IN DURHAM COUNTY, 2008-2020



Source: Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

FIGURE 2. YOUTH PROVISIONAL BALLOTS CAST AT NCCU, PRECINCT 55-49, 2008-2020



Source: Table 1. Youth Provisional Ballot Rejection Rates, Durham County and North Carolina, 2008-2020.

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TABLE 3. RATES FOR CASTING AND COUNTING PROVISIONAL BALLOTS
BY AGE GROUP, NORTH CAROLINA AND DURHAM COUNTY, 2008-2020

N.C.	Age Group	# Cast	% Cast	% Counted	Durham County	Age Group	# Cast	% Cast	% Counted
2008	18-25	14017	3.15%	31.90%	2008	18-25	578	2.82%	40.70%
	26-40	20784	2.01%	42.10%		26-40	727	1.79%	54.75%
	41-65	16635	0.84%	46.98%		41-65	461	0.83%	55.53%
	66+	2483	0.37%	45.71%		66+	54	0.35%	44.44%
2012	18-25	14031	5.33%	26.70%	2012	18-25	727	4.43%	34.70%
	26-40	19232	2.27%	36.03%		26-40	1031	3.68%	45.10%
	41-65	15539	1.21%	41.78%		41-65	680	1.52%	46.91%
	66+	2267	0.41%	37.54%		66+	71	0.47%	43.66%
2016	18-25	16634	3.77%	25.40%	2016	18-25	549	2.74%	24.20%
	26-40	22590	2.27%	37.32%		26-40	796	1.77%	33.42%
	41-65	18790	0.86%	42.62%		41-65	500	0.79%	39.20%
	66+	2551	0.26%	41.12%		66+	79	0.33%	30.38%
2020	18-25	10577	2.13%	20.40%	2020	18-25	435	2.28%	13.10%
	26-40	14719	1.45%	33.16%		26-40	446	1.10%	22.65%
	41-65	13243	0.63%	41.92%		41-65	320	0.60%	34.38%
	66+	2165	0.23%	47.25%		66+	45	0.22%	37.78%

Source: North Carolina State Board of Elections, voter files,
“provisional_20081104_eoy_age.txt,”
“provisional_20121106_eoy_age.txt,”
“provisional_20161108_eoy_age.txt,” and
“provisional_20201103_eoy_age.txt.”

TABLE 4. LIKELINESS FOR CASTING A PROVISIONAL BALLOT:
DURHAM COUNTY, 2008-2020

y.level	term	estimate	std.error	statistic	p.value	conf.low	conf.high
1	(Intercept)	0.001	0.165	-	0.000	0.001	0.001
				42.161			
1	ageAge 18 - 25	8.802	0.180	12.088	0.000	6.186	12.523
1	ageAge 26 - 40	5.894	0.172	10.342	0.000	4.211	8.250
1	ageAge 41 - 65	2.340	0.177	4.813	0.000	1.655	3.308
1	race_codeamerican indian or alaskan native	15.911	0.737	3.753	0.000	3.750	67.509
1	race_codeasian	3.143	0.604	1.895	0.058	0.961	10.273
1	race_codeblack or african american	1.607	0.237	1.999	0.046	1.009	2.558
1	race_codeother	2.644	0.580	1.676	0.094	0.848	8.241
1	race_codetwo or more races	0.001	0.124	-	0.000	0.001	0.001
				57.675			
1	race_codeundesignated	1.644	0.516	0.962	0.336	0.597	4.524
1	ethnic_codehispanic or latino	5.743	0.543	3.222	0.001	1.983	16.632
1	ethnic_codeundesignated	1.143	0.270	0.495	0.621	0.673	1.941
1	sex_codefemale	0.734	0.039	-7.956	0.000	0.681	0.792
1	sex_codeundesignated	0.771	0.112	-2.329	0.020	0.619	0.960
1	ageAge 18 - 25:race_codeamerican indian or alaskan native	0.276	0.869	-1.481	0.139	0.050	1.516
1	ageAge 26 - 40:race_codeamerican indian or alaskan native	0.063	1.024	-2.701	0.007	0.008	0.468
1	ageAge 41 - 65:race_codeamerican indian or alaskan native	0.206	0.895	-1.764	0.078	0.036	1.191
1	ageAge 18 - 25:race_codeasian	0.350	0.640	-1.641	0.101	0.100	1.227
1	ageAge 26 - 40:race_codeasian	0.529	0.631	-1.008	0.314	0.154	1.824
1	ageAge 41 - 65:race_codeasian	0.698	0.648	-0.555	0.579	0.196	2.487
1	ageAge 18 - 25:race_codeblack or african american	1.778	0.253	2.276	0.023	1.083	2.917
1	ageAge 26 - 40:race_codeblack or african american	1.381	0.246	1.309	0.191	0.852	2.238
1	ageAge 41 - 65:race_codeblack or african american	1.144	0.252	0.536	0.592	0.699	1.874
1	ageAge 18 - 25:race_codeother	0.765	0.615	-0.435	0.664	0.229	2.555
1	ageAge 26 - 40:race_codeother	0.776	0.602	-0.422	0.673	0.238	2.524
1	ageAge 41 - 65:race_codeother	0.878	0.616	-0.211	0.833	0.262	2.939
1	ageAge 18 - 25:race_codetwo or more races	2860.810	0.186	42.798	0.000	1987.002	4118.887
1	ageAge 26 - 40:race_codetwo or more races	1938.355	0.207	36.495	0.000	1290.866	2910.619
1	ageAge 41 - 65:race_codetwo or more races	2372.075	0.302	25.765	0.000	1313.338	4284.303
1	ageAge 18 - 25:race_codeundesignated	1.973	0.532	1.277	0.201	0.695	5.598
1	ageAge 26 - 40:race_codeundesignated	0.977	0.530	-0.043	0.965	0.346	2.763
1	ageAge 41 - 65:race_codeundesignated	1.251	0.537	0.417	0.677	0.436	3.585
1	ageAge 18 - 25:ethnic_codehispanic or latino	0.209	0.561	-2.786	0.005	0.070	0.629
1	ageAge 26 - 40:ethnic_codehispanic or latino	0.314	0.561	-2.062	0.039	0.105	0.944
1	ageAge 41 - 65:ethnic_codehispanic or latino	0.484	0.574	-1.264	0.206	0.157	1.491
1	ageAge 18 - 25:ethnic_codeundesignated	0.379	0.284	-3.417	0.001	0.218	0.662
1	ageAge 26 - 40:ethnic_codeundesignated	0.644	0.280	-1.573	0.116	0.372	1.114
1	ageAge 41 - 65:ethnic_codeundesignated	1.193	0.283	0.624	0.532	0.685	2.077

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TABLE 5. LIKELINESS FOR CASTING A PROVISIONAL BALLOT:
NORTH CAROLINA, 2008-2020

y.level	term	estimate	std.error	statistic	p.value	conf.low	conf.high
1	(Intercept)	0.001	0.023	-	0.000	0.001	0.001
				306.058			
1	ageAge 18 - 25	14.642	0.024	110.679	0.000	13.962	15.354
1	ageAge 26 - 40	9.333	0.024	94.901	0.000	8.912	9.773
1	ageAge 41 - 65	2.986	0.024	46.010	0.000	2.850	3.129
1	race_codeamerican indian or alaskan native	8.339	0.093	22.901	0.000	6.955	9.999
1	race_codeasian	3.508	0.127	9.891	0.000	2.735	4.498
1	race_codeblack or african american	1.594	0.041	11.333	0.000	1.470	1.727
1	race_codeother	1.997	0.123	5.621	0.000	1.569	2.541
1	race_codetwo or more races	3.495	0.240	5.222	0.000	2.185	5.591
1	race_codeundesignated	2.894	0.071	14.943	0.000	2.518	3.327
1	ethnic_codehispanic or latino	3.912	0.108	12.673	0.000	3.168	4.831
1	ethnic_codeundesignated	1.975	0.040	17.006	0.000	1.826	2.136
1	sex_codefemale	0.779	0.007	-	0.000	0.769	0.790
				36.672			
1	sex_codeundesignated	0.538	0.023	-	0.000	0.514	0.563
				26.627			
1	ageAge 18 - 25:race_codeamerican indian or alaskan native	0.415	0.106	-8.302	0.000	0.337	0.510
1	ageAge 26 - 40:race_codeamerican indian or alaskan native	0.480	0.100	-7.322	0.000	0.394	0.584
1	ageAge 41 - 65:race_codeamerican indian or alaskan native	0.626	0.100	-4.684	0.000	0.515	0.762
1	ageAge 18 - 25:race_codeasian	0.250	0.140	-9.911	0.000	0.190	0.328
1	ageAge 26 - 40:race_codeasian	0.342	0.135	-7.922	0.000	0.262	0.446
1	ageAge 41 - 65:race_codeasian	0.487	0.136	-5.302	0.000	0.373	0.635
1	ageAge 18 - 25:race_codeblack or african american	0.964	0.044	-0.840	0.401	0.885	1.050
1	ageAge 26 - 40:race_codeblack or african american	0.864	0.043	-3.395	0.001	0.794	0.940
1	ageAge 41 - 65:race_codeblack or african american	0.908	0.043	-2.211	0.027	0.834	0.989
1	ageAge 18 - 25:race_codeother	0.684	0.128	-2.964	0.003	0.533	0.879
1	ageAge 26 - 40:race_codeother	0.652	0.128	-3.354	0.001	0.508	0.837
1	ageAge 41 - 65:race_codeother	0.750	0.130	-2.216	0.027	0.582	0.967
1	ageAge 18 - 25:race_codetwo or more races	0.551	0.243	-2.452	0.014	0.343	0.887
1	ageAge 26 - 40:race_codetwo or more races	0.534	0.244	-2.570	0.010	0.331	0.862
1	ageAge 41 - 65:race_codetwo or more races	0.673	0.250	-1.582	0.114	0.412	1.099
1	ageAge 18 - 25:race_codeundesignated	0.479	0.076	-9.703	0.000	0.413	0.556
1	ageAge 26 - 40:race_codeundesignated	0.439	0.075	-	0.000	0.379	0.508
				11.003			
1	ageAge 41 - 65:race_codeundesignated	0.651	0.076	-5.682	0.000	0.561	0.755
1	ageAge 18 - 25:ethnic_codehispanic or latino	0.406	0.111	-8.088	0.000	0.326	0.505
1	ageAge 26 - 40:ethnic_codehispanic or latino	0.469	0.111	-6.803	0.000	0.377	0.583
1	ageAge 41 - 65:ethnic_codehispanic or latino	0.639	0.114	-3.945	0.000	0.511	0.798
1	ageAge 18 - 25:ethnic_codeundesignated	0.326	0.043	-	0.000	0.300	0.355
				25.842			
1	ageAge 26 - 40:ethnic_codeundesignated	0.453	0.042	-	0.000	0.417	0.493
				18.664			
1	ageAge 41 - 65:ethnic_codeundesignated	0.777	0.043	-5.918	0.000	0.715	0.845

TABLE 6. YOUTH PROVISIONAL BALLOT REJECTION RATES BY RACE IN NORTH CAROLINA, 2020

Race	Number Rejected	Rejection Rate (%)
N/A	2674	75.77%
White	2582	73.90%
Black or African	1463	71.33%
Other	402	72.04%
Undesignated	286	58.25%
Two or More	175	77.78%
American Indian	97	68.31%
Asian	65	74.71%
Total	7744	73.20%

Source: North Carolina State Board of Elections, voter files, "provisional_20201103_eoy_age.txt."