

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 876*

Short Title: Antiterrorism/End Residency Affidavits. (Public)

Sponsors: Representatives Barnhart, Rhodes, Justus (Primary Sponsors); Frye, Hilton, McHenry, Moore, Kiser, and Blust.

Referred to: Judiciary III.

April 7, 2003

A BILL TO BE ENTITLED
AN ACT TO PROVIDE PROTECTION AGAINST TERRORISM, IDENTITY
THEFT, AND VOTER FRAUD.

Whereas, the United States government has declared that we are at war with terrorism, both at home and abroad; and

Whereas, making false identification documents easily available to terrorists undermines government efforts to fight terrorism; and

Whereas, the use of drivers licenses for airplane boarding makes drivers license fraud a national security issue; and

Whereas, North Carolina currently will accept as proof of residency a business letterhead (which can easily be prepared on any personal computer); and

Whereas, terrorists who fail to prepare the letterhead in advance are permitted to simply file an affidavit under penalty of perjury as proof of residency; and

Whereas, North Carolina's lax drivers license procedures are so well known that people who are not residents of North Carolina come to North Carolina just to get drivers licenses; and

Whereas, North Carolina's current drivers license procedures are more supportive of terrorists, identity theft, and voter fraud than good government; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Subsection (b1) of G.S. 20-7 reads as rewritten:

"(b1) Application. – To obtain a drivers license from the Division, a person shall complete an application form provided by the Division, present at least two forms of identification approved by the Commissioner, be a resident of this State, and demonstrate his or her physical and mental ability to drive safely a motor vehicle included in the class of license for which the person has applied. At least one of the forms of identification shall indicate the applicant's residence address. The Division may copy the identification presented or hold it for a brief period of time to verify its

1 authenticity. To obtain an endorsement, a person shall demonstrate his or her physical
2 and mental ability to drive safely the type of motor vehicle for which the endorsement is
3 required.

4 The application form shall request all of the following information, and it shall
5 contain the disclosures concerning the request for an applicant's social security number
6 required by section 7 of the federal Privacy Act of 1974, Pub. L. No. 93-579:

- 7 (1) The applicant's full name.
- 8 (2) The applicant's mailing address and residence address.
- 9 (3) A physical description of the applicant, including the applicant's sex,
10 height, eye color, and hair color.
- 11 (4) The applicant's date of birth.
- 12 (5) The applicant's ~~sœial~~ valid social security number. ~~number or the~~
13 valid alien registration number ('A' number) issued by the United
14 States Department of Homeland Security.
- 15 (6) The applicant's signature.

16 ~~If an applicant does not have a valid social security number and is ineligible to~~
17 ~~obtain one, the applicant shall swear to or affirm that fact under penalty of perjury. In~~
18 ~~such case, the applicant may provide a valid Individual Taxpayer Identification Number~~
19 ~~issued by the Internal Revenue Service to that person.~~

20 The Division shall not issue an identification card, learners permit, or drivers license
21 to an applicant ~~who fails to provide either the applicant's valid social security number or~~
22 ~~the applicant's valid Individual Taxpayer Identification Number.~~ who fails to provide
23 proof that the applicant's presence in the United States is authorized under federal law as
24 required by subdivision (5) of this subsection. The Division shall verify the validity of
25 the numbers furnished by the applicant. Each year the Division shall submit to the
26 Governor and to the General Assembly a report detailing the numbers and types of
27 drivers license applications approved and denied pursuant to this section."

28 **SECTION 2.** Subsection (b3) of G.S. 20-7 reads as rewritten:

29 "(b3) The Division shall adopt rules implementing the provisions of subsection (b1)
30 of this section with respect to proof of residency in this State. Those rules shall ensure
31 that applicants submit verified or verifiable residency and address information that can
32 be reasonably considered to be valid and that is provided on any of the following:

- 33 (1) A document issued by an agency of the United States ~~or by the~~
34 ~~government of another nation.~~ States.
- 35 (2) A document issued by another state.
- 36 (3) A document issued by the State of North Carolina, or a political
37 subdivision of this State. This includes an agency or instrumentality of
38 this State.
- 39 (4) A preprinted bank or other corporate statement.
- 40 ~~(5) A preprinted business letterhead.~~
- 41 ~~(6) Any other document deemed reliable by the Division."~~

42 **SECTION 3.** Subsection (b4) of G.S. 20-7 reads as rewritten:

43 "(b4) Examples of documents that are reasonably reliable indicators of residency
44 include, but are not limited to, any of the following:

- 1 (1) A pay stub with the payee's address.
- 2 (2) A utility bill showing the address of the applicant-payor.
- 3 (3) A contract for an apartment, house, modular unit, or manufactured
- 4 home with a North Carolina address signed by the applicant.
- 5 (4) A receipt for personal property taxes paid.
- 6 (5) A receipt for real property taxes paid to a North Carolina locality.
- 7 (6) A current automobile insurance policy issued to the applicant and
- 8 showing the applicant's address.
- 9 (7) A monthly or quarterly financial statement from a North Carolina
- 10 regulated financial institution.
- 11 ~~(8) A matricula consular or substantially similar document issued by the~~
- 12 ~~Mexican Consulate for North Carolina.~~
- 13 ~~(9) A document similar to that described in subsection (8) of this section,~~
- 14 ~~issued by the consulate or embassy of another country. This~~
- 15 ~~subdivision only applies if the Division has consulted with the United~~
- 16 ~~State Department of State and is satisfied with the reliability of such~~
- 17 ~~document."~~

18 **SECTION 4.** Subsection (b5) of G.S. 20-7 reads as rewritten:

19 "(b5) The Division rules adopted pursuant to subsection (b3) of this section shall
20 also provide that if ~~an a~~ minor applicant cannot produce any documentation specified in
21 subsection (b3) or (b4) of this section, ~~the applicant or, in the case of a minor applicant~~
22 a parent or guardian of that applicant may complete an affidavit on a form provided by
23 the Division and sworn to before an official of the Division, indicating the minor
24 applicant's current residence address. No parent or guardian who has obtained a drivers
25 license by affidavit may subsequently complete an affidavit for a minor applicant. The
26 affidavit shall contain the provisions of ~~G.S. 20-15(a) and G.S. 20-17(a)(5)~~
27 G.S. 20-15(a), 20-17(a)(5), and 20-31, and shall indicate the civil and criminal penalties
28 for completing a false affidavit."

29 **SECTION 5.** G.S. 20-7(f) reads as rewritten:

30 "(f) Expiration and Temporary License. – The first drivers license the Division
31 issues to a person expires on the person's fourth or subsequent birthday that occurs after
32 the license is issued and on which the individual's age is evenly divisible by five, unless
33 this subsection sets a different expiration date. A first drivers license ~~may shall~~ be
34 issued for a shorter duration ~~if the Division determines that a license of shorter duration~~
35 ~~should be issued when the applicant holds to expire upon the expiration date of a visa~~
36 valid alien registration of limited duration issued by the ~~United States Department of~~
37 State-United States Department of Homeland Security. The first drivers license the
38 Division issues to a person who is at least 17 years old but is less than 18 years old
39 expires on the person's twentieth birthday. The first drivers license the Division issues
40 to a person who is at least 62 years old expires on the person's birthday in the fifth year
41 after the license is issued, whether or not the person's age on that birthday is evenly
42 divisible by five.

43 A drivers license that was issued by the Division and is renewed by the Division
44 expires five years after the expiration date of the license that is renewed unless the

1 Division determines that a license of shorter duration ~~should~~ shall be issued to expire on
2 the expiration date of a valid alien registration when the applicant holds a ~~visa~~ valid
3 alien registration of limited duration from the United States ~~Department of State~~.
4 Immigration and Naturalization Service. A person may apply to the Division to renew a
5 license during the 180-day period before the license expires. ~~The Division may not~~
6 ~~accept an application for renewal made before the 180-day period begins.~~ Any license
7 issued to a noncitizen shall automatically expire when the applicant's presence is no
8 longer authorized under federal law. The expiration date on the license shall reflect the
9 expiration date of the applicant's authorized presence in the United States as verified by
10 the United States Department of Homeland Security.

11 The Division may renew by mail a drivers license issued by the Division to a person
12 who meets any of the following descriptions:

- 13 (1) Is serving on active duty in the armed forces of the United States and
14 is stationed outside this State.
- 15 (2) Is a resident of this State and has been residing outside the State for at
16 least 30 continuous days. When renewing a license by mail, the
17 Division may waive the examination that would otherwise be required
18 for the renewal and may impose any conditions it finds advisable. A
19 license renewed by mail is a temporary license that expires 60 days
20 after the person to whom it is issued returns to this State.

21 The Division shall issue a temporary license valid for 10 days to the applicant and
22 shall mail the drivers license to the applicant, by first-class mail, at the address provided
23 by the applicant."

24 **SECTION 6.** G.S. 163-82.19 reads as rewritten:

25 **"§ 163-82.19. Voter registration at drivers license offices.**

26 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State
27 Board of Elections, modify its forms so that any eligible person who applies for original
28 issuance, renewal or correction of a drivers license, or special identification card issued
29 under G.S. 20-37.7 may, on a part of the form, complete an application to register to
30 vote or to update ~~his~~ registration if the voter has changed ~~his~~ address or moved from one
31 precinct to another or from one county to another. The person taking the application
32 shall ask if the applicant is a citizen of the United States. If the applicant states that the
33 applicant is not a citizen of the United States, or declines to answer the question, the
34 person taking the application shall inform the applicant that it is a felony for a person
35 who is not a citizen of the United States to apply to register to vote. Any person who
36 willfully and knowingly and with fraudulent intent gives false information on the
37 application is guilty of a Class I felony. The application shall state in clear language the
38 penalty for violation of this section. The necessary forms shall be prescribed by the
39 State Board of Elections. The form must ask for the previous voter registration address
40 of the voter, if any. If a previous address is listed, and it is not in the county of residence
41 of the applicant, the appropriate county board of elections shall treat the application as
42 an authorization to cancel the previous registration and also process it as such under the
43 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the

1 county where the voter applies to register, the application shall be processed as if it had
2 been submitted under G.S. 163-82.9.

3 Registration shall become effective as provided in G.S. 163-82.7. Applications to
4 register to vote accepted at a drivers license office under this section until the deadline
5 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no
6 person who completes an application at that drivers license office shall be denied the
7 vote in that election for failure to apply earlier than that deadline.

8 All applications shall be forwarded by the Department of Transportation to the
9 appropriate board of elections not later than five business days after the date of
10 acceptance, according to rules which shall be promulgated by the State Board of
11 Elections.

12 The State Board of Elections shall review all voter registrations made through the
13 Division of Motor Vehicles after October 1, 1997, in order to verify the validity of the
14 claim of residency and citizenship and mail confirmations of residency and citizenship
15 to all voters registered through the Division of Motor Vehicles who did not furnish a
16 valid social security number. The State Board of Elections shall notify the General
17 Assembly of the results of the review and verification."

18 **SECTION 7.** G.S. 20-31 reads as rewritten:

19 "**§ 20-31. Making false affidavits ~~perjury~~, perjury or furnishing false information**
20 **to obtain a drivers license or identification card.**

21 (a) Any person who shall make any false affidavit, or shall knowingly swear or
22 affirm falsely, to any matter or thing required by the terms of this Article to be sworn to
23 or affirmed shall be guilty of a Class I felony.

24 (b) Any person who shall furnish nonsworn false information to obtain a drivers
25 license or identification card issued by the Division shall be guilty of a Class I felony."

26 **SECTION 8.** The Division of Motor Vehicles shall, by October 1, 2003,
27 verify the social security numbers on all current drivers licenses issued by the Division.
28 The Division shall immediately invalidate all current drivers licenses not matching the
29 valid social security number assigned to the driver or where the driver does not have a
30 valid social security number. The Division may correct those records where the
31 mismatch is due to error rather than to fraud. The Division may issue or reinstate a
32 drivers license only if the driver provides a valid social security number or the number
33 of a valid alien registration issued by the United States Immigration and Naturalization
34 Service and pays the applicable fee.

35 **SECTION 9.** The State Board of Elections shall review all voter
36 registrations processed through the Division of Motor Vehicles where there is no valid
37 social security number on the application or where the social security number does not
38 match the applicant based on the verification required by Section 3 of this act. Those
39 persons who used their drivers license as proof of residency shall be required to submit
40 other proof of residency or shall not be permitted to vote. This review shall be
41 conducted prior to the elections in November 2004.

42 **SECTION 10.** This act becomes effective July 1, 2003.