

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 149  
Judiciary II Committee Substitute Adopted 5/23/11  
House Committee Substitute Favorable 6/21/12

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  
34 valid only for purposes of voter identification and proof of voter registration under this Chapter



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

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

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

11 (1) Full legal name.

12 (2) Address of residence.

13 (3) Birth date.

14 (4) Date identification card was issued.

15 (5) Sex.

16 (6) Eye color.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41           "**§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide**  
42 **valid photo identification at the polls.**

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

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

51           (1) Provides valid photo identification to the county board of elections; and

1           (2) Executes an affidavit, in the form prescribed by the county board of  
2           elections, affirming under the penalties of perjury that the voter is the same  
3           individual who:

4           a. Personally appeared to vote on the day of election or at an early  
5           voting site; and

6           b. Cast the provisional ballot on that day.

7           (c) Unless the vote is disqualified for some other reason provided by law, the county  
8           board of elections shall find that the voter's provisional ballot is valid and direct that the  
9           provisional ballot be opened and counted in accordance with this Chapter if the voter executes  
10           an affidavit before the county board of elections, in the form prescribed by the county board of  
11           elections, affirming under the penalties of perjury that:

12           (1) The voter is the same individual who:

13           a. Personally appeared to vote on the day of election or at an early  
14           voting site; and

15           b. Cast the provisional ballot on that day; and

16           (2) The voter has a sincerely held religious objection to being photographed.

17           (d) If the county board of elections determines that a voter described in subsection (b)  
18           or (c) of this section has also cast a provisional official ballot for a cause other than the voter's  
19           inability or declination to provide valid photo identification, the board shall both:

20           (1) Note on the envelope containing the provisional official ballot that the voter  
21           has complied with the proof of valid photo identification requirement; and

22           (2) Proceed to determine any other reasons for which the ballot was cast  
23           provisionally before ruling on the validity of the voter's provisional ballot.

24           (e) This section applies to Greene and Lenoir Counties only."

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

26           "**§ 163-87. Challenges allowed on day of primary or election.**

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

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

33           (1) One or more of the reasons listed in G.S. 163-85(c).

34           (2) That the person has already voted in that primary or election.

35           (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.

36           (4) If the challenge is made with respect to voting in a partisan primary, that the  
37           person is a registered voter of another political party.

38           (5) The voter does not present proof of identification as required by  
39           G.S. 163-166.13.

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

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

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

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

50           "(b) Not earlier than the third Thursday before an election, in which absentee ballots are  
51           authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday

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

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

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