

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE DRH80079-LB-29D\* (12/10)

Short Title: Voter Protection and Integrity Act. (Public)

Sponsors: Representatives Goodman, Lucas, Floyd, and C. Graham (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO GUARANTEE THAT NO REGISTERED VOTER IS DENIED THE RIGHT TO  
3 VOTE AT AN APPROVED POLLING SITE; AND TO PREVENT THE  
4 UNAUTHORIZED USE OF A REGISTERED VOTER'S VOTING PRIVILEGE  
5 THROUGH THE FRAUDULENT MISUSE OF A REGISTERED VOTER'S IDENTITY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 14A of Chapter 163 of the General Statutes is amended by  
8 adding a new section to read:

9 **"§ 163-166.13. Guarantee of right to vote through positive affirmation to local election**  
10 **officials at voting place.**

11 (a) All legally registered voters have a right to vote in elections that are conducted  
12 under this Chapter. Upon entering a voting place, to ensure the integrity of the voter's right to  
13 cast their vote and protect them from the fraudulent misuse of their vote by others, an  
14 individual seeking to vote may certify his or her identity using one of two methods: by signing  
15 a photo affidavit as provided by subsection (b) of this section or by presentation of proper  
16 photo identification as specified in subsection (c) of this section.

17 (b) An individual may have his or her photograph taken by a designated election  
18 official and sign a voter photo affidavit, affirming that he or she is in fact the registered voter in  
19 whose name they are requesting a ballot that they shall use to exercise their right to vote. Such  
20 affirmation is signed under penalty of a Class I felony under G.S. 163-275(7). The signed photo  
21 affidavit shall remain on file in digital format at the county board of elections office for a  
22 period of time to be determined by the State Board of Elections and shall be included in the  
23 State voter file.

24 (c) As used in this section, "photo identification" means any of the following that, other  
25 than under subdivision (8) of this subsection, contains a photograph of the registered voter:

- 26 (1) An unexpired North Carolina drivers license issued under Article 2 of  
27 Chapter 20 of the General Statutes, including a learner's permit or a  
28 provisional license.  
29 (2) An unexpired special identification card for nonoperators issued under  
30 G.S. 20-37.7.  
31 (3) An unexpired identification card issued by a branch, department, agency, or  
32 entity of this State, any other state, or the United States permitted by law to  
33 issue personal identification.  
34 (4) An unexpired student identification card issued by an accredited university  
35 or college in the State of North Carolina.



- 1           (5)    An unexpired United States passport.  
2           (6)    An employee identification card issued by any branch, department, agency,  
3           or entity of the United States government, this State, or any county,  
4           municipality, board, authority, or other entity of this State.  
5           (7)    An unexpired United States military identification card.  
6           (8)    An unexpired tribal identification card issued by a federally recognized tribe  
7           or a tribe recognized by the state of North Carolina.  
8           (9)    A voter registration card issued by the State Board of Elections or by a  
9           county board of elections under G.S. 163-82.8, notwithstanding that it does  
10          not contain a photograph of the voter."

11           **SECTION 2.** G.S. 163-82.6A(b) reads as rewritten:

12           "(b) Both Attestation and Proof of Residence Required. – To vote under this section, a  
13           voter must either sign a voter photo affidavit or present photo identification as required by  
14           G.S. 163-166.13. This requirement is separate from the requirement to provide proof of  
15           residence under subdivision (2) of this subsection. To register ~~and vote~~ under this section, the  
16           person shall do both of the following:

- 17           (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including  
18           the attestation requirement of G.S. 163-82.4(b) that the person meets each  
19           eligibility requirement. Such attestation is signed under penalty of a Class I  
20           felony under G.S. 163-275(13); and  
21           (2) Provide proof of residence by presenting any of the following valid  
22           documents that show the person's current name and current residence  
23           address: a North Carolina drivers license, a photo identification from a  
24           government agency, or any of the documents listed in G.S. 163-166.12(a)(2).  
25           The State Board of Elections may designate additional documents or  
26           methods that suffice and shall prescribe procedures for establishing proof of  
27           residence."

28           **SECTION 3.** G.S. 163-166.7(a) reads as rewritten:

29           "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure  
30           through the appropriate entrance. A precinct official assigned to check registration shall at once  
31           ask the voter to state current name and residence address. The voter shall answer by stating  
32           current name and residence ~~address.~~ address and must either sign a voter photo affidavit or  
33           present photo identification in accordance with G.S. 163-166.13. In a primary election, that  
34           voter shall also be asked to state, and shall state, the political party with which the voter is  
35           affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After  
36           examination, that official shall state whether that voter is duly registered to vote in that precinct  
37           and shall direct that voter to the voting equipment or to the official assigned to distribute  
38           official ballots. If a precinct official states that the person is duly registered, the person shall  
39           sign the pollbook, other voting record, or voter authorization document in accordance with  
40           subsection (c) of this section before voting."

41           **SECTION 4.** G.S. 163-227.2(b) reads as rewritten:

42           "(b) Not earlier than the third Thursday before an election, in which absentee ballots are  
43           authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday  
44           before that election, the voter shall appear in person only at the office of the county board of  
45           elections, except as provided in subsection (g) of this section. A county board of elections shall  
46           conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may  
47           conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the  
48           board office through the appropriate entrance and shall at once state his or her name and place  
49           of residence to an authorized member or employee of the ~~board.~~ board and either electronically  
50           sign a voter photo affidavit or present photo identification in accordance with G.S. 163-166.13.  
51           In a primary election, the voter shall also state the political party with which the voter affiliates

1 and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted  
2 to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of  
3 the authorizing political party in whose primary he wishes to vote. The board member or  
4 employee to whom the voter gives this information shall announce the name and residence of  
5 the voter in a distinct tone of voice. After examining the registration records, an employee of  
6 the board shall state whether the person seeking to vote is duly registered. If the voter is found  
7 to be registered that voter may request that the authorized member or employee of the board  
8 furnish the voter with an application form as specified in G.S. 163-227. The voter shall  
9 complete the application in the presence of the authorized member or employee of the board,  
10 and shall deliver the application to that person."

11 **SECTION 5.** G.S. 163-87 reads as rewritten:

12 **"§ 163-87. Challenges allowed on day of primary or election.**

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

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

- 19 (1) One or more of the reasons listed in G.S. 163-85(c).
- 20 (2) That the person has already voted in that primary or election.
- 21 (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
- 22 (4) If the challenge is made with respect to voting in a partisan primary, that the  
23 person is a registered voter of another political party.
- 24 (5) The voter does not sign a photo affidavit or present proof of identification as  
25 required by G.S. 163-166.13.

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

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

34 **SECTION 6.** Education and Publicity Requirements. – The public shall be  
35 educated about the requirements of this act as follows:

- 36 (1) As counties use their regular processes to notify voters of assignments and  
37 reassignments to districts for election to the United States House of  
38 Representatives, State Senate, State House of Representatives, or local  
39 office, by including information about the provisions of this act.
- 40 (2) As counties send new voter registration cards to voters as a result of new  
41 registration, changes of address, or other reasons, by including information  
42 about the provisions of this act.
- 43 (3) Counties that maintain a board of elections Web site shall include  
44 information about the provisions of this act.
- 45 (4) Notices of elections published by county boards of elections under  
46 G.S. 163-33(8) during the period beginning in 2014 and ending in 2020 shall  
47 include a brief statement of the requirements of this act.
- 48 (5) The State Board of Elections shall include on its Web site information about  
49 the provisions of this act.
- 50 (6) Counties shall post at the polls and at early voting sites beginning with the  
51 2014 primary elections information about the provisions of this act.

1 (7) The State Board of Elections shall include in the Judicial Voter Guide  
2 described in G.S. 163-278.69 information about the provisions of this act  
3 and shall also include the information in the Voter Guide under  
4 G.S. 163-278.99E if it is published separately.

5 (8) The State Board of Elections and the county boards of elections shall take  
6 reasonable steps to provide public service announcements about the  
7 provisions of this act through print, radio, television, online, and social  
8 media.

9 **SECTION 7.** G.S. 163-278.69 is amended by adding a new subsection to read:

10 "(d) The Judicial Voter Guide published under this section shall also include information  
11 on the requirements for voting in person pursuant to G.S. 163-166.13."

12 **SECTION 8.** If any provision of this act or its application is held invalid, the  
13 invalidity does not affect other provisions or applications of this act that can be given effect  
14 without the invalid provisions or application, and to this end the provisions of this act are  
15 severable.

16 **SECTION 9.** Section 6 of this act becomes effective July 1, 2013. The remainder  
17 of this act applies to primaries and elections conducted on or after January 1, 2014.