



January 25, 2019

Dear Campus Leaders,

We are writing to you on behalf of the Fair Election Center's Campus Vote Project, Democracy North Carolina, and Common Cause North Carolina, nonpartisan nonprofit organizations who conduct voting rights advocacy to update you on recent changes in North Carolina law that impact the ability of your students to exercise their right to vote and several urgent associated deadlines.

During a special legislative session this past December the North Carolina General Assembly passed a new strict photo voter ID law, SB 824.¹ **One of the included forms of voter ID under the new law is student ID cards issued by community colleges and public and private colleges and universities in North Carolina.**² This provides a great opportunity for your institution to promote voting and civic engagement among your students.

However, there are a number of additional requirements that must be met for your institution's student IDs to be approved by the State Board of Elections to be used as voter ID.

Namely, "[t]he chancellor, president, or registrar of the university or college submits a signed letter to the Executive Director of the State Board under penalty of perjury that" the following 8 criteria are true:³

1. The IDs contain photographs of students taken by the university or college or its agents or contractors.
2. The IDs are issued after an enrollment process that includes methods of confirming the identity of the student that include, but are not limited to, the social security number, citizenship status, and birthdate of the student.
3. The equipment for producing the IDs are kept in a secure location.
4. Misuse of the equipment for producing the IDs would be grounds for student discipline or termination of an employee.
5. University or college officials would report any misuse of student ID equipment to law enforcement if G.S. 163A-1389(19) was potentially violated.⁴
6. The IDs contain a date of expiration, effective January 1, 2021.
7. The university or college provides copies of standard IDs to the State Board of Elections to assist with training purposes.
8. The college or university will provide a copy to students, when issuing the IDs, documentation developed by the State Board of Elections on the requirements related to

¹ Available at www.ncleg.gov/BillLookup/2017/S824.

² N.C.G.S.A. § 163A-1145.1 (defining the institutions eligible to have their student IDs accepted as voter ID as "constituent institution[s] of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3)").

³ N.C.G.S.A § 163A-1145.2

⁴ "It shall be unlawful: ... (19) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled thereto, a form of photo identification provided in G.S. 163A-1145.1 for the purposes of voting."

voting, and requirements of North Carolina residency to vote, including applicable intent requirements of North Carolina law, and the penalty for voting in multiple states.

The State Board of Election is also tasked with determining if there are any other “reasonable security measures” that institutions must comply with to have their student IDs approved for use as voter ID.

As a matter of timing, the State Board of Elections is supposed to produce temporary regulations to implement the approval process of student IDs as voter ID **by February 1, 2019**.⁵ At this time the State Board of Elections has not issued notice of this ruling making and there are no appointees to the Board. Additionally, the State Board of Elections is supposed to approve student IDs acceptable as voter ID for the 2019 and 2020 elections **on March 15, 2019**. SB 824 requires that this list of student IDs acceptable as voter ID be updated every four years.⁶ These deadlines are fast approaching for institutions interested in promoting student civic engagement by making their student IDs eligible for voting use.

While the State Board of Elections has not yet taken any action related to student IDs, we believe these are *minimum* requirements, and that the State Board of Elections may choose to approve specific institutions’ student IDs and update the list of accepted student IDs as voter ID on a more frequent basis.

As such we encourage you to contact the State Board of Elections as soon as possible to inform them that you are interested in pursuing having your institution’s student IDs approved for use as voter ID, but that you need for them to provide rules to guide the submission process and allow more time than the initial March 15th deadline. Deputy General Counsel Katelyn Love is leading the rulemaking process. You can reach her at Katelyn.Love@ncsbe.gov or (919) 814-0756.

Please feel free to contact us at mburns@campusvoteproject.org if you have questions or we can support you in the process of assisting your students in exercising their voting rights. Please forward this correspondence to a colleague if you are not the appropriate person to receive it. Thank you for your consideration and swift action on this matter.

Sincerely,

Mike Burns
National Director, Campus Vote Project

Isela Gutierrez
Research and Policy Director, Democracy North Carolina

Bob Phillips
Executive Director, Common Cause North Carolina

⁵ NC SB 824 Section 1.2.(f)

⁶ N.C.G.S.A § 163A-1145.2(b)&(c)