



The State Board of Elections is taking public comment on Voter ID rules through March 15th!

It's Time to Advocate for Voter-Friendly ID Rules

The N.C. State Board of Elections must write guidelines to implement North Carolina's new voter ID law through a rule-making process that is open to the public. The current focus is on guidelines for two portions of the law: (1) student IDs and their compliance with the law; and (2) how free IDs will be provided by county boards of elections. **Here are tips to participate in the public comment period and protect North Carolina voters in the process.**

Read up on the Temporary Rules

On February 9, 2019, the State Board of Elections released a set of temporary rules on Voter ID implementation. [Read the Official Announcement and Temporary Rules from the State Board of Elections to inform your comments.](#) Because these rules are temporary, the state will need to draft permanent rules and solicit public comment on those rules at a later date.

Share Your Comments Online

The State Board of Elections will receive public comment on these temporary rules for Voter ID implementation **through Friday, March 15**. No matter where you live in North Carolina, you can share your comments through the following methods:

Online: [Public Comment Portal \(also available at the short link: \[demnc.co/idrules\]\(http://demnc.co/idrules\)\)](#)

Email: rules@ncsbe.gov

Mail: ATTN: Katelyn Love, Deputy General Counsel, P.O. Box 27255, Raleigh, NC 27611-7255

Attend a Public Hearing

The State Board of Elections will also host a public hearing in Raleigh to hear public comments on the temporary rules for Voter ID implementation. Do you have first-hand experience with these issues? You can attend and share your comments directly with the Board.

Date: Wednesday, March 13, 2019

Time: 1 p.m.

Location: N.C. State Board of Elections, 430 N. Salisbury Street, 3rd Floor, Raleigh, NC 27603

What to Ask For

Whether you're considering giving public comment via the online portal, through email, or at the public hearing, the following can provide an overview of these issues and how best to advocate for voter-friendly outcomes.

Talking About Student IDs

Overview: Under the new photo ID requirement to vote, one of the accepted forms of voter identification is student ID cards issued by N.C. community colleges and public and private colleges and universities. But, there are many criteria for these IDs and many additional steps that a campus must take **by a fast-approaching deadline of March 13, 2019** for these student IDs to be approved by the State Board of Elections for use in the 2019 and 2020 elections.

The first step in the process is “[t]he chancellor, president, or registrar of the university or college” must submit a signed letter by March 13, 2019 to the Executive Director of the State Board “under penalty of perjury” acknowledging that the campus’s student IDs are issued following a certain process. To learn more about this process and the criteria for student IDs, visit demnc.co/campusletter.

Our view:

- The draft temporary rules promulgated by the State Board of Elections largely reflect the law as written. Unfortunately, that means the rules, as currently written, do little to help schools navigate the process or alleviate barriers to compliance.
- The photo ID law’s requirements for university, college, and community college student IDs to work for voting are confusing and onerous — making it hard for those institutions to understand what is needed to comply.
 - The law requires a school administrator to attest under penalty of perjury that their enrollment process confirms a student’s identity in various ways, including, but not limited, to the *citizenship status of the student*. Many schools are confused by this, frequently misunderstanding it to mean that the student IDs themselves must indicate whether a student is a citizen. This confusion means that some campuses are simply opting out of even attempting compliance for fear of somehow compromising the safety of their non-citizen students.
- No funds have been appropriated to help absorb costs related to compliance, even though complying with the process outlined in the law would require a major shift in the way student IDs are generated for some schools.
 - For example, the law requires a school administrator to attest under penalty of perjury that the *pictures on student ID cards are taken by an employee of the school*, or its agents and contractors. However, many institutions now allow students to upload their own preferred picture for IDs — a practical, cost-saving, 21st century adaptation that means those campuses cannot comply with the law or rules as written.

- Many schools currently allow transgender students to provide their chosen name for use on student IDs, which may cause problems if a student is registered to vote under their legal, birth name. This could open the door for disproportionate disenfranchisement of transgender students who do not possess any of the other approved IDs for voting.
- Given the challenges associated with simply understanding the law, the tight deadline (March 13, 2019) for schools to submit letters affirming that they are able to comply with the law's requirements means that relatively few student IDs from North Carolina's community colleges, colleges, and universities will work for voting in 2019 and 2020.
 - In what appears to be a baldly political and deeply cynical move intended to decrease the likelihood of student turnout in the next Presidential election, if a school fails to meet this arbitrarily early deadline — 20 months before the November 3, 2020 Election — it will not have another chance to make its student IDs acceptable for voting until 2021.

Our recommendation(s): As currently written, neither the law nor the rules appear practicable for the majority of North Carolina community colleges, colleges, or universities. The N.C. General Assembly should therefore pass a new law, in consultation with school administrators and student leaders, that is clearly written and does not impose onerous, alarming requirements that require major shifts in the enrollment process or the ways that IDs are issued. Moreover, the deadline for allowing student IDs to be used for voting in 2020 should be extended to September 16, 2019, or later, to allow time for campuses to better understand the law and its implications.

Talking About “Free IDs” provided by County BOEs

Overview: Under the new photo ID law, all 100 county boards of elections (BOEs) will provide free photo IDs (usable only for voting) to North Carolina voters who need an acceptable ID to vote. The rules clarify what information voters must provide to county BOEs in order to receive the ID, how the IDs will be issued, procedures for issuing replacement cards and name changes, and the content and design of the card. It also allows county BOEs to authorize locations other than BOE offices to issue these IDs. For example, these locations could include early voting locations, malls, fairs and festivals, student unions, or churches.

Our view:

- In order to receive a free photo ID from a county BOE, the temporary draft rules require a registered voter to provide their full name, date of birth, the last four digits of their Social Security number, and to sign and date the request form. Since getting the underlying, required documents (such as birth and marriage certificates) required for a

NC DMV ID is a major obstacle for many low-income, rural voters, allowing voters to simply provide the critical, minimum data mandated by statute is a voter-friendly interpretation of the law.

- The current photo ID law requires county BOEs to issue free photo IDs to registered voters, and the draft temporary rules say a county BOE “immediately shall issue the [free photo ID] card to the voter.” But, in at least three other Southern states — Alabama, South Carolina, and Virginia county elections agencies issue a *temporary* paper photo ID to voters, with the permanent, plastic card mailed later from by the state. This is similar to how the NC DMV issues driver’s licenses and non-driver’s special IDs. Such an approach might reduce the administrative burden on county BOEs, particularly during the high-traffic, high-pressure Early Voting period in a major presidential election year.
- Under the current photo ID law, county BOEs are the only agencies that can issue the free photo IDs. However, they typically do not have staff to spare for this task, making it difficult for them to conduct outreach to voters outside of the county BOE office. However, the State Board of Elections (SBOE) has an outreach team, who are available to travel across the state, and could be authorized to assist county BOEs in reaching voters and issuing photo IDs at locations outside of the county BOE office.

Our recommendation(s):

- The State Board of Elections should request from the NC General Assembly a statutory change that will allow its outreach staff to assist and support county BOE outreach and ID provision to voters.
- In order to effectively implement this portion of the law as currently written, county BOEs will require more staff, staff hours, and equipment, particularly if State Board outreach staff are not authorized to assist county BOEs in the issuing of IDs. Thus, we recommend the State Board of Elections seek additional funding from the N.C. General Assembly in order to ensure county BOEs have sufficient resources to prevent problems in the issuing of free IDs.
- With current staffing, and in anticipation of the enormous workload county BOEs will face in 2020, it may not be practical for county BOEs to immediately issue a permanent, plastic photo ID card to voters. Instead, we suggest allowing for county BOEs to provide a temporary, paper card to voters that will work for a short period of time (45-60 days), allowing permanent IDs to be mailed later. This way, counties do not have to bear cost for printing permanent cards; it would also allow for flexibility in case of equipment breakdown or software issues.