

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS75163-RRf-10 (01/30)

Short Title: Photo I.D. for Voters.

(Public)

Sponsors: Senator Goodall.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO RESTORE INTEGRITY TO VOTING BY REQUIRING
GOVERNMENT-ISSUED PHOTO IDENTIFICATION AT THE POLLING
LOCATION AND ELIMINATING THE FEE FOR SPECIAL IDENTIFICATION
CARDS TO PROMOTE VOTING BY ALL NORTH CAROLINIANS.

The General Assembly of North Carolina enacts:

Part 1. Identification Required to Vote in Person.

SECTION 1.1. G.S. 163-165 is amended by adding a new subdivision to
read:

"(4a) "Proof of identification" means a document that satisfies all of the following:

- a. The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record.
- b. The document shows a photograph of the individual to whom the document was issued.
- c. The document includes an expiration date, and the document is not expired or expired after the date of the most recent general election in an even-numbered year.
- d. The document was issued by the United States or the State of North Carolina."

SECTION 1.2. G.S. 163-166.12 reads as rewritten:

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

(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~~

1 shall present to a local election official at a voting place or one-stop (early voting) site
2 before voting there ~~one of the following~~:

3 (1) ~~A current and valid photo identification.~~

4 (2) ~~A copy of one of the following documents that shows the name and~~
5 ~~address of the voter: a current utility bill, bank statement, government~~
6 ~~check, paycheck, or other government document.~~

7 proof of identification. Voters shall not be required to present proof of identification
8 before voting at a satellite voting place under the provisions of G.S. 163-130.

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

13 (1) ~~A copy of a~~ current and valid photo identification.

14 (2) ~~A copy of one~~ One of the following documents that shows the name
15 and address of the voter: a current utility bill, bank statement,
16 government check, paycheck, or other government document.

17 (b1) The county board of elections shall note the type of identification proof
18 submitted by the voter under the provisions of subsection ~~(a)-(a), (a1),~~ or (b) of this
19 section and may dispose of the tendered copy of identification proof as soon as the type
20 of proof is noted in the voter registration records.

21 (c) The Right to Vote Provisionally. – If an individual is required under
22 subsection ~~(a) or (b)-(a), (b), or (a1)~~ of this section to present identification in order to
23 vote, but that individual does not present the required identification, that individual may
24 vote a provisional official ballot. If the voter is at the voting place, the voter may vote
25 provisionally there without unnecessary delay. If the voter is voting by mail-in absentee
26 ballot, the mailed ballot without the required identification shall be treated as a
27 provisional official ballot. That provisional ballot shall be counted only if the county
28 board of elections is able to verify identification of the voter, as provided in subsection
29 (a), (b), or (a1) of this section, whichever applies, prior to the date of its canvass as set
30 forth in G.S. 163-182.5(b).

31 (c1) Waiver of Proof of Identification. – A voter who is indigent and could not
32 obtain proof of identification without payment of a fee or other cost may vote a
33 provisional official ballot and sign a certification of both of the following:

34 (1) The voter is the same individual who went to the voting place or
35 one-stop site and cast the provisional official ballot.

36 (2) At least one of the following is true:

37 a. The voter is indigent and unable to obtain proof of
38 identification without the payment of a fee or other cost.

39 b. The voter has a religious objection to being photographed.

40 Signing a certification under this subsection knowing the information to be false
41 shall be punishable as a Class F felony.

42 The State Board of Elections shall prescribe certification forms for the
43 implementation of this subsection. The forms shall request that the voter provide contact
44 information adequate for the county board to contact the voter. The forms shall be

1 available for the voter to sign at each voting place and one-stop site. Precinct officials
2 shall forward each voter's signed certification, together with the voter's provisional
3 official ballot, to the county board of elections.

4 If the county board of elections determines that a voter's provisional official ballot
5 has met all qualifications to be counted, in whole or in part, except for compliance with
6 subsection (a) of this section, the board shall count the ballot, in whole or in part, if the
7 voter has truthfully signed the certification and provided adequate contact information.

8 (d) ~~Exemptions.~~ Exemptions From Absentee or Federal-Compliance
9 Identification. – ~~This Subsection (b) of this section does not apply to any of the~~
10 following:

- 11 (1) An individual who registers by mail and submits as part of the
12 registration application either of the following:
 - 13 a. A copy of a current and valid photo identification.
 - 14 b. A copy of one of the following documents that shows the name
15 and address of the voter: a current utility bill, bank statement,
16 government check, paycheck, or other government document.
- 17 (2) An individual who registers by mail and submits as part of the
18 registration application the individual's drivers license number or at
19 least the last four digits of the individual's social security number
20 where an election official matches either or both of the numbers
21 submitted with an existing State identification record bearing the same
22 number, name, and date of birth contained in the submitted
23 registration.
- 24 (3) An individual who is entitled to vote by absentee ballot under the
25 Uniformed and Overseas Citizens Absentee Voting Act.
- 26 (4) An individual who is entitled to vote otherwise than in person under
27 section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and
28 Handicapped Act.
- 29 (5) An individual who is entitled to vote otherwise than in person under
30 any other federal law."

31 **SECTION 1.3.** G.S. 163-166.7 reads as rewritten:

32 "**§ 163-166.7. Voting procedures.**

33 (a) Checking Registration. – A person seeking to vote shall enter the voting
34 enclosure through the appropriate entrance. A precinct official assigned to check
35 registration shall at once ask the voter to state current name and residence ~~address.~~
36 address and show proof of identification. The voter shall answer by stating current name
37 and residence ~~address.~~ address and presenting proof of identification. In a primary
38 election, that voter shall also be asked to state, and shall state, the political party with
39 which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter
40 wishes to vote. After examination, that official shall state whether that voter is duly
41 registered to vote in that precinct and shall direct that voter to the voting equipment or
42 to the official assigned to distribute official ballots. If a precinct official states that the
43 person is duly registered, the person shall sign the pollbook, other voting record, or

1 voter authorization document in accordance with subsection (c) of this section before
2 voting.

3 (b) Distribution of Official Ballots. – If the voter is found to be duly registered
4 and has not been successfully challenged, the official assigned to distribute the official
5 ballots shall hand the voter the official ballot that voter is entitled to vote, or that voter
6 shall be directed to the voting equipment that contains the official ballot. No voter in a
7 primary shall be permitted to vote in more than one party's primary. The precinct
8 officials shall provide the voter with any information the voter requests to enable that
9 voter to vote as that voter desires.

10 (c) The State Board of Elections shall promulgate rules for the process of voting.
11 Those rules shall emphasize the appearance as well as the reality of dignity, good order,
12 impartiality, and the convenience and privacy of the voter. Those rules, at a minimum,
13 shall include procedures to ensure that all the following occur:

- 14 (1) The voting system remains secure throughout the period voting is
15 being conducted.
- 16 (2) Only properly voted official ballots or paper records of individual
17 voted ballots are introduced into the voting system.
- 18 (3) Except as provided by G.S. 163-166.9, no official ballots leave the
19 voting enclosure during the time voting is being conducted there. The
20 rules shall also provide that during that time no one shall remove from
21 the voting enclosure any paper record or copy of an individually voted
22 ballot or of any other device or item whose removal from the voting
23 enclosure could permit compromise of the integrity of either the
24 machine count or the paper record.
- 25 (4) All improperly voted official ballots or paper records of individual
26 voted ballots are returned to the precinct officials and marked as
27 spoiled.
- 28 (5) Voters leave the voting place promptly after voting.
- 29 (6) Voters not clearly eligible to vote in the precinct or who do not present
30 proof of identification but who seek to vote there are given proper
31 assistance in voting a provisional official ballot or guidance to another
32 voting place where they are eligible to vote.
- 33 (7) Information gleaned through the voting process that would be helpful
34 to the accurate maintenance of the voter registration records is
35 recorded and delivered to the county board of elections.
- 36 (8) The registration records are kept secure. The State Board of Elections
37 shall permit the use of electronic registration records in the voting
38 place in lieu of or in addition to a paper pollbook or other registration
39 record.
- 40 (9) Party observers are given access as provided by G.S. 163-45 to current
41 information about which voters have voted.
- 42 (10) The voter, before voting, shall sign that voter's name on the pollbook,
43 other voting record, or voter authorization document. If the voter is

1 unable to sign, a precinct official shall enter the person's name on the
2 same document before the voter votes. "

3 **SECTION 1.4.** G.S. 163-166.7A reads as rewritten:

4 "**§ 163-166.7A. Voter education and information.**

5 (a) Posting the Information. – For each election that involves candidates for
6 federal or State office, each county board of elections shall post at each active voting
7 place the following information in a manner and format approved by the State Board of
8 Elections:

- 9 (1) A sample ballot as required by G.S. 163-165.2.
- 10 (2) The date of the election and the hours the voting place will be open.
- 11 (3) Instructions on how to vote, including how to cast a vote or correct a
12 vote on the voting systems available for use in that voting place.
- 13 (4) Instructions on how to cast a provisional ballot.
- 14 (5) Instructions to mail-in registrants and first-time voters on how to
15 comply with the requirements in section 303(b) of the Help America
16 Vote Act of 2002 concerning voter identifications.
- 17 (6) General information on voting rights under applicable federal and
18 State law, including information on the right of an individual to cast a
19 provisional ballot and instructions on how to contact the appropriate
20 officials if the voter believes those rights have been violated.
- 21 (7) General information on federal and State laws that prohibit acts of
22 fraud and misrepresentation as to voting and elections.
- 23 (8) The statement "Proof of identification is required in order to vote."
24 shall be displayed in bold type with a list of acceptable forms of
25 identification.

26 (b) Intent. – The posting required by subsection (a) of this section is intended to
27 meet the mandate of the voting information requirements in section 302(b) of the Help
28 America Vote Act of 2002. "

29 **SECTION 1.5.** G.S. 163-227.2(b) reads as rewritten:

30 "(b) Not earlier than the third Thursday before an election, in which absentee
31 ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the
32 last Saturday before that election, the voter shall appear in person only at the office of
33 the county board of elections, except as provided in subsection (g) of this section. A
34 county board of elections shall conduct one-stop voting on the last Saturday before the
35 election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter
36 shall enter the voting enclosure at the board office through the appropriate entrance and
37 shall at once state his or her name and place of ~~residence~~ residence and present proof of
38 identification as defined in G.S. 163-165(4a) to an authorized member or employee of
39 the board. In a primary election, the voter shall also state the political party with which
40 the voter affiliates and in whose primary the voter desires to vote, or if the voter is an
41 unaffiliated voter permitted to vote in the primary of a particular party under
42 G.S. 163-119, the voter shall state the name of the authorizing political party in whose
43 primary he wishes to vote. The board member or employee to whom the voter gives this
44 information shall announce the name and residence of the voter in a distinct tone of

1 voice. After examining the registration records, an employee of the board shall state
2 whether the person seeking to vote is duly registered. If the voter is found to be
3 registered that voter may request that the authorized member or employee of the board
4 furnish the voter with an application form as specified in G.S. 163-227. The voter shall
5 complete the application in the presence of the authorized member or employee of the
6 board, and shall deliver the application to that person. A person seeking to vote who
7 does not present proof of identification shall be allowed to vote a provisional ballot."

8 **SECTION 1.6.** G.S. 163-182.2(a)(4) reads as rewritten:

9 "(4) Provisional official ballots shall be counted by the county board of
10 elections before the canvass. If the county board finds that an
11 individual voting a provisional official ballot is not eligible to vote in
12 one or more ballot items on the official ballot, the board shall not
13 count the official ballot in those ballot items, but shall count the
14 official ballot in any ballot items for which the individual is eligible to
15 vote. Eligibility shall be determined by whether the voter is registered
16 in the county as provided in G.S. 163-82.1 and whether the voter is
17 qualified by residency to vote in the election district as provided in
18 G.S. 163-55 and G.S. 163-57. If a voter was properly registered to vote
19 in the election by the county board, no mistake of an election official
20 in giving the voter a ballot or in failing to comply with G.S. 163-82.15
21 or G.S. 163-166.11 shall serve to prevent the counting of the vote on
22 any ballot item the voter was eligible by registration and qualified by
23 residency to vote. A provisional ballot that was cast because the voter
24 failed to present proof of identification shall be counted only if the
25 county board of elections, as provided in G.S. 163-166.12, can verify
26 identification of the voter or receives a waiver-of-identification
27 certification before the date of the canvass."

28 Part 2. Special Statement on Voter Registration Application Form.

29 **SECTION 2.1.** G.S. 163-82.3 reads as rewritten:

30 **"§ 163-82.3. Voter registration application forms.**

31 (a) Form Developed by State Board of Elections. – The State Board of Elections
32 shall develop an application form for voter registration. Any person may use the form to
33 apply to do any of the following:

- 34 (1) Register to vote;
35 (2) Change party affiliation or unaffiliated status;
36 (3) Report a change of address within a county;
37 (4) Report a change of name.

38 The county board of elections for the county where the applicant resides shall accept
39 the form as application for any of those purposes if the form is submitted as set out in
40 G.S. 163-82.3.

41 (b) Interstate Form. – The county board of elections where an applicant resides
42 shall accept as application for any of the purposes set out in subsection (a) of this
43 section the interstate registration form designed by the Federal Election Commission

1 pursuant to section 9 of the National Voter Registration Act, if the interstate form is
2 submitted in accordance with G.S. 163-82.6.

3 (c) Agency Application Form. – The county board of elections where an
4 applicant resides shall accept as application for any of the purposes set out in subsection
5 (a) of this section a form developed pursuant to G.S. 163-82.19 or G.S. 163-82.20.

6 (d) Statement About Identification Requirement. – The voter registration
7 application form shall contain the following statement: "A North Carolina or United
8 States photo identification card is required to vote. For those who do not have a North
9 Carolina drivers license, there is no fee for a special identification card issued by the
10 Department of Motor Vehicles."

11 Part 3. Providing a Fee Waiver for Special Identification Cards.

12 **SECTION 3.1.** G.S. 20-37.7(d) reads as rewritten:

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

18 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a
19 duplicate license. The fee does not apply to a special identification card issued to a
20 resident of this State who is legally blind, is at least 70 years old, or is homeless. ~~To~~
21 ~~obtain a special identification card without paying a fee, a homeless person must present~~
22 ~~a letter to the Division from the director of a facility that provides care or shelter to~~
23 ~~homeless persons verifying that the person is homeless. cannot afford the fee. To obtain~~
24 a special identification card without paying the fee, the applicant must sign an affidavit
25 stating the grounds upon which the applicant seeks a fee waiver. No proof of income or
26 third-party testimony shall be required."

27 **SECTION 4.** This act becomes effective January 1, 2008. It applies to all
28 elections held on or after that date.