

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. It's a lot like the old photo ID law that was in place for the 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 Voter ID available from the county Boards of Elections (Note: You can get a free ID card at your county BOE at any time except between the end of the one-stop early voting period and the end of Election Day. You are not required to show any documents to get a Voter ID Card. You must be a registered voter to get this card, but can register to vote at the same time.

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:

- Out-of-state driver's license (only if you registered less than 90 days before voting for the first time in North Carolina)
- 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 legislature extended the deadline for student ID compliance to mid-November 2019, at which time the NC Board of Elections produced its final list of which student, employee, and tribal IDs will be accepted for voting ahead of 2020. Visit ncvoter.org for a full list of accepted IDs.

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.”

OTHER IMPORTANT PARTS OF THE LAW

- **Absentee ballot security:** Following allegations of absentee ballot fraud in the 9th Congressional District election, if you vote absentee by mail, you will be asked to include a copy of your photo ID with your ballot, with some exceptions including lack of access to a photocopier. You can make a FREE copy of your photo ID at your county board of elections office.
- **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. A special mailing will also 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.
- **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 currently challenging the photo ID law — one in federal court, *NC NAACP v. Cooper*, and one in state court, *Holmes v. Moore* (that will eventually come before the NC Supreme Ct.).

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.

As the law stands to date, voters will still be asked to show a photo ID to vote in-person and by mail, beginning with the March 2020 Primary Election.

Last updated December 9, 2019. Please visit ncvoter.org for the latest information.