

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE DRS85430-RR-57 (01/31)

Short Title: Election Security Act.

(Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT VOTERS PRESENT A PHOTO IDENTIFICATION DOCUMENT BEFORE VOTING; AND TO RESTRICT VOTER REGISTRATION FORMS TO THE ENGLISH LANGUAGE EXCEPT AS REQUIRED BY FEDERAL LAW; AND TO APPROPRIATE FUNDS FOR THE IMPLEMENTATION OF THE ACT.

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.** 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 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.~~

(1) A North Carolina drivers license that was properly issued to the individual by the appropriate State agency.

(2) A valid North Carolina voter identification card issued under G.S. 163-166.12A or other valid identification card issued by a branch, department, agency, or entity of the State of North Carolina, any other state, or the United States authorized by law to issue personal identification, provided that such identification card contains a photograph of the voter.

1           (3) A valid United States passport.

2           (4) A valid employee identification card containing a photograph of the  
3 voter and issued by any branch, department, agency, or entity of the  
4 United States government, this State, or any county, municipality,  
5 board, authority, or other entity of this State.

6           (5) A valid United States military identification card, provided that such  
7 identification card contains a photograph of the voter.

8           (6) A valid tribal identification card containing a photograph of the voter.

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       (a1) Special Identification Requirement for Conformity With Federal Law. – An  
18 individual who registered to vote by mail after January 1, 2003, and has not previously  
19 voted in an election that includes a ballot item for federal office in North Carolina shall  
20 present to a local election official at a voting place before voting there one of the  
21 following:

22           (1) A current and valid photo identification.

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

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

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

40       (d) ~~Exemptions.~~ Exemptions From Absentee or Federal-Compliance  
41 Identification. – ~~This~~ Subsections (b) and (b1) of this section does do not apply to any of  
42 the following:

43           (1) An individual who registers by mail and submits as part of the  
44 registration application either of the following:

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

19 **SECTION 2.** Article 14A of Chapter 163 of the General Statutes is amended  
20 by adding a new section to read:

21 **§ 163-166.12A. North Carolina voter identification card.**

22 (a) Each county board of elections shall provide at least one place in the county  
23 at which it shall accept applications for and issue North Carolina voter identification  
24 cards to registered North Carolina voters. That card shall under State law be valid only  
25 for purposes of voter identification under G.S. 163-166.12 and available only to  
26 registered voters of this State. No fee shall be charged or collected for the application  
27 for or issuance of a North Carolina voter identification card.

28 (b) No individual shall be eligible for a North Carolina voter identification card if  
29 that individual has a valid unexpired drivers license or identification card issued under  
30 G.S. 20-37.7.

31 (c) The North Carolina voter identification card shall be captioned 'NORTH  
32 CAROLINA VOTER IDENTIFICATION CARD' and shall contain a prominent  
33 statement that under North Carolina law it is valid only as identification for voting  
34 purposes. The North Carolina voter identification card shall be laminated, shall contain  
35 a digital color photograph of the applicant, and shall include all the following  
36 information:

- 37 (1) Full legal name.
- 38 (2) Address of residence.
- 39 (3) Birth date.
- 40 (4) Date identification card was issued.
- 41 (5) Sex.
- 42 (6) Height.
- 43 (7) Weight.
- 44 (8) Eye color.

1           (9) County where the identification card was issued, including a county  
2           number to be assigned for each county by the State Board of Elections.

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

5           (d) The application for a North Carolina voter identification card shall elicit the  
6           information required under subsection (c) of this section and such other information as  
7           may be required by rule of the State Board of Elections. The application shall be signed  
8           and sworn to by the applicant, and any falsification or fraud in the making of the  
9           application shall constitute a felony offense under G.S. 14-209, relating to the offense of  
10          false swearing.

11          (e) The county board of elections shall require presentation and verification of all  
12          the following information before issuing a North Carolina voter identification card to an  
13          individual:

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

17           (2) Documentation showing the individual's date of birth.

18           (3) Evidence that the individual is registered to vote in this State.

19           (4) Documentation showing the individual's name and address of principal  
20           residence.

21          (f) A North Carolina voter identification card shall remain valid so long as an  
22          individual resides at the same address and remains qualified to vote. It shall be the duty  
23          of an individual who moves his or her residence within the State of North Carolina to  
24          surrender his or her card to the board of elections of the county of his or her new  
25          residence; and that individual may after that surrender apply for and receive a new card  
26          if that individual is otherwise eligible under this section. It shall be the duty of an  
27          individual who moves his or her residence outside the State of North Carolina or who  
28          ceases to be qualified to vote to surrender his or her card to the county board of  
29          elections by which it was issued.

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

33          (h) The State Board of Elections shall adopt rules for the administration of this  
34          section. Those rules may further define or prescribe the types of documentation required  
35          under subsection (e) of this section."

36          **SECTION 3.** G.S. 163-82.8 is repealed.

37          **SECTION 4.** G.S. 163-166.7(a) reads as rewritten:

38          "(a) Checking Registration. – A person seeking to vote shall enter the voting  
39          enclosure through the appropriate entrance. A precinct official assigned to check  
40          registration shall at once ask the voter to state current name and residence ~~address.~~  
41          address and to present an identification document in accordance with G.S. 163-166.12.  
42          The voter shall answer by stating current name and residence address. In a primary  
43          election, that voter shall also be asked to state, and shall state, the political party with  
44          which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter

1 wishes to vote. After examination, that official shall state whether that voter is duly  
2 registered to vote in that precinct and shall direct that voter to the voting equipment or  
3 to the official assigned to distribute official ballots. If a precinct official states that the  
4 person is duly registered, the person shall sign the pollbook, other voting record, or  
5 voter authorization document in accordance with subsection (c) of this section before  
6 voting."

7 **SECTION 5.** G.S. 163-227.2(b) reads as rewritten:

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

29 **SECTION 6.(a)** Article 14A of Chapter 163 of the General Statutes reads as  
30 rewritten:

31 **"§ 163-82.4A. Voter registration application form in English only, except where**  
32 **required by federal law.**

33 The State Board of Elections and any county board of elections shall not print or  
34 make available the voter registration forms described in this Article in any language  
35 other than English, except to the extent doing so in another language is required by  
36 federal law."

37 **SECTION 6.(b)** G.S. 163-82.5 reads as rewritten:

38 **"§ 163-82.5. Distribution of application forms.**

39 ~~The~~ Except as prohibited by G.S. 163-82.4A, the State Board of Elections shall  
40 make the forms described in G.S. 163-82.3 available for distribution through  
41 governmental and private entities, with particular emphasis on making them available  
42 for organized voter registration drives."

1           **SECTION 6.(c)** Nothing in this section shall affect the acceptance by a  
2 board of elections of an otherwise valid voter registration application submitted on a  
3 form that is not in English.

4           **SECTION 7.** There is appropriated from the General Fund for the  
5 2006-2007 fiscal year the sum of eight hundred thousand dollars (\$800,000) to the State  
6 Board of Elections for the implementation of this act.

7           **SECTION 8.** Sections 1 through 5 of this act become effective January 1,  
8 2007, and apply with respect to all primaries and elections held on or after that date.  
9 Section 6 of this act becomes effective October 1, 2006. Section 7 of this act becomes  
10 effective July 1, 2006. The remainder of this act is effective when it becomes law.