

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S

1

SENATE BILL 235

Short Title: Voter Protection Integrity/Every Vote Counts. (Public)

Sponsors: Senators Clark, Ford (Primary Sponsors); Kinnaird and Tarte.

Referred to: Rules and Operations of the Senate.

March 11, 2013

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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