

(Note: all changes to the law are either added or ~~removed~~, and annotated as such.)

Key term...what is a "HAVA ID"

§ 163-166.12. Requirements for certain voters who register by mail.

(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, shall present to a local election official at a voting place 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.

VOTER ID MODIFICATIONS

SECTION 8.(a) G.S. 163-166.13 reads as rewritten:

"§ 163-166.13. Photo identification requirement for voting in person.

(a) Every qualified voter voting in person in accordance with this Article, G.S. 163-227.2, or G.S. 163-182.1A shall present photo identification bearing any reasonable resemblance to that voter to a local election official at the voting place before voting, except as follows:

- (1) For a registered voter voting curbside, that voter shall present identification under G.S. 163-166.9.
- (2) For a registered voter who has a sincerely held religious objection to being photographed and has filed a declaration in accordance with G.S. 163-82.7A at least 25 days before the election in which that voter is voting in person, that voter shall not be required to provide photo identification.
- (3) For a registered voter who is a victim of a natural disaster occurring within 60 days before election day that resulted in a disaster declaration by the President of the United States or the Governor of this State who declares the lack of photo identification due to the natural disaster on a form provided by the State Board, that voter shall not be required to provide photo identification in any county subject to such declaration. The form shall be available from the State Board of Elections, from each county board of elections in a county subject to the disaster declaration, and at each polling place and one-stop early voting site in that county. The voter shall submit the completed form at the time of voting.

(b) Any voter who complies with subsection (a) of this section shall be permitted to vote.

(c) Any voter who does not comply with subsection (a) of this section shall be notified of the following options:

- (1) The voter is permitted to vote a provisional official ballot which shall be counted in accordance with G.S. 163-182.1A.
- (2) The voter is permitted to complete a reasonable impediment declaration, as provided in G.S. 163-166.15, and vote a provisional official ballot which shall be counted in accordance with G.S. 163-182.1B.
- (3) The voter is permitted to complete a written request for an absentee ballot in accordance with G.S. 163-227.2(b1) until the deadline for submission of requests for absentee ballots provided in G.S. 163-230.1.

(d) The local election official to whom the photo identification is presented shall determine if the photo identification bears any reasonable resemblance to the voter presenting the photo identification. If it is determined that the photo identification does not bear any reasonable resemblance to the voter, the local election official shall comply with G.S. 163-166.14.

The "HAVA ID," created in the 2003 Help America Vote Act and quickly adopted in NC, offers voters a limitless array of non-photo documents that are impossible for election workers to authenticate. Their purpose (under federal law) is to serve as "voter ID" for any state without photo-ID requirements. While most honest people would pull out a photo ID when asked for ID, the seasoned vote thief will pull out a HAVA ID, knowing there is nothing the law can do to prevent him/her from voting with it. HB 589 banned HAVA IDs in all cases except curbside voting. HB 836 allows them for any voter who simply claims they cannot find the wallet.

Provisional ballot rules imply due diligence and scrutiny, but this law ties Election Boards' hands in counting RID ballots.

(e) Except as provided in subsection (e1) of this section, As as used in this section, "photo identification" means any one of the following that contains a photograph of the registered voter. In addition, the photo identification shall have voter, has a printed expiration date, and is date and shall be unexpired, provided that any voter having attained the age of 70 years at the time of presentation at the voting place shall be permitted to present an expired form of any of the following that was unexpired on the voter's 70th birthday, unless otherwise noted:

- (1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license, provided that it shall be acceptable if it has a printed expiration date that is not more than four years before it is presented for voting.
- (2) A special identification card for nonoperators issued under G.S. 20-37.7, provided that it shall be acceptable if it has a printed expiration date that is not more than four years before it is presented for voting.
- (3) A United States passport
- (4) A United States military identification card, except there is no requirement that it have a printed expiration or issuance date.
- (5) A Veterans Identification Card issued by the United States Department of Veterans Affairs for use at Veterans Administration medical facilities, except there is no requirement that it have a printed expiration or issuance date.
- (6) A tribal enrollment card issued by a federally recognized tribe, provided that if the tribal enrollment card does not contain a printed expiration date, it shall be acceptable if it has a printed issuance date that is not more than eight years before it is presented for voting.
- (7) A tribal enrollment card issued by a tribe recognized by this State under Chapter 71A of the General Statutes, provided that card meets all of the following criteria:
 - a. Is issued in accordance with a process approved by the State Board of Elections that requires an application and proof of identity equivalent to the requirements for issuance of a special identification card by the Division of Motor Vehicles under G.S. 20-7 and G.S. 20-37.7.
 - b. Is signed by an elected official of the tribe.

This law re-opens the door to non-US citizens voting with long-expired DLs. Tens of thousands were issued DLs in 2004-06 without proving citizenship. A 2004 DL expired in 2012 and Under this law) will now be allowed as voter ID until 2016. Media estimates say 75,000 non-citz per year took advantage of NC's immigrant-friendly DL laws. The # who registered to vote at the same time (with the help of agenda-driven DMV employees) is unknown.

- (8) A drivers license or nonoperators identification card issued by another state, the District of Columbia, or a territory or commonwealth of the United States, but only if the voter's voter registration was within 90 days of the election.

(e1) Any voter 70 years of age or older shall be permitted to present an expired form of photo identification listed in subsection (e) of this section, if that identification expired at any point after that voter's 70th birthday."

SECTION 8.(b) G.S. 163-227.2 is amended by adding the following new subsection to read:

"(b1) Until the deadline for submission of requests for absentee ballots provided in G.S. 163-230.1, any voter who fails to present an eligible form of photo identification in accordance with G.S. 163-166.13 shall be notified of the option to complete a written request form for an absentee ballot at that one-stop absentee voting location. The county board of elections shall notify the voter of each of the following:

- (1) The option to request an absentee ballot to vote in that election, whether requested at that one-stop absentee voting location or as provided in G.S. 163-230.2.
- (2) The instructions for completing the absentee ballot request in accordance with G.S. 163-230.1, along with the deadlines for returning the absentee ballot.
- (3) The means by which the voter may transmit the executed ballot to the county board of elections as provided in G.S. 163-231, including through delivery in person to an election official at a one-stop voting location.

Upon receiving notice pursuant to this subsection, a voter shall sign a form acknowledging that the voter was notified of the option to request and vote an absentee ballot. The list of names of those voters who signed an acknowledgment is a public record."

SECTION 8.(c) G.S. 163-227.2 is amended by adding the following new subsection to read:

"(j) The State Board of Elections shall adopt rules requiring signage to be displayed until the deadline for submission of requests for absentee ballots provided in G.S. 163-230.1 at all one-stop absentee voting locations notifying voters who do not have eligible photo identification of the option to request an absentee ballot as provided in subsection (b1) of this section."

SECTION 8.(d) Article 14A of Chapter 163 of the General Statutes is amended by adding a new section to read:

§ 163-166.15. Reasonable impediment declarations.

(a) Any voter who does not comply with the photo identification requirement of G.S. 163-166.13(a) due to a reasonable impediment that prevents the voter from obtaining photo identification may vote a provisional official ballot in accordance with this section.

(b) The voter shall complete a reasonable impediment declaration on a form provided by the State Board declaring that the voter meets all of the following criteria:

- (1) Is the same individual who personally appeared at the polling place.
- (2) Cast the provisional ballot while voting in person in accordance with this Article or G.S. 163-227.2.
- (3) Suffers from a reasonable impediment that prevents the voter from obtaining photo identification. The voter also shall list the impediment, as set forth in subsection (e) of this section, unless otherwise prohibited by State or federal law.

(c) The voter shall also present identification in the form of (i) a copy of a document listed in G.S. 163-166.12(a)(2) or the voter registration card issued to the voter by the county board of elections or (ii) the last four digits of the voter's Social Security number and the voter's date of birth. Upon compliance with this section, the voter may cast a provisional ballot. The declaration and a notation on the declaration form that the voter has provided the required identification shall be submitted with the provisional ballot envelope to the county board of elections and shall be counted in accordance with G.S. 163-182.1B.

(d) If a voter fails to present identification, as required in subsection (c) of this section, but completes a reasonable impediment declaration, the voter shall be permitted to vote a provisional official ballot. The declaration and a notation on the declaration form that the voter has not provided the required identification shall be submitted with the provisional ballot

Exploits a loophole not requiring photo ID from absent voters, by offering an absentee ballot to any voter who refuses to provide photo ID.

Signage will be required at every early voting location giving an easy out for anybody refusing to show a photo ID. §163-230.1 sets a deadline of 5 PM, the Tuesday before the election, but the state will be sued or the GA will be coerced to alter the law, in order to allow no-ID voters to exploit this loophole throughout the early voting period.

RID voter can present one of 3 forms of "ID," but need only give one.

See the next page for the specific wording on how to count RID ballots.

envelope to the county board of elections. The ballot shall be counted in accordance with G.S. 163-182.1B if the voter presents the required identification to the county board of elections in accordance with G.S. 163-182.1B.

(e) The reasonable impediment declaration form provided by the State Board shall, at a minimum, include the following:

- (1) Separate boxes that a voter may check to identify the reasonable impediment, including at least the following:
 - a. Lack of transportation.
 - b. Disability or illness.
 - c. Lack of birth certificate or other documents needed to obtain photo identification.
 - d. Work schedule.
 - e. Family responsibilities.
 - f. Lost or stolen photo identification.
 - g. Photo identification applied for but not received by the voter voting in person.
 - h. Other reasonable impediment. If the voter checks the "other reasonable impediment" box, a further brief written identification of the reasonable impediment shall be required, including the option to indicate that State or federal law prohibits listing the impediment.

(2) A space for the voter to provide the last four digits of the Social Security number and the voter's date of birth, if the voter opts to provide this information as identification in accordance with subsection (c) of this section.

(3) A space to note whether the voter has provided a copy of the document listed in G.S. 163-166.12(a)(2) or the voter registration card issued to the voter by the county board of elections."

DOB and SSN-4 are given only if the voter "opts to provide" it.

SECTION 8.(e) Article 15A of Chapter 163 of the General Statutes is amended by adding a new section to read:

§ 163-182.1B. Counting of provisional official ballots cast following completion of a reasonable impediment declaration when voting in person.

(a) The county board of elections shall find that a voter's provisional official ballot cast following completion of a declaration of reasonable impediment in accordance with G.S. 163-166.15 is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter, unless any of the following apply:

(1) The county board of elections has grounds, including an impediment evidentiary challenge by a voter, as provided in subsection (b) of this section, to believe the declaration is factually false, merely denigrated the photo identification requirement, or made obviously nonsensical statements.

(2) The voter failed to present identification in the form of one of the following:

- a. Either a copy of a document listed in G.S. 163-166.12(a)(2) or the voter registration card issued to the voter by the county board of elections when voting or at the county board of elections.
- b. The voter's last four digits of the Social Security number and date of birth.

RID voter needs only to present one of 3 forms of "ID."

(3) The voter provided the last four digits of the voter's Social Security number and date of birth as the form of identification required under G.S. 163-166.15(c) and the county board of elections could not confirm the voter's registration using that information.

DOB and SSN-4 will be verified, but only if voter provides them.

(4) The voter is disqualified for some other reason provided by law.

(b) An impediment evidentiary challenge may be made only on a form developed by the State Board of Elections as follows:

(1) Any registered voter of the county may make the challenge by submitting clear and convincing evidence in writing on a signed form to the county board of elections challenging the factual veracity of the impediment.

(2) Challenges shall be submitted no later than 5:00 P.M. on the third business day following the election.

(3) The county board shall hear evidentiary challenges on the day set for the canvass of the returns.

This is not possible unless the BOE releases the names of every RID voter at the end of each day. False ID challenges are not allowed.

- (4) A voter whose declaration has been challenged may personally, or through an authorized representative, appear before the county board and present evidence supporting the factual veracity of the impediment.
- (5) In considering the challenge, the county board shall construe all evidence presented in the light most favorable to the voter submitting the reasonable impediment declaration.
- (6) The county board shall not find a challenge valid if it provides only evidence regarding the reasonableness of the impediment.
- (7) The county board may find the challenge valid if the evidence demonstrates the declaration merely denigrated the photo identification requirement, made obviously nonsensical statements, or made statements or selected a reasonable impediment check box that was factually false.

"Valid" is never defined. County BOE has no authority to reject any RID ballot, unless the voter gives "obviously nonsensical" or a lie (that nobody is required to investigate)

(c) A voter who failed to present identification required in G.S. 163-166.15(c) when completing the reasonable impediment affidavit may comply with the identification requirement by appearing in person at the county board of elections to present the identification no later than 12:00 noon the day prior to the time set for the convening of the election canvass pursuant to G.S. 163-182.5.

(d) If the county board of elections determines that a voter has also cast a provisional official ballot for a cause other than the voter's failure to provide photo identification in accordance with G.S. 163-166.13(a), the county board shall do all of the following:

- (1) Note on the envelope containing the provisional official ballot that the voter has complied with the reasonable impediment declaration requirement.
- (2) Proceed to determine any other reasons for which the provisional official ballot was cast provisionally before ruling on the validity of the voter's provisional official ballot.

The voter who fails to give an SSN-4 & DOB or a voter ID card or a HAVA ID will be allowed to return the BOE in a few days and present them. This rule should apply as a "must" for anybody refusing to present a photo ID when voting.

(e) Within 60 days after each election, the county board of elections shall provide to the State Board of Elections a report of those reasonable impediments identified in that election by voters. The State Board shall use the information in the reports to identify and address obstacles to obtaining photo identification."

~~SECTION 8.(f) G.S. 163-82.8(c) reads as rewritten:~~

"(e) Display of Card May Not Be Required to Vote. – No county board of elections may require that a voter registration card be displayed in order to vote. A county board of elections may notify a voter that the voter's registration card may be used for the required identification in conjunction with a reasonable impediment declaration in accordance with G.S. 163-166.15."

~~SECTION 8.(g) Section 5.3 of S.L. 2013-381 reads as rewritten:~~

~~"SECTION 5.3. Education and Publicity Requirements. The public shall be educated about the photo identification to vote requirements of this act as follows:~~

- (1) ~~As counties use their regular processes to notify voters of assignments and reassignments to districts for election to the United States House of Representatives, State Senate, State House of Representatives, or local office, by including information about the provisions of this act.~~
- (2) ~~As counties send new voter registration cards to voters as a result of new registration, changes of address, or other reasons, by including information about the provisions of this act.~~
- (3) ~~Counties that maintain a board of elections Web site shall include information about the provisions of this act.~~
- (4) ~~Notices of elections published by county boards of elections under G.S. 163-22(8) for the 2014 primary and 2014 general election shall include a brief statement that photo identification will be required to vote in person beginning in 2016.~~
- (5) ~~The State Board of Elections shall include on its Web site information about the provisions of this act.~~
- (6) ~~Counties shall post at the polls and at early voting sites beginning with the 2014 primary elections information about the provisions of this act.~~
- (7) ~~The State Board of Elections shall distribute information about the photo identification requirements to groups and organizations serving persons with disabilities or the elderly.~~
- (8) ~~The State Board of Elections, the Division of Motor Vehicles, and county boards of elections in counties where there is no Division of Motor Vehicles~~

Hammers home the new law that NO photo ID is required in order to vote in NC. All the voter needs is the non-photo registration card they typically receive in the mailbox. AND if they get these in the mail for former occupants at their address, that's all they will need in order to vote under that person's name!

drivers license office open five days a week shall include information about mobile unit schedules on existing Web sites, shall distribute information about these schedules to registered voters identified without photo identification, and shall publicize information about the mobile unit schedules through other available means.

- (9) The State Board of Elections and county boards of elections shall direct volunteers to assist registered voters in counties where there is no Division of Motor Vehicles drivers license office open five days a week.
- (10) The State Board of Elections shall educate the public regarding the reasonable impediment declaration and shall use the information on reasonable impediments reported by county boards of election as provided in G.S. 163-182.1B(e) to identify and address obstacles to obtaining voter photo identification."

SECTION 8.(h) Section 8(g) of this section becomes effective when this act becomes law. The remainder of this section becomes effective January 1, 2016, and applies to primaries and elections conducted on or after that date.

Reference §163-166.13(e)(1) & (2) [See p.2 of this document] These are the latest NC DMV Laws Affecting Illegal Immigrants

<< S601

Senate Bill 602 / S.L. 2006-264 (= H668)

Technical Corrections Act-2 - 2005.
2005-2006 Session

SECTION 35.2. G.S. 20-7 reads as rewritten:

"§ 20-7. Issuance and renewal of drivers licenses.

(b1) Application. – To obtain an identification card, learners permit, or 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, except for an identification card, 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 authenticity. To obtain an endorsement, a person shall demonstrate his or her physical and mental ability to drive safely the type of motor vehicle for which the endorsement is required.

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

- (1) The applicant's full name.
- (2) The applicant's mailing address and residence address.
- (3) A physical description of the applicant, including the applicant's sex, height, eye color, and hair color.
- (4) The applicant's date of birth.
- (5) The applicant's valid social security number.
- (6) The applicant's signature.

SL2006-0264

Session Law 2006-264

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

~~The Division shall not issue an identification card, learners permit, or drivers license to an applicant who fails to provide either the applicant's valid social security number or the applicant's valid Individual Taxpayer Identification Number number.~~

SECTION 103. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 27th day of July, 2006.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

This is the 2006 law that forced the DMV to accept only Social Security Numbers in issuing DLs and ID cards.

Taxpayer ID Number no longer considered proof of identity in DMV transactions.

Effective July 27, 2006, taxpayer ID Number no longer considered proof of identity in DMV transactions. The last of these licenses expired eight years later, in 2014. Under HB 836, they will serve as voter ID four years after that date.