

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS15123-TC-15 (04/04)

Short Title: Voter Identification at Polls.

(Public)

Sponsors: Senator Clary.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT VOTERS PROVIDE PHOTO IDENTIFICATION PRIOR TO
3 VOTING; AND TO PROVIDE FOR THE ISSUANCE OF NORTH CAROLINA VOTER
4 IDENTIFICATION CARDS; AND TO REQUIRE VOTER EDUCATION ON PROPER
5 IDENTIFICATION FOR VOTING; AND TO PROVIDE FOR THE ISSUANCE OF NO
6 FEE SPECIAL IDENTIFICATION CARDS TO REGISTERED VOTERS WITHOUT
7 PROPER IDENTIFICATION FOR VOTING.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.1.** Article 14A of Chapter 163 of the General Statutes is amended by
10 adding the following new sections to read:

11 **"§ 163-166.13. Requirement for presentation of identification to local election officials at**
12 **a voting place.**

13 (a) Except as provided in subsection (c) of this section, every individual seeking to vote
14 in person shall present proper identification to a local election official at a voting place prior to
15 voting there. Proper identification shall consist of one of the following, provided the
16 identification contains a photograph of the registered voter:

17 (1) A North Carolina drivers license that was issued by the appropriate State
18 agency.

19 (2) A valid North Carolina voter identification card issued under
20 G.S. 163-166.14 or other identification card issued by a branch, department,
21 agency, or entity of the State of North Carolina, any other state, or the
22 United States permitted by law to issue personal identification.

23 (3) A valid United States passport.

24 (4) A valid employee identification card issued by any branch, department,
25 agency, or entity of the United States government, the State of North
26 Carolina, or any county, municipality, board, authority, or other entity of the
27 State.

28 (5) A valid United States military identification card.

29 (6) A valid tribal identification card.

30 (b) Except as provided in subsection (c) of this section, if an individual is unable to
31 produce any of the items of identification listed in subsection (a) of this section, the individual
32 shall be allowed to vote a provisional ballot upon executing a written affirmation before an
33 election official at the voting place pursuant to G.S. 163-166.11. Such provisional ballot shall
34 be counted only if the county board of elections is able to verify proper identification of the



1 individual as provided in subsection (a) of this section prior to the canvass conducted by the
2 county board of elections pursuant to G.S. 163-182.5.

3 (c) An individual subject to the requirements of G.S. 163-166.12 shall present the
4 identification required by that section to a local election official prior to voting at a voting
5 place. If the individual is unable to produce the required identification, the individual may vote
6 a provisional ballot pursuant to G.S. 163-166.12.

7 **"§ 163-166.14. Voter identification cards.**

8 (a) Each county board of elections shall provide at least one place in the county at
9 which it shall accept applications for and issue North Carolina voter identification cards which
10 shall be valid only for purposes of voter identification under this Chapter and available only to
11 registered voters of this State. No fee shall be charged or collected for the application for or
12 issuance of a North Carolina voter identification card.

13 (b) No person shall be eligible for a North Carolina voter identification card if such
14 person has a valid unexpired drivers license or special identification card issued under
15 G.S. 20-37.7.

16 (c) The North Carolina voter identification card shall be captioned "NORTH
17 CAROLINA VOTER IDENTIFICATION CARD" and shall contain a prominent statement that
18 under North Carolina law it is valid only as identification for voting purposes. The North
19 Carolina voter identification card shall be laminated, shall contain a digital color photograph of
20 the applicant, and shall include the following information:

21 (1) Full legal name.

22 (2) Address of residence.

23 (3) Birth date.

24 (4) Date identification card was issued.

25 (5) Sex.

26 (6) Height.

27 (7) Weight.

28 (8) Eye color.

29 (9) County where the identification card was issued.

30 (10) Such other information or identification as required by rule of the State
31 Board of Elections.

32 (d) The application for a North Carolina voter identification card shall elicit the
33 information required under subsection (c) of this section and such other information as may be
34 required by rule of the State Board of Elections. The application shall be signed and sworn to
35 by the applicant and any falsification or fraud in the making of the application shall constitute a
36 Class I felony.

37 (e) The county board of elections shall require presentation and verification of the
38 following information before issuing a North Carolina voter identification card to a person:

39 (1) A photo identity document, except that a nonphoto identity document is
40 acceptable if it includes both the person's full legal name and date of birth.

41 (2) Documentation showing the person's date of birth.

42 (3) Evidence that the person is registered to vote in this State.

43 (4) Documentation showing the person's name and address of residence.

44 (f) A North Carolina voter identification card shall remain valid so long as a person
45 resides at the same address and remains qualified to vote. It shall be the duty of a person who
46 moves his or her residence within the State to surrender his or her card to the county board of
47 elections of the county of his or her new residence; and such person may after such surrender
48 apply for and receive a new card if such person is otherwise eligible under this section. It shall
49 be the duty of a person who moves his or her residence outside the State or who ceases to be
50 qualified to vote to surrender his or her card to the county board of elections by which it was
51 issued.

1 (g) The State Board of Elections shall provide each county board of elections with the
2 necessary equipment, forms, supplies, and training for the production of the North Carolina
3 voter identification cards and shall maintain such equipment.

4 (h) The State Board of Elections shall adopt rules and regulations for the administration
5 of this section. Such rules and regulations may further define or prescribe the types of
6 documentation required under subsection (e) of this section."

7 **SECTION 1.2.** G.S. 163-22 is amended by adding a new subsection to read:

8 "(r) The State Board of Elections shall formulate and conduct a voter education program
9 concerning voting procedures for voting by absentee ballot and at the polls with particular
10 emphasis on proper identification required for voting."

11 **SECTION 1.3.** G.S. 163-82.6A(b) reads as rewritten:

12 "(b) Both Attestation and Proof of Residence Required. – To vote under this section, a
13 voter must present proper identification as defined by G.S. 163-166.13(a). This requirement is
14 separate from the requirement to provide proof of residence under subdivision (2) of this
15 subsection. If an individual does not present the required identification, that individual may
16 vote a provisional official ballot subject to the requirements of G.S. 163-166.13(b). To register
17 and vote under this section, the person shall do both of the following:

- 18 (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including
19 the attestation requirement of G.S. 163-82.4(b) that the person meets each
20 eligibility requirement. Such attestation is signed under penalty of a Class I
21 felony under G.S. 163-275(13); and
- 22 (2) Provide proof of residence by presenting any of the following valid
23 documents that show the person's current name and current residence
24 address: a North Carolina drivers license, a photo identification from a
25 government agency, or any of the documents listed in G.S. 163-166.12(a)(2).
26 The State Board of Elections may designate additional documents or
27 methods that suffice and shall prescribe procedures for establishing proof of
28 residence."

29 **SECTION 1.4.** G.S. 163-166.7(a) reads as rewritten:

30 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
31 through the appropriate entrance. A precinct official assigned to check registration shall at once
32 ask the voter to state current name and residence address. The voter shall answer by stating
33 current name and residence ~~address~~ address and present proper identification in accordance
34 with G.S. 163-166.13. In a primary election, that voter shall also be asked to state, and shall
35 state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing
36 party in which the voter wishes to vote. After examination, that official shall state whether that
37 voter is duly registered to vote in that precinct and shall direct that voter to the voting
38 equipment or to the official assigned to distribute official ballots. If a precinct official states
39 that the person is duly registered, the person shall sign the pollbook, other voting record, or
40 voter authorization document in accordance with subsection (c) of this section before voting."

41 **SECTION 1.5.** G.S. 163-166.11(2) reads as rewritten:

- 42 (2) The individual may cast a provisional official ballot at that voting place upon
43 executing a written affirmation before an election official at the voting place,
44 stating that the individual is a registered voter in the jurisdiction as provided
45 in G.S. 163-82.1 in which the individual seeks to vote and is eligible to vote
46 in that election. The individual shall also present the identification required
47 by G.S. 163-166.13."

48 **SECTION 1.6.** G.S. 163-227.2(b) reads as rewritten:

49 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
50 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
51 before that election, the voter shall appear in person only at the office of the county board of

1 elections, except as provided in subsection (g) of this section. A county board of elections shall
 2 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may
 3 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the
 4 board office through the appropriate entrance and shall at once state his or her name and place
 5 of residence to an authorized member or employee of the ~~board.~~ board and present proper
 6 identification in accordance with G.S. 163-166.13. If an individual does not present the
 7 required identification, that individual may vote a provisional official ballot subject to the
 8 requirements of G.S. 163-166.13(b). In a primary election, the voter shall also state the political
 9 party with which the voter affiliates and in whose primary the voter desires to vote, or if the
 10 voter is an unaffiliated voter permitted to vote in the primary of a particular party under
 11 G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary
 12 he wishes to vote. The board member or employee to whom the voter gives this information
 13 shall announce the name and residence of the voter in a distinct tone of voice. After examining
 14 the registration records, an employee of the board shall state whether the person seeking to vote
 15 is duly registered. If the voter is found to be registered that voter may request that the
 16 authorized member or employee of the board furnish the voter with an application form as
 17 specified in G.S. 163-227. The voter shall complete the application in the presence of the
 18 authorized member or employee of the board, and shall deliver the application to that person."

19 **SECTION 1.7.** G.S. 20-37.7(d) reads as rewritten:

20 "(d) Expiration and Fee. – A special identification card issued to a person for the first
 21 time under this section expires when a drivers license issued on the same day to that person
 22 would expire. A special identification card renewed under this section expires when a drivers
 23 license renewed by the card holder on the same day would expire.

24 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a
 25 duplicate license. The fee does not apply to a special identification card issued to a resident of
 26 this State ~~who is who:~~

27 (1) ~~Is legally blind,~~ blind.

28 (2) ~~is~~ Is at least 70 years ~~old,~~ old.

29 (3) ~~is homeless,~~ Is homeless. To obtain a special identification card without
 30 paying a fee, a homeless person must present a letter to the Division from
 31 the director of a facility that provides care or shelter to homeless persons
 32 verifying that the person is homeless.

33 (4) ~~or who has~~ Has been issued a drivers license but the drivers license is
 34 cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as
 35 a result of a physical or mental disability or disease. ~~To obtain a special~~
 36 ~~identification card without paying a fee, a homeless person must present a~~
 37 ~~letter to the Division from the director of a facility that provides care or~~
 38 ~~shelter to homeless persons verifying that the person is homeless.~~

39 (5) Is a registered North Carolina voter who lacks proper identification required
 40 for voting by G.S. 163-166.13. To obtain a special identification card
 41 without paying a fee, the individual must produce evidence that he or she is
 42 registered to vote in the State of North Carolina, and must swear under oath
 43 that the individual desires an identification card in order to vote in a primary
 44 or election in North Carolina, and that the individual does not have any other
 45 form of identification that is acceptable under G.S. 163-166.13. An
 46 individual who has been issued a valid drivers license shall not be eligible
 47 for a special identification card under this subdivision."

48 **SECTION 1.8.** This act becomes effective January 1, 2012, and applies to
 49 elections held on or after that date.