

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 989

Short Title: Photo I.D. for Voting. (Public)

Sponsors: Representatives Boylan; Barnhart, Blackwood, Blust, Brown, Cleveland, Current, Daughtridge, Folwell, Hilton, Hurley, Justice, Killian, Langdon, Lewis, Moore, Neumann, Pate, Samuelson, Starnes, Thomas, Tillis, Walend, and Wiley.

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

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE GOVERNMENT-ISSUED PHOTO IDENTIFICATION AT THE POLLING LOCATION AND ELIMINATING THE FEE FOR SPECIAL IDENTIFICATION CARDS.

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 less than 30 days before the next election day.

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 one of the following:

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

14 (2) A copy of one of the following documents that shows the name and
15 address of the voter: a current utility bill, bank statement, government
16 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) or (b) of this section and
19 may dispose of the tendered copy of identification proof as soon as the type of proof is
20 noted in the voter registration records.

21 (c) The Right to Vote Provisionally. – If an individual is required under
22 subsection (a) or (b) of this section to present identification in order to vote, but that
23 individual does not present the required identification, that individual may vote a
24 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) or (b) of this section, whichever applies, prior to the date of its canvass as set forth in
30 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) The voter is indigent and unable to obtain proof of identification
37 without the payment of a fee or other cost.

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

40 The State Board of Elections shall prescribe certification forms for the
41 implementation of this subsection. The forms shall request that the voter provide contact
42 information adequate for the county board to contact the voter. The forms shall be
43 available for the voter to sign at each voting place and one-stop site. Precinct officials

1 shall forward each voter's signed certification, together with the voter's provisional
2 official ballot, to the county board of elections.

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

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

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

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

31 **"§ 163-166.7. Voting procedures.**

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

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

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

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

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

1 **"§ 163-166.7A. Voter education and information.**

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

- 6 (1) A sample ballot as required by G.S. 163-165.2.
7 (2) The date of the election and the hours the voting place will be open.
8 (3) Instructions on how to vote, including how to cast a vote or correct a
9 vote on the voting systems available for use in that voting place.
10 (4) Instructions on how to cast a provisional ballot.
11 (5) Instructions to mail-in registrants and first-time voters on how to
12 comply with the requirements in section 303(b) of the Help America
13 Vote Act of 2002 concerning voter identifications.
14 (6) General information on voting rights under applicable federal and
15 State law, including information on the right of an individual to cast a
16 provisional ballot and instructions on how to contact the appropriate
17 officials if the voter believes those rights have been violated.
18 (7) General information on federal and State laws that prohibit acts of
19 fraud and misrepresentation as to voting and elections.
20 (8) The statement "Proof of identification is required in order to vote."
21 shall be displayed in bold type with a list of acceptable forms of
22 identification as provided in G.S. 163-165(4a).

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

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

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

1 furnish the voter with an application form as specified in G.S. 163-227. The voter shall
2 complete the application in the presence of the authorized member or employee of the
3 board, and shall deliver the application to that person. A person seeking to vote who
4 does not present proof of identification shall be allowed to vote a provisional ballot."

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

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

25 **Part 2. Special Statement on Voter Registration Application Form.**

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

27 **"§ 163-82.3. Voter registration application forms.**

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

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

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

38 (b) Interstate Form. – The county board of elections where an applicant resides
39 shall accept as application for any of the purposes set out in subsection (a) of this
40 section the interstate registration form designed by the Federal Election Commission
41 pursuant to section 9 of the National Voter Registration Act, if the interstate form is
42 submitted in accordance with G.S. 163-82.6.

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

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

9 **Part 3. Providing a Fee Waiver for Special Identification Cards.**

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

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

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

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