

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 822

Short Title: Forms of Photo ID/Provide Voter Photo ID. (Public)

Sponsors: Senators Clark, Woodard (Primary Sponsors); Fitch, Van Duyn, and Waddell.

Referred to: Rules and Operations of the Senate

November 27, 2018

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE FORMS OF PHOTO IDENTIFICATION THAT ARE VALID FOR VOTING IN PERSON, TO PROVIDE FOR THE ISSUANCE OF VOTER PHOTO IDENTIFICATION CARDS TO APPLICANTS SEEKING TO VOTE OR REGISTERED VOTERS THAT DO NOT POSSESS ANOTHER VALID FORM OF PHOTO IDENTIFICATION, TO MAKE CONFORMING STATUTORY CHANGES, AND TO APPROPRIATE FUNDS FOR PURPOSES OF IMPLEMENTING PROVISIONS IN THIS ACT.

The General Assembly of North Carolina enacts:

PART 1. FORMS OF VALID PHOTO IDENTIFICATION/ISSUANCE OF VOTER PHOTO IDENTIFICATION DURING ONE-STOP VOTING

SECTION 1.1.(a) G.S. 163A-1145, 163A-1146, and 163A-1147 are repealed.

SECTION 1.1.(b) Article 20 of Chapter 163A of the General Statutes is amended by adding a new section to read:

"§ G.S. 163A-1145.1. Forms of valid photo identification for voting in person; provisional ballots.

(a) Photo Identification Required to Vote. – When a voter presents to vote in person, the voter shall produce any of the following forms of identification that contain a photograph of the voter:

(1) Any of the following that is valid and unexpired:

a. A North Carolina drivers license.

b. A special identification card for nonoperators issued under G.S. 20-37.7 or other form of nontemporary identification issued by the Division of Motor Vehicles of the Department of Transportation.

c. A United States passport.

d. A North Carolina voter photo identification card of the voter issued pursuant to G.S. 163A-1300(c1).

e. A valid and current tribal enrollment card issued by a federally recognized tribe.

f. A valid and current tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria:

1. Is issued in accordance with a process approved by the State Board that requires an application and proof of identity equivalent to the requirements for issuance of a special



1 primary he wishes to vote. The board member or employee to whom the voter gives this
2 information shall announce the name and residence of the voter in a distinct tone of voice. After
3 examining the registration records, an employee of the board shall state whether the person
4 seeking to vote is duly registered. If the voter is found to be registered that voter may request that
5 the authorized member or employee of the board furnish the voter with an application form as
6 specified in G.S. 163A-1391. The voter shall complete the application in the presence of the
7 authorized member or employee of the board, and shall deliver the application to that person.

8 (c) ~~If~~ Except as provided in subsection (c1) of this section, if the application is properly
9 filled out, the authorized member or employee shall enter the voter's name in the register of
10 absentee requests, applications, and ballots issued and shall furnish the voter with the ballots to
11 which the application for absentee ballots applies. The voter thereupon shall vote in accordance
12 with subsection (e) of this section.

13 All actions required by this subsection shall be performed in the office of the board of
14 elections, except that the voting may take place in an adjacent room as provided by subsection
15 (e) of this section. The application under this subsection shall be signed in the presence of the
16 chair, member, director of elections of the board, or full-time employee, authorized by the board
17 who shall sign the application and certificate as the witness and indicate the official title held by
18 him or her. Notwithstanding G.S. 163A-1310(a), in the case of this subsection, only one witness
19 shall be required on the certificate.

20 (c1) If an applicant seeking to register to vote or a registered voter does not possess a valid
21 form of photo identification, upon the request of the applicant or registered voter, the county
22 board of elections shall issue a North Carolina voter identification card containing the photograph
23 of the applicant or registered voter. The county board of elections shall issue voter photo
24 identification cards at the one-stop voting site located at the county board of elections office.
25 However, a county board of elections may establish additional one-stop sites for issuing voter
26 photo identification cards, as it deems necessary. To obtain a voter photo identification card under
27 this subsection, the applicant or registered voter shall provide a copy of a document listed in
28 G.S. 163A-1144(a)(2). The voter identification card shall be issued to the applicant or registered
29 voter at no charge and is valid for up to four years from the date the card is issued. The card shall
30 be used for election purposes only and is valid for use in any election in which the voter is eligible
31 to vote, including voting in the election on the same day the card is issued. The State Board shall
32 adopt rules implementing this subsection.

33"

34 35 **PART 2. CONFORMING STATUTORY CHANGES**

36 **SECTION 2.1.** G.S. 20-37.7(d) reads as rewritten:

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

41 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate
42 license. The fee does not apply to a special identification card issued to a resident of this State as
43 follows:

- 44 (1) The applicant is legally blind.
- 45 (2) The applicant is at least ~~70~~17 years old.
- 46 (3) The applicant or who has been issued a drivers license but the drivers license
47 is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a
48 result of a physical or mental disability or disease.
- 49 (4) The applicant is homeless. To obtain a special identification card without
50 paying a fee, a homeless person must present a letter to the Division from the

1 director of a facility that provides care or shelter to homeless persons verifying
2 that the person is homeless.

- 3 (5) The applicant is registered to vote in this State and does not have photo
4 identification acceptable under ~~G.S. 163A-1145. To obtain a special~~
5 ~~identification card without paying a fee, a registered voter shall sign a~~
6 ~~declaration stating the registered voter is registered and does not have other~~
7 ~~photo identification acceptable under G.S. 163A-1145. The Division shall~~
8 ~~verify that voter registration prior to issuing the special identification card.~~
9 ~~Any declaration shall prominently include the penalty under~~
10 ~~G.S. 163A-1389(13) for falsely making the declaration.~~G.S. 163A-1145.1.
11 (6) The applicant is appearing before the Division for the purpose of registering
12 to vote in accordance with ~~G.S. 163A-883 and does not have other photo~~
13 ~~identification acceptable under G.S. 163A-1145. To obtain a special~~
14 ~~identification card without paying a fee, that applicant shall sign a declaration~~
15 ~~stating that applicant is registering to vote and does not have other photo~~
16 ~~identification acceptable under G.S. 163A-1145. Any declaration shall~~
17 ~~prominently include the penalty under G.S. 163A-1389(13) for falsely making~~
18 ~~the declaration.~~
19 (7) The applicant has a developmental disability. To obtain a special identification
20 card without paying a fee pursuant to this subdivision, an applicant must
21 present a letter from his or her primary care provider certifying that the
22 applicant has a developmental disability. For purposes of this subdivision, the
23 term "developmental disability" has the same meaning as in G.S. 122C-3."

24 **SECTION 2.2.** G.S. 130A-93.1(c) reads as rewritten:

25 "(c) Upon verification of voter registration, the State Registrar shall not charge any fee
26 under subsection (a) of this section to a registered voter who signs a declaration stating the
27 registered voter is registered to vote in this State and does not have a certified copy of that
28 registered voter's birth certificate or marriage license necessary to obtain photo identification
29 acceptable under ~~G.S. 163A-1145.~~G.S. 163A-1145.1. Any declaration shall prominently include
30 the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

31 **SECTION 2.3.** G.S. 161-10(a)(8) reads as rewritten:

32 "(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For
33 furnishing a certified copy of a death or birth certificate or marriage license
34 ten dollars (\$10.00). Provided however, a register of deeds, in accordance with
35 G.S. 130A-93, may issue without charge a certified birth certificate to any
36 person over the age of 62 years. Provided, however, upon verification of voter
37 registration, a register of deeds, in accordance with G.S. 130A-93, shall issue
38 without charge a certified copy of a birth certificate or a certified copy of a
39 marriage license to any registered voter who declares the registered voter is
40 registered to vote in this State and does not have a certified copy of that
41 registered voter's birth certificate or marriage license necessary to obtain
42 photo identification acceptable under ~~G.S. 163A-1145.~~G.S. 163A-1145.1.
43 Any declaration shall prominently include the penalty under
44 G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

45 **SECTION 2.4.** G.S. 163A-868 is repealed.

46 **SECTION 2.5.** G.S. 163A-869(e) reads as rewritten:

47 "(e) Display of Card May Not Be Required to Vote. – No county board of elections may
48 require that a voter registration card be displayed in order to vote. ~~A county board of elections~~
49 ~~may notify a voter that the voter's registration card may be used for the required identification in~~
50 ~~conjunction with a reasonable impediment declaration in accordance with G.S. 163A-1147."~~

51 **SECTION 2.6.** G.S. 163A-913 reads as rewritten:

1 **"§ 163A-913. Challenges allowed on day of primary or election.**

2 On the day of a primary or election, at the time a registered voter offers to vote, any other
3 registered voter of the county may exercise the right of challenge, and when the voter does so
4 may enter the voting enclosure to make the challenge, but the voter shall retire therefrom as soon
5 as the challenge is heard.

6 On the day of a primary or election, any other registered voter of the county may challenge a
7 person for one or more of the following reasons:

- 8 (1) One or more of the reasons listed in G.S. 163A-911(c).
- 9 (2) That the person has already voted in that primary or election.
- 10 (3) If the challenge is made with respect to voting in a partisan primary, that the
11 person is a registered voter of another political party.
- 12 (4) ~~Except as provided in G.S. 163A-1145(d) and G.S. 163A-1146, the voter does~~
13 ~~not present photo identification in accordance with G.S. 163A-1145.~~
- 14 (5) The voter does not present photo identification in accordance with
15 G.S. 163A-1145.1.

16 The chief judge, judge, or assistant appointed under G.S. 163A-815 or 163A-818 may enter
17 challenges under this section against voters in the precinct for which appointed regardless of the
18 place of residence of the chief judge, judge, or assistant.

19 If a person is challenged under this subsection, and the challenge is sustained under
20 G.S. 163A-911(c)(3), the voter may still transfer that voter's registration under G.S. 163A-878(e)
21 if eligible under that section, and the registration shall not be cancelled under G.S. 163A-919(a)
22 if the transfer is made. A person who has transferred that voter's registration under
23 G.S. 163A-911(c)(3) may be challenged at the precinct to which the registration is being
24 transferred."

25 **SECTION 2.7.** G.S. 163A-1137(a) reads as rewritten:

26 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
27 through the appropriate entrance. A precinct official assigned to check registration shall at once
28 ask the voter to state current name and residence address. The voter shall answer by stating
29 current name and residence address and presenting photo identification in accordance with
30 ~~G.S. 163A-1145.~~G.S. 163A-1145.1. In a primary election, that voter shall also be asked to state,
31 and shall state, the political party with which the voter is affiliated or, if unaffiliated, the
32 authorizing party in which the voter wishes to vote. After examination, that official shall state
33 whether that voter is duly registered to vote in that precinct and shall direct that voter to the
34 voting equipment or to the official assigned to distribute official ballots. If a precinct official
35 states that the person is duly registered, the person shall sign the pollbook, other voting record,
36 or voter authorization document in accordance with subsection (c) of this section before voting."

37 **SECTION 2.8.** G.S. 163A-1140(b) is repealed.

38 **SECTION 2.9.** G.S. 163A-1167 and 163A-1168 are repealed.

39 **SECTION 2.10.** G.S. 163A-1301(a) reads as rewritten:

40 "(a) Until the deadline for submission of requests for absentee ballots provided in
41 G.S. 163A-1308, any voter who fails to present an eligible form of photo identification in
42 accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1 shall be notified of the option to complete a
43 written request form for an absentee ballot at that one-stop absentee voting location. The county
44 board of elections shall notify the voter of each of the following:

- 45 (1) The option to request an absentee ballot to vote in that election, whether
46 requested at that one-stop absentee voting location or as provided in
47 G.S. 163A-1309.
- 48 (2) The instructions for completing the absentee ballot request in accordance with
49 G.S. 163A-1308, along with the deadlines for returning the absentee ballot.

- 1 (3) The means by which the voter may transmit the executed ballot to the county
2 board of elections as provided in G.S. 163A-1310, including through delivery
3 in person to an election official at a one-stop voting location.

4 Upon receiving notice pursuant to this subsection, a voter shall sign a form acknowledging that
5 the voter was notified of the option to request and vote an absentee ballot. The list of names of
6 those voters who signed an acknowledgment is a public record."

7 **SECTION 2.11.** G.S. 163A-1389(13) reads as rewritten:

- 8 "(13) For any person falsely to make or present any certificate or other paper to
9 qualify any person fraudulently as a voter, or to attempt thereby to secure to
10 any person the privilege of voting, including declarations made under this
11 Subchapter, G.S. 20-37.7(d)(5), ~~20-37.7(d)(6)~~, 130A-93.1(c), and
12 161-10(a)(8)."

14 **PART 3. EDUCATION**

15 **SECTION 3.1.** The Bipartisan State Board of Elections and Ethics Enforcement and
16 county boards of elections shall inform the public about the option of North Carolina voter photo
17 identification cards for those individuals who do not possess another valid form of photo
18 identification, as provided by this act.

19 At each primary and election between March 1, 2019, and January 1, 2021, each voter
20 presenting in person shall be notified that photo identification will be needed to vote beginning
21 in 2021 and be asked if that voter has one of the forms of photo identification appropriate for
22 voting. If that voter indicates the voter does not have one or more of the types of photo
23 identification appropriate for voting, that voter shall be asked to sign an acknowledgment of the
24 photo identification requirement and be given a list of types of photo identification appropriate
25 for voting and information on how to obtain those types of photo identification. The list of names
26 of those voters who signed an acknowledgment is a public record.

28 **PART 4. APPROPRIATION**

29 **SECTION 4.1.** There is appropriated from the General Fund to the Bipartisan State
30 Board of Elections and Ethics Enforcement (State Board) the sum of nine hundred fifty-two
31 thousand five hundred dollars (\$952,500) for the 2018-2019 fiscal year to be allocated as follows:

- 32 (1) The sum of eight hundred forty thousand dollars (\$840,000) to be used by the
33 State Board for education and outreach for implementing the provisions of
34 Section 1.2 of this act.
35 (2) The sum of one hundred twelve thousand five hundred dollars (\$112,500) to
36 provide funding for equipment to the county boards of elections for
37 implementing the provisions of Section 1.2 of this act.

39 **PART 5. EFFECTIVE DATES**

40 **SECTION 5.1.** Part 1 and Part 3 of this act become effective January 1, 2021, and
41 apply to primaries and elections held on or after that date, except that Section 1.2 becomes
42 effective January 1, 2020, and applies to primaries and elections held on or after that date. Section
43 3.1 becomes effective January 1, 2019. The remainder of this act is effective when it becomes
44 law.