

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 149
Judiciary II Committee Substitute Adopted 5/23/11
PROPOSED HOUSE COMMITTEE SUBSTITUTE S149-PCS75216-ST-107

Short Title: Lenoir & Greene Voter ID/Sunday Voting.

(Local)

Sponsors:

Referred to:

March 1, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY REQUIRING THAT
3 VOTERS IN LENOIR AND GREENE COUNTIES PROVIDE PHOTO
4 IDENTIFICATION BEFORE VOTING; AND TO PROHIBIT EARLY VOTING ON
5 SUNDAY IN LENOIR AND GREENE COUNTIES.

6 The General Assembly of North Carolina enacts:

7 SECTION 1.1. Article 14A of Chapter 163 of the General Statutes is amended by
8 adding a new section to read:

9 **"§ 163-166.13. Photo identification requirement for voting in person.**

10 (a) Every individual voting in person shall present photo identification to a local
11 election official at the voting place before voting.

12 (b) Notwithstanding subsection (a) of this section, any voter without photo
13 identification shall be permitted to vote a provisional official ballot.

14 (c) As used in this section, "photo identification" means any of the following that
15 contain a photograph of the registered voter:

16 (1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the
17 General Statutes, including a learner's permit or a provisional license.

18 (2) A special identification card for nonoperators issued under G.S. 20-37.7.

19 (3) An identification card issued by a branch, department, agency, or entity of
20 this State, any other state, or the United States.

21 (4) A United States passport.

22 (5) An employee identification card issued by any branch, department, agency,
23 or entity of the United States government, this State, or any county,
24 municipality, board, authority, or other entity of this State.

25 (6) A United States military identification card.

26 (7) A tribal identification card.

27 (8) A county voter identification card issued under G.S. 163-166.14.

28 (d) This section applies to Greene and Lenoir Counties only."

29 SECTION 1.2. Article 14A of Chapter 163 of the General Statutes is amended by
30 adding a new section to read:

31 **"§ 163-166.14. Voter identification card.**

32 (a) Each county board of elections shall accept applications for and issue county voter
33 identification cards to registered voters in that county. The voter identification card shall be



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1 valid only for purposes of voter identification and proof of voter registration under this Chapter
2 and available only to registered voters of this State. No fee shall be charged or collected for the
3 application for or issuance of a county voter identification card.

4 (b) No registered voter shall be eligible for a county voter identification card if that
5 registered voter has a valid unexpired drivers license, learner's permit, provisional license, or
6 special identification card for nonoperators issued under G.S. 20-37.7.

7 (c) The county voter identification card shall be captioned "COUNTY VOTER
8 IDENTIFICATION CARD" and shall contain a prominent statement that under North Carolina
9 law it is valid only as identification for voting purposes. The county voter identification card
10 shall be laminated, shall contain a digital color photograph of the applicant, and shall include
11 all of the following information:

12 (1) Full legal name.

13 (2) Address of residence.

14 (3) Birth date.

15 (4) Date identification card was issued.

16 (5) Sex.

17 (6) Eye color.

18 (7) County where the identification card was issued.

19 (d) The application for a county voter identification card shall elicit the information
20 required under subsection (c) of this section. The application shall be signed by the applicant
21 registered voter. The information collected by the county board of elections shall be subject to
22 G.S. 163-82.10 and G.S. 163-82.10B.

23 (e) The county board of elections shall require, and shall verify, all of the following
24 information before issuing a county voter identification card to a registered voter:

25 (1) A photo identity document, except that a nonphoto identity document is
26 acceptable if it includes the registered voter's name.

27 (2) Evidence that the individual is registered to vote in this State.

28 (3) Documentation showing the registered voter's name and residence address.

29 (f) A county voter identification card shall remain valid so long as a person resides at
30 the same address and remains qualified to vote. If a person moves his or her residence within
31 the county, that person may apply for and receive a new card if such person is otherwise
32 eligible under this section.

33 (g) This section applies to Greene and Lenoir Counties only."

34 **SECTION 1.3.(a)** G.S. 163-82.6A(b) reads as rewritten:

35 "(b) Both Attestation and Proof of Residence Required. – To vote under this section, a
36 voter must present photo identification as required by G.S. 163-166.13. This requirement is
37 separate from the requirement to provide proof of residence under subdivision (2) of this
38 subsection. If an individual does not present the required photo identification, that individual
39 may vote a provisional official ballot. To register ~~and vote~~ under this section, the person shall
40 do both of the following:

41 (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including
42 the attestation requirement of G.S. 163-82.4(b) that the person meets each
43 eligibility requirement. Such attestation is signed under penalty of a Class I
44 felony under G.S. 163-275(13); and

45 (2) Provide proof of residence by presenting any of the following valid
46 documents that show the person's current name and current residence
47 address: a North Carolina drivers license, a photo identification from a
48 government agency, or any of the documents listed in G.S. 163-166.12(a)(2).
49 The State Board of Elections may designate additional documents or
50 methods that suffice and shall prescribe procedures for establishing proof of
51 residence."

1 **SECTION 1.3.(b)** This section applies to Greene and Lenoir Counties only.

2 **SECTION 1.4.(a)** G.S. 163-166.7(a) reads as rewritten:

3 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
4 through the appropriate entrance. A precinct official assigned to check registration shall at once
5 ask the voter to state current name and residence address. The voter shall answer by stating
6 current name and residence ~~address~~ address and presenting photo identification in accordance
7 with G.S. 163-166.13. If an individual does not present the required identification, that
8 individual may vote a provisional official ballot. In a primary election, that voter shall also be
9 asked to state, and shall state, the political party with which the voter is affiliated or, if
10 unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that
11 official shall state whether that voter is duly registered to vote in that precinct and shall direct
12 that voter to the voting equipment or to the official assigned to distribute official ballots. If a
13 precinct official states that the person is duly registered, the person shall sign the pollbook,
14 other voting record, or voter authorization document in accordance with subsection (c) of this
15 section before voting."

16 **SECTION 1.4.(b)** This section applies to Greene and Lenoir Counties only.

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

18 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
19 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
20 before that election, the voter shall appear in person only at the office of the county board of
21 elections, except as provided in subsection (g) of this section. A county board of elections shall
22 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may
23 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the
24 board office through the appropriate entrance and shall at once state his or her name and place
25 of residence to an authorized member or employee of the ~~board~~ board and present photo
26 identification in accordance with G.S. 163-166.13. If an individual does not present the
27 required identification, that individual may vote a provisional official ballot. In a primary
28 election, the voter shall also state the political party with which the voter affiliates and in whose
29 primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the
30 primary of a particular party under G.S. 163-119, the voter shall state the name of the
31 authorizing political party in whose primary he wishes to vote. The board member or employee
32 to whom the voter gives this information shall announce the name and residence of the voter in
33 a distinct tone of voice. After examining the registration records, an employee of the board
34 shall state whether the person seeking to vote is duly registered. If the voter is found to be
35 registered that voter may request that the authorized member or employee of the board furnish
36 the voter with an application form as specified in G.S. 163-227. The voter shall complete the
37 application in the presence of the authorized member or employee of the board, and shall
38 deliver the application to that person."

39 **SECTION 1.5.(b)** This section applies to Greene and Lenoir Counties only.

40 **SECTION 1.6.** Article 15A of Chapter 163 of the General Statutes is amended by
41 adding a new section to read:

42 **"§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide**
43 **valid photo identification at the polls.**

44 (a) A voter who casts a provisional official ballot wholly or partly as a result of the
45 voter's inability or declination to provide proof of identification may personally appear at an
46 office of the county board of elections not later than the date of the conclusion of the election
47 canvass for that county to seek counting of the provisional official ballot as provided in
48 subsection (b) or (c) of this section.

49 (b) Unless the vote is disqualified for some other reason provided by law, the county
50 board of elections shall find that the voter's provisional ballot is valid and direct that the
51 provisional ballot be opened and counted in accordance with this Chapter if the voter both:

- 1 (1) Provides valid photo identification to the county board of elections; and
2 (2) Executes an affidavit, in the form prescribed by the county board of
3 elections, affirming under the penalties of perjury that the voter is the same
4 individual who:
5 a. Personally appeared to vote on the day of election or at an early
6 voting site; and
7 b. Cast the provisional ballot on that day.
8 (c) Unless the vote is disqualified for some other reason provided by law, the county
9 board of elections shall find that the voter's provisional ballot is valid and direct that the
10 provisional ballot be opened and counted in accordance with this Chapter if the voter executes
11 an affidavit before the county board of elections, in the form prescribed by the county board of
12 elections, affirming under the penalties of perjury that:
13 (1) The voter is the same individual who:
14 a. Personally appeared to vote on the day of election or at an early
15 voting site; and
16 b. Cast the provisional ballot on that day; and
17 (2) The voter has a sincerely held religious objection to being photographed.
18 (d) If the county board of elections determines that a voter described in subsection (b)
19 or (c) of this section has also cast a provisional official ballot for a cause other than the voter's
20 inability or declination to provide valid photo identification, the board shall both:
21 (1) Note on the envelope containing the provisional official ballot that the voter
22 has complied with the proof of valid photo identification requirement; and
23 (2) Proceed to determine any other reasons for which the ballot was cast
24 provisionally before ruling on the validity of the voter's provisional ballot.
25 (e) This section applies to Greene and Lenoir Counties only."

26 **SECTION 1.7.(a)** G.S. 163-87 reads as rewritten:

27 **"§ 163-87. Challenges allowed on day of primary or election.**

28 On the day of a primary or election, at the time a registered voter offers to vote, any other
29 registered voter of the precinct may exercise the right of challenge, and when ~~he~~the voter does
30 so may enter the voting enclosure to make the challenge, but ~~he~~the voter shall retire therefrom
31 as soon as the challenge is heard.

32 On the day of a primary or election, any other registered voter of the precinct may
33 challenge a person for one or more of the following reasons:

- 34 (1) One or more of the reasons listed in G.S. 163-85(c).
35 (2) That the person has already voted in that primary or election.
36 (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
37 (4) If the challenge is made with respect to voting in a partisan primary, that the
38 person is a registered voter of another political party.
39 (5) The voter does not present proof of identification as required by
40 G.S. 163-166.13.

41 The chief judge, judge, or assistant appointed under G.S. 163-41 or 163-42 may enter
42 challenges under this section against voters in the precinct for which appointed regardless of
43 the place of residence of the chief judge, judge, or assistant.

44 If a person is challenged under this subsection, and the challenge is sustained under
45 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if
46 eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if
47 the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may
48 be challenged at the precinct to which the registration is being transferred."

49 **SECTION 1.7.(b)** This section applies to Greene and Lenoir Counties only.

50 **SECTION 2.(a)** G.S. 163-227.2(b) reads as rewritten:

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

21 **SECTION 2.(b)** This section applies to Greene and Lenoir Counties only.

22 **SECTION 3.** This act is effective when it becomes law and applies to primaries
23 and elections conducted on or after August 1, 2012.