

WHAT YOU NEED TO KNOW ABOUT THE NEW NC PHOTO ID LAW

In November 2018, 55% of North Carolina voters approved an amendment to the state constitution requiring photo ID to vote, with some exceptions. Just one month later, the lame-duck General Assembly hastily passed a law (S824) implementing the new constitutional amendment. Now what? Here's what you need to know about the latest photo ID law.

WHAT PHOTO ID WILL I NEED TO VOTE? WHEN?

Beginning in 2020, North Carolina voters will be required to provide photo identification when voting in-person or absentee-by-mail, with some exceptions. This requirement is not in place for any election in 2019. It's a lot like the old photo ID law that was in place for the March 2016 Primary — a strict ID law with some exceptions. Although it may look like there are more IDs that will be acceptable than in the old law, the details are critical.

IDs that will definitely work for voting in 2020 as long as they are current or have been expired for less than 1 year:

- NC DMV Driver's License or ID (Note: Free IDs for voting are still available from DMV.)
- US Passport
- US Military or Veterans' ID
- Free ID available from the county Boards of Elections starting May 1st (Note: Details are still pending on what documentation a voter will be required to provide to get the free ID.)

IDs that might work for voting in 2020, depending on when you registered or whether they meet certain strict standards outlined in the law and approval by the State Board of Elections (SBOE):

- Out-of-state driver's license (only if you registered less than 90 days before voting for the first time in NC)
- Student IDs from college, university, or community college (both public and private)
- Employee IDs from local government agencies
- Tribal IDs from federally or state-recognized Native American tribes

Important: Not all student, employee, or tribal IDs will work for voting.

The North Carolina State Board of Elections will produce its initial list of which student, employee, and tribal IDs will be accepted for voting in 2020. Contact info@democracync.org to get more details on how to get your institution's ID approved for voting.

EXCEPTIONS FOR PEOPLE WITHOUT ID

While all photo ID laws impose unnecessary barriers to voting, there are three exceptions in the law for people who don't have photo IDs:

- **Natural disaster exception:** Victims of natural disasters who lost their ID can fill out an affidavit at an Election Day precinct or Early Voting site affirming their identity. The disaster must have occurred within 100 days of the election and resulted in a disaster declaration by the Governor or President. These voters will be given a provisional ballot.

EXCEPTIONS FOR PEOPLE WITHOUT ID (cont'd.)

- **Religious objection:** People who have a religious objection to being photographed may complete an affidavit at an Election Day precinct or Early Voting site affirming their identity. These voters will be given a provisional ballot.
- **“Reasonable impediment” exception:** Voters who do not have one of the acceptable forms of photo ID may complete an affidavit affirming their identity and attesting that they have a “reasonable impediment” to getting one of the acceptable photo IDs. The affidavit will offer voters eight types of “reasonable impediments” to choose from – lack of transportation, disability or illness, lack of birth certificate or other underlying documents required, work schedule, family responsibilities, lost or stolen ID, photo ID applied for but not yet received, or “other.” In 2020 only, voters will also be able to choose “did not know about ID law” as a reason for needing a reasonable impediment ballot. These voters will be given a provisional ballot.

OTHER IMPORTANT PARTS OF THE LAW

- **Absentee ballot security:** Following allegations of absentee ballot fraud in the Congressional District 9 election, particularly in Bladen and Robeson counties, S824 directs the SBOE to make recommendations on how best to improve the security of mail-in absentee voting. The SBOE provided its recommendations to lawmakers in March 2019 and absentee ballot changes are currently being considered in bills such as H944.
- **Public education on ID:** S824 requires the State Board of Elections to engage in an “aggressive voter education program.” Information about the new law will be handled by poll workers starting in the 2020 presidential primary and mailed to all voters. At least two educational events must be held in each county. Finally, a special mailing will be sent to registered voters without a DMV-issued ID.
- **More partisan poll observers:** Prior to S824, county political party chairs were able to appoint observers to be inside of polling places monitoring the voting on behalf of their party. S824 expands that to also allow state political parties to appoint as many as 100 additional poll observers who can be deployed statewide. With five political parties in NC, that could mean as many as 500 additional partisans with the authority to be inside polling places. Another bill being considered, H369, would further expand the rights of partisan poll observers to the potential detriment of voters.
- **New penalty for making fake IDs:** S824 also creates a new crime – making fake photo IDs for the purposes of voting is a Class I felony.

LEGAL CHALLENGES

There are two lawsuits pending to challenge the photo ID law (S824) right now — one in federal court, *NC NAACP v. Cooper*, and one in state court, *Holmes v. Moore* (this one will eventually come before the NC Supreme Court).

There is also a more fundamental challenge winding its way through state courts, *NC NAACP v. Moore*, which argues that the voter ID and tax cap constitutional amendments passed by voters in 2018 are invalid because they were passed by a legislature elected from districts found by federal courts to be unconstitutional racial gerrymanders. In February 2019, a Wake County Superior Court judge agreed with plaintiffs' claim that lawmakers elected from illegal districts do not represent the people of North Carolina and therefore do not have the authority to amend the state Constitution. The trial court's order has been stayed by the N.C. Court of Appeals, pending a full appeal.

Last updated May 1, 2019. Please visit demnc.co/protectvoters for the latest information.