

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 1983

Short Title: Election Security Act. (Public)

Sponsors: Senators Berger of Rockingham; Allran, Apodaca, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hartsell, Hunt, Jacumin, Miller, Pittenger, Presnell, Smith, Stevens, Tillman, and Webster.

Referred to: Appropriations/Base Budget.

May 26, 2006

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

1 identification, provided that such identification card contains a  
2 photograph of the voter.

3 (3) A valid United States passport.

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

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

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

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

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

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

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

24 (1) A current and valid photo identification.

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

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

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

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

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

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

23 **"§ 163-166.12A. North Carolina voter identification card.**

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

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

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

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

1           (7) Weight.

2           (8) Eye color.

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

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

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

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

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

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

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

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

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

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

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

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

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

40           "(a) Checking Registration. – A person seeking to vote shall enter the voting  
41           enclosure through the appropriate entrance. A precinct official assigned to check  
42           registration shall at once ask the voter to state current name and residence address.  
43           address and to present an identification document in accordance with G.S. 163-166.12.  
44           The voter shall answer by stating current name and residence address. In a primary

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

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

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

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

33 **"§ 163-82.4A. Voter registration application form in English only, except where**  
34 **required by federal law.**

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

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

40 **"§ 163-82.5. Distribution of application forms.**

41 The ~~Except as prohibited by G.S. 163-82.4A,~~ the State Board of Elections shall  
42 make the forms described in G.S. 163-82.3 available for distribution through  
43 governmental and private entities, with particular emphasis on making them available  
44 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.