

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 430

Short Title: Voter Identification. (Public)

Sponsors: Representatives Moore, Current, Stam, Killian (Primary Sponsors); Avila, Barnhart, Blackwell, Blackwood, Blust, Boles, Brown, Brubaker, Burr, Burris-Floyd, Cleveland, Daughtry, Dockham, Dollar, Folwell, Frye, Gillespie, Grady, Guice, Gulley, Hilton, Holloway, Howard, Hurley, Johnson, Justice, Justus, Langdon, Lewis, McCormick, McElraft, McGee, Mills, Neumann, Randleman, Rhyne, Sager, Samuelson, Setzer, Starnes, Steen, Stevens, Stiller, Tillis, West, and Wiley.

Referred to: Election Law and Campaign Finance Reform, if favorable, Judiciary II.

March 9, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT VOTERS PROVIDE IDENTIFICATION BEFORE VOTING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-166.12 reads as rewritten:

"§ 163-166.12. Requirements for certain voters who register by mail.

(a) Voting in Person. — ~~An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina.~~ Every individual seeking to vote in person shall present to a local election official at a voting place or one-stop (early voting) site before voting there one of the following:

- (1) A current and valid photo identification.
- (2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(b) Voting Mail-In Absentee. — An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the mailed-in absentee ballot one of the following:

- (1) A copy of a current and valid photo identification.
- (2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(b1) The county board of elections shall note the type of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the tendered copy of identification proof as soon as the type of proof is noted in the voter registration records.

(b2) Voting When Identification Numbers Do Not Match. — Regardless of whether an individual has registered by mail or by another method, if the individual has provided with the registration form a drivers license number or last four digits of a Social Security number but the computer validation of the number as required by G.S. 163-82.12 did not result in a match, and the number has not been otherwise validated by the board of elections, in the first election in



1 which the individual votes that individual shall submit with the ballot the form of identification
2 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot
3 is voted in person or absentee. If that identification is provided and the board of elections does
4 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
5 identification numbers to match shall not prevent that individual from registering to vote and
6 having that individual's vote counted. If the individual registers and votes under
7 G.S. 163-82.6A, the identification documents required in that section, rather than those
8 described in subsection (a) or (b) of this section, apply.

9 (c) The Right to Vote Provisionally. – If an individual is required under subsection (a),
10 (b), or (b2) of this section to present identification in order to vote, but that individual does not
11 present the required identification, that individual may vote a provisional official ballot. If the
12 voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If
13 the voter is voting by mail-in absentee ballot, the mailed ballot without the required
14 identification shall be treated as a provisional official ballot.

15 (d) Exemptions. —~~This Subsection (b) of this section~~ does not apply to any of the
16 following:

- 17 (1) An individual who registers by mail and submits as part of the registration
18 application either of the following:
 - 19 a. A copy of a current and valid photo identification.
 - 20 b. A copy of one of the following documents that shows the name and
21 address of the voter: a current utility bill, bank statement,
22 government check, paycheck, or other government document.
- 23 (2) An individual who registers by mail and submits as part of the registration
24 application the individual's drivers license number or at least the last four
25 digits of the individual's social security number where an election official
26 matches either or both of the numbers submitted with an existing State
27 identification record bearing the same number, name, and date of birth
28 contained in the submitted registration. If any individual's number does not
29 match, the individual shall provide identification as required in subsection
30 (b2) of this section in the first election in which the individual votes.
- 31 (3) An individual who is entitled to vote by absentee ballot under the Uniformed
32 and Overseas Citizens Absentee Voting Act.
- 33 (4) An individual who is entitled to vote otherwise than in person under section
34 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped
35 Act.
- 36 (5) An individual who is entitled to vote otherwise than in person under any
37 other federal law."

38 **SECTION 2.** G.S. 163-166.7(a) reads as rewritten:

39 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
40 through the appropriate entrance. A precinct official assigned to check registration shall at once
41 ask the voter to state current name and residence address. The voter shall answer by stating
42 current name and residence ~~address.~~address and present an identification document in
43 accordance with G.S. 163-166.12. In a primary election, that voter shall also be asked to state,
44 and shall state, the political party with which the voter is affiliated or, if unaffiliated, the
45 authorizing party in which the voter wishes to vote. After examination, that official shall state
46 whether that voter is duly registered to vote in that precinct and shall direct that voter to the
47 voting equipment or to the official assigned to distribute official ballots. If a precinct official
48 states that the person is duly registered, the person shall sign the pollbook, other voting record,
49 or voter authorization document in accordance with subsection (c) of this section before
50 voting."

51 **SECTION 3.** G.S. 163-227.2(b) reads as rewritten:

1 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
2 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
3 before that election, the voter shall appear in person only at the office of the county board of
4 elections, except as provided in subsection (g) of this section. A county board of elections shall
5 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may
6 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the
7 board office through the appropriate entrance and shall at once state his or her name and place
8 of residence to an authorized member or employee of the ~~board.~~ board and present an
9 identification document in accordance with G.S. 163-166.12(a). In a primary election, the voter
10 shall also state the political party with which the voter affiliates and in whose primary the voter
11 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
12 particular party under G.S. 163-119, the voter shall state the name of the authorizing political
13 party in whose primary he wishes to vote. The board member or employee to whom the voter
14 gives this information shall announce the name and residence of the voter in a distinct tone of
15 voice. After examining the registration records, an employee of the board shall state whether
16 the person seeking to vote is duly registered. If the voter is found to be registered that voter
17 may request that the authorized member or employee of the board furnish the voter with an
18 application form as specified in G.S. 163-227. The voter shall complete the application in the
19 presence of the authorized member or employee of the board, and shall deliver the application
20 to that person."

21 **SECTION 4.** This act becomes effective January 1, 2010, and applies with respect
22 to all primaries and elections held on or after that date.