

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 794

Short Title: Voter Identification. (Public)

Sponsors: Representatives Allred, Moore, Current, Hollo (Primary Sponsors); and LaRoque.

Referred to: Election Law and Campaign Finance Reform.

March 17, 2005

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT VOTERS PROVIDE IDENTIFICATION BEFORE VOTING.

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.

(b) ~~Voting Mail-In Absentee. — 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, in order to cast a mail-in absentee vote,~~ shall submit with the mailed-in absentee ballot one of the following:

- (1) A copy of 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.

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

1 (c) The Right to Vote Provisionally. – If an individual is required under  
2 subsection (a) or (b) of this section to present identification in order to vote, but that  
3 individual does not present the required identification, that individual may vote a  
4 provisional official ballot. If the voter is at the voting place, the voter may vote  
5 provisionally there without unnecessary delay. If the voter is voting by mail-in absentee  
6 ballot, the mailed ballot without the required identification shall be treated as a  
7 provisional official ballot.

8 (d) Exemptions. —~~This Subsection (b) of this~~ section does not apply to any of the  
9 following:

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

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

31 "(a) Checking Registration. – A person seeking to vote shall enter the voting  
32 enclosure through the appropriate entrance. A precinct official assigned to check  
33 registration shall at once ask the voter to state current name and residence ~~address.~~  
34 address and to present an identification document in accordance with G.S. 163-166.12.  
35 The voter shall answer by stating current name and residence address. In a primary  
36 election, that voter shall also be asked to state, and shall state, the political party with  
37 which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter  
38 wishes to vote. After examination, that official shall state whether that voter is duly  
39 registered to vote in that precinct and shall direct that voter to the voting equipment or  
40 to the official assigned to distribute official ballots. If a precinct official states that the  
41 person is duly registered, the person shall sign the pollbook, other voting record, or  
42 voter authorization document in accordance with subsection (c) of this section before  
43 voting."

44 **SECTION 3.** G.S. 163-227.2(b) reads as rewritten:

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

22               **SECTION 4.** This act becomes effective January 1, 2006, and applies with  
23 respect to all primaries and elections held on or after that date.