



# Fix-836 Tool Kit

These documents are designed to equip, educate and empower citizens who are concerned about the integrity of North Carolina's elections.

*The Voter Integrity Project Mission:*

To restore trust in the democratic process through analysis, detection and prevention of vote fraud.

This document may be copied and distributed freely. For more information, please visit . . .

[www.VoterIntegrityProject.com/fix-836](http://www.VoterIntegrityProject.com/fix-836)



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## Explanation

The purpose of this “tool kit” is to equip concerned voters with tools they can use when facing politicians (or their minions) spouting their “support” for voter ID after they switched it out for a fake ID law. Activists who fully grasp this booklet will either be able to motivate incumbent politicians or to recruit challengers against politicians too timid to reform of our state’s fraud-friendly election laws.

**Christmas Gift**—This chart (p.3) is a quick snapshot of the mess the Legislature created with HB 836. It should be widely distributed among party faithful in order to inoculate against any incumbents who deny the risk they accepted.

**Scorecard**—Since Rep David Lewis and Sen Bob Rucho are too proud to repeal HB 836, we’ve offered an array of vote fraud prevention measures (p.4) in the form of a “scorecard” that politicians need to support if they expect to win. Please ask all current and potential reps to “sign on” and support any...or all of these reforms.

**The Record**—See if your reps joined the herd and obeyed their leadership’s decision to kill voter ID. Spoiler alert: Only four people opposed the bill.

**The Law**—These pages (5-11) lay out the actual law. The gray blocks contain “VIP analysis” of the vulnerabilities HB 836 invites. Carefully reading this section will fully equip you against any excuse your Legislator and Senator may give you in defending their support for this tragic law.

**Rebuttals**—In the end, many of you will hear the excuses that convinced legislators to support HB 836 before they could read it. This section provides valid responses.

**\*ACORN**—Refers to the criminal enterprise formerly known as “ACORN.” HB 836 seems like an early Christmas gift for their members who are still active.



# The Early Christmas Gift for ACORN\*

\* This term refers to the criminal enterprise formerly known as "ACORN," still very active in North Carolina, but operating under numerous assumed identities.



## HOW NC's 2015 LEGISLATURE KILLED VOTER ID

	1903-2012	2013-2014	2015-Present
Fraud-Friendly Loophole (for in-person voting)	Pre-McCrory era	McCrory era (w/ "Veto-proof" Republican House, Senate)	
	§ 163	House Bill 589	House Bill 836
REQUIRED photo ID	<b>NO</b>	<b>YES</b>	<b>NO</b>
UTILITY BILL* counts as "VALID ID"	<b>YES</b>	<b>NO</b>	<b>YES</b>
BANK STATEMENT* counts as "VALID ID"	<b>YES</b>	<b>NO</b>	<b>YES</b>
PAYCHECK STUB* counts as "VALID ID"	<b>YES</b>	<b>NO</b>	<b>YES</b>
GOV'T DOCUMENT* counts as "VALID ID"	<b>YES</b>	<b>NO</b>	<b>YES</b>
VOTER REG CARD* counts as "VALID ID"	<b>YES</b>	<b>NO</b>	<b>YES</b>
DOB WITH SSN-4** counts as "VALID ID"	<b>NO</b>	<b>NO</b>	<b>YES</b>
EXPIRED NCDL VALIDITY LIMITS***	<b>NONE</b>	<b>90 DAYS</b>	<b>1,460 DAYS</b>

Two years after passing effective voter ID reform, the 2015 Legislature gutted key provisions from their earlier law by a combined vote of 150 to 4 and left NC's voter ID laws even weaker than before the Republicans won control of the Legislature in 2010. Rather than fix this betrayal, cynical politicians claimed that HB 836 somehow "strengthens" voter ID. THIS MUST NOT STAND! Call your State Rep and Senator at 919.733.4111 and Gov. McCrory at 919.814.2000 to DEMAND they quit appeasing their enemies and FIX THE VOTER ID LAWS THEY BROKE!

\* No photo ID is required to accompany use of this document.

\*\* If the voter verbally states this info, no additional proof of ID is required.

\*\*\* Allows an estimated 15,000 non-US citizens to vote, using any NCDL or NC ID card acquired between Nov 9, 2004 and July 27, 2006 (before Social Security cards were required at DMV.) By extending the expiration grace period to 4 years, such persons will be able to vote in 2016.

See all the proof at [www.VoterIntegrityProject.com/fix-836](http://www.VoterIntegrityProject.com/fix-836)



# Election Integrity Scorecard



(Please initial in each applicable box.)

Support	Oppose	I Want Details	Legislative Initiative
			Require all Reasonable Impediment Determination (RID) voters to provide SSN-4 & DOB in addition to their non-photo HAVA* ID. (Current NC law allows "either-or.")
			Limit use of expired driver licenses to 90 days (Current law allows 4 years, enabling tens of thousands of non-US citizens to vote with expired DLs.)
			Enact a statutory "bill of rights" for election observers. (Current law allows polling station judges to eject observers for no reason at all.)
			Increase vote fraud penalty to Class G from I (as in H-I-J-K...it's the lowest class of felony in NC law. Stealing a bale of pine needles is a Class H felony, but stealing elections is lower in severity, as a Class I felony.)
			Require two poll judges "not of the same party" to staff all early voting locations. (Current law allows all early voting workers to be from one party.)
			Require photocopy of ID cards to accompany absentee ballots. (Current law requires no ID for absentee voters.)
			Eliminate curbside voter loophole on voter ID. (Current law only requires a HAVA* ID for curbside voters.)
			Make County BOE retain a copy of any RID documents used for voter identification and declare such documents "public record." (Current law provides no way for later verification of such "proof" of a voter's identity.)
			I will support all of these initiatives because preventing vote fraud should be just as important as ensuring all lawful voters can vote . . . One time at each election.

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_ House District # \_\_\_\_\_ -or- Senate District # \_\_\_\_\_

\* The term, "HAVA ID," comes from the Help America Vote Act of 2003 and NC law (§163-166.12(a)(2)). Among other things, these laws allowed the following non-photographic "forms of identification" for voting purposes: Bank statements, utility bills, pay stubs or any other government document. States may add ID requirements, but not without a costly legal battle with the US Department of Justice, the League of Women Voters, the NAACP, the ACLU and any number of other activist groups who fight any laws that prevent vote fraud.

**Constituent Instructions:** You may copy and distribute this "scorecard" freely, but please offer it to all legislators and candidates, and ask them to check the issues they support or oppose. Send any and all signed scorecards (either by incumbents or candidates) to this address:

**Voter Integrity Project 4441 Six Forks Rd., Ste 106-233, Raleigh, NC 27609**



# There Were Only Four Lawmakers We Could Thank For Supporting Election Integrity . . .



## North Carolina House of Representatives

Tim Moore  
Speaker

Paul Stam  
Speaker Pro Tem

Denise Weeks, House Principal Clerk

ROLL CALL (1 Votes)  
Legislative Session Day 79 (06-18-2015)

794 HB 836

**Election Modifications.**

Sponsor: Robinson  
C RPT Adoption

**Outcome: PASS**

**Time: Jun 18 2015 1:46PM**

Total Votes: 107 Ayes: 104 Noes: 3 Not: 2 Exc. Absent: 11 Exc. Vote: 0

**Ayes:**

**Democrat**

Representative(s): Adcock; Ager; Alexander; B. Turner; Brockman; Carney; Cotham; Cunningham; D. Hall; Earle; Farmer-Butterfield; Fisher; Floyd; G. Graham; Gill; Glazier; Goodman; Hamilton; Hanes; Harrison; Holley; Insko; L. Bell; L. Hall; Lucas; Meyer; Michaux; Pierce; Queen; R. Johnson; R. Moore; Reives; Richardson; Terry; Waddell; Wray

**Republican**

Representative(s): Adams; Arp; Avila; B. Brown; Bishop; Blust; Boles; Bradford; Brawley; Brody; Bryan; Bumgardner; Burr; Catlin; Cleveland; Collins; Conrad; Daughtry; Davis; Dixon; Dollar; Elmore; Faircloth; Ford; Fraley; Hager; Hardister; Hastings; Holloway; Horn; Howard; Hurley; Iler; J. Bell; Jeter; Jones; Jordan; L. Johnson; Lambeth; Langdon; Lewis; Malone; McGrady; McNeill; Millis; Pendleton; Pittman; Presnell; R. Turner; Riddell; Robinson; Ross; S. Martin; Saine; Setzer; Shepard; Speciale; Steinburg; Stevens; Szoka; T. Moore (SPEAKER); Tine; Torbett; Warren; Watford; Whitmire; Yarborough; Zachary

**Noes:**

Representative(s): Willingham

Representative(s): Dobson; Stam

**Not Voting:**

Representative(s): Brisson; Salmon

Representative(s): None

**Exc. Absence:**

Representative(s): Baskerville; C. Graham; G. Martin; Hunter; Jackson; Luebke

Representative(s): Blackwell; McElraft; R. Brown; Schaffer; West

## North Carolina Senate

ROLL CALL (1 Votes)  
Legislative Session Day 77 (06-11-2015)

395 HB 836

**Election Modifications.**

Sponsor: ROBINSON  
Second Reading

**Outcome: PASS**

**Time: Jun 11 2015 12:07PM**

Total Votes: 47 Ayes: 46 Noes: 1 Not: 0 Exc. Absent: 3 Exc. Vote: 0

**Ayes:**

**Democrat**

Senator(s): Blue; Bryant; Clark; Ford; Foushee; J. Jackson; Lowe; McKissick; Robinson; Smith; Smith-Ingram; Stein; Van Duyn; Waddell; Woodard

**Republican**

Senator(s): Alexander; Apodaca; B. Jackson; Barefoot; Barringer; Berger; Bingham; Brock; Brown; Cook; Curtis; Daniel; Gunn; Harrington; Hartsell; Hise; J. Davis; Krawiec; Lee; McInnis; Newton; Pate; Rabin; Randleman; Rucho; Sanderson; Soucek; Tarte; Tucker; Wade; Wells

**Noes:**

Senator(s): D. Davis

Senator(s): None

**Exc. Absence:**

Senator(s): None

Senator(s): Meredith; Rabon; Tillman



# Rebuttals to Incumbent Spin



Many of you will ask your Legislators why they gutted voter ID; and unless they admit mistakes, they will throw out some spin-tested replies. This section addresses some excuses we've already heard, but we need to know if they conjure up some more.

- 1. Only 119 voters used this loophole in South Carolina.** In other words, they *hope* nobody will abuse the fraud-friendly law in NC, a “purple” battleground state in recent Presidential elections; but *hope is a poor strategy!* IF a concerted vote fraud effort actually were implemented, NC law now does very little to counter such an attack. Preventing vote fraud is easier and cheaper than detecting and correcting it during or after a tight statewide election.
- 2. Life happens! We can't punish people who lose their ID.** VIP supports the concept of the Reasonable Impediment Determination (RID) exceptions, but the law needs safeguards to discourage people from abusing the RID for extra votes. At the very least, there should be a *chance* of vote-fraud perps getting caught, but NC now has very few ways to prevent several types of vote fraud.
- 3. The DMV's bad behavior forced us to do this.** So, rather than investigate and take corrective action, you let the subversive behavior of a few DMV employees derail a law they took months to craft. Your job is to oversee the DMV and not to let them use passive-aggressive behavior to undermine your majority rule.
- 4. We had to pass it, or the courts would throw out the entire law.** While the courts “may” have thrown out *portions* of HB 589, a competent Legislature would work to fix the court's objections. Rather than following that prescribed process, why did they surrender without a fight?
- 5. I wouldn't have supported it if I had known that about the bill.** They will say this if you appear to know the bill better than they do. Such an answer implies they didn't actually read the bill before 150 lawmakers voted for it. If they give this answer, then it's a great time to ask them to sign the “scorecard” and their support for our wide array of fraud-prevention (or detection) measures that Sen Bob Rucho and Rep David Lewis have somehow blocked.
- 6. Our lawyers made us do it.** Really?! Attorneys are paid to advise their clients on risk. If a Legislator is letting a lawyer call the shots, then maybe we should cut out the middle man and elect the lawyer next time.
- 7. Our leadership made us do it.** If your House or Senate leadership made you support slavery, would you do it? If protecting against vote fraud is too hard for you, then maybe you should step down so we can find a stronger Legislator.





# VIP Analysis of HB 836

Session Law 2015-103

(Note: all changes to the law are indicated as either added or ~~removed~~.)



## 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. Most honest people would pull out an NCDL or ID when asked for ID, but enterprise-level vote thieves know to present a HAVA ID, because there is nothing the law can do to stop him/her from voting with it. HB 589 banned HAVA IDs in all cases except curbside voting, but HB 836 brings them back for any voter trying to steal extra votes by assuming a false identity and claiming they can't find their wallet.

Provisional ballot rules imply due diligence, but we will later show how this law effectively ties Election Boards' hands when counting RID ballots.



# Re-Legalizing Non-Citizen Voters



(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~~ 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~~ 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 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.

HB 836 re-opens the door to non-US citizens voting with long-expired DLs.

According to Jan 5, 2005 Greensboro News & Record, "the DMV estimates it accepts between 75,000 and 100,000 ITINs a year."

Thus, the DMV issued hundreds of thousands of DLs in 2004 thru 2006, on the basis of an ITIN instead of an SSN. (The IRS does not require proof of citizenship for persons applying for an ITIN.)

To be clear, all 2006 DLs, issued to drivers without an SSN, expired in 2012, but thanks to HB 836, those drivers now have a lawful voter ID card until 2018.

While the DMV estimated 75,000 to 100,000 non-citz applicants took advantage of NC's irresponsible DL laws each year, the number who registered to vote at the same time (with the help of agenda-driven DMV employees) is an enormous unknown that our lawmakers have refused to investigate.

- (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 is now required at every early voting location, to suggest how people can vote if they want to undermine the intent of 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 sued or otherwise coerced to alter the law, in order to allow no-ID voters to exploit this loophole during the entire 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 election boards MUST count all RID ballots.



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

**The biggest blunder in HB 589...**

Refuting a major claim made by legislators, this provision denies almost ALL BOE discretion in counting RID provisional ballots AND all RID voters only must present one of 2 types of non-photo "ID," ...or... they may vote by reciting a friend's DOB and SSN-4.

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

This is not possible unless the BOE releases the names of every RID voter at the end of each day.

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."

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 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.
- (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.

- (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.





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.

(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.

(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(e) 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

"Valid" is never defined. County BOE can never reject any RID ballots, unless the voter is "obviously nonsensical" or tells a lie (that nobody is required to investigate)

The voter who fails to give an SSN-4 & DOB or a voter reg card or a HAVA ID must revisit the BOE within a few days to present them. Applying common sense, they could get 5 days, but would present a photo ID (or swear out an affidavit on why they still can't get one) before their vote would count.

Reemphasizes the Legislature's total surrender the photo ID law in NC. Now, all a voter needs is the (non-photo) voter 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 steal an extra vote with each voter's reg card!



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.



## BONUS ROOM

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.~~

**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 27<sup>th</sup> 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. **Thanks to HB 836, the last of these expired ID cards will be valid voter ID until sometime in 2018.**