

“No photo ID will be required to vote.”*

TOP 5 THINGS TO KNOW ABOUT THE STATE OF NC’S VOTER ID LAW

*On Dec. 31, 2019, Federal District Court Judge Loretta Biggs issued an order **blocking North Carolina’s photo ID requirement to vote.** Here’s what we know.*

- 1. No Photo ID will be required to vote in the state’s March 3, 2020 Primary.** In her order, Judge Biggs made clear that the voter ID requirement should be stopped “with respect to any election, unless otherwise ordered by the court.” Attorney General Josh Stein responded on Jan. 2 that while the state plans to appeal the injunction, he would not request that ID be restored for the Primary “to avoid any further voter confusion.” As a result, registered voters should not be asked to show photo ID to vote during the Primary.
- 2. The court’s injunction applies to the law that implemented ID, NOT the voter ID constitutional amendment.** In 2018, 55% of voters approved a vague amendment to the state constitution requiring photo ID to vote. A month later, the lameduck General Assembly hastily passed a bill (S824) detailing the new amendment and overriding a veto from Gov. Roy Cooper. Explaining his veto, Cooper said S824 was “designed to suppress the rights of minority, poor and elderly voters.” The court’s Dec. 31 injunction applies to S824, not the amendment — which is being challenged in state court.
- 3. The court found portions of the voter ID law “were impermissibly motivated...by discriminatory intent.”** Just like NC’s prior ID law, struck down by a federal appeals court in 2016 for “target[ing] African-Americans with almost surgical precision,” Judge Biggs found the 2018 ID law to be racially discriminatory. Biggs wrote, “discriminatory intent does tend to persist through time....the same key legislators who championed H.B. 589 were the driving force behind S.B. 824’s passage just a few years later—they need not have had racial data in hand to still have it in mind.”

- 4. It remains to be seen whether the voter ID law will be in place for the 2020 General Election.** Following Judge Biggs' order, plaintiffs in the federal lawsuit against the ID law (*NC NAACP v. Cooper*) said it's likely the court will hear their case during this summer. Nevertheless, two other state lawsuits are also challenging voter ID in North Carolina, with at least one expected to be heard by the NC Supreme Court (*Holmes v. Moore*), and another, more fundamental challenge to the constitutional amendment behind the law (*NC NAACP v. Moore*), pending before the NC Court of Appeals. As a result, the law's fate remains uncertain in 2020.
- 5. While the court's injunction is in place, free voter IDs are NOT available from county boards of elections.** As part of the voter ID law, the General Assembly mandated that local election offices in all 100 NC counties provide free photo IDs to voters who need them. On Jan. 3, the State Board of Elections (SBOE) issued a memo to counties providing guidance on how to proceed following the ID injunction.* In it, the SBOE told county directors they should immediately stop issuing free ID cards "to avoid confusion."

In a Jan. 3 memo to counties, State Board of Elections Director Karen Brinson Bell said the injunction "requires that... [we] inform voters that **no photo ID will be required to vote." Read more about her guidance to counties at demnc.co/idmemo.*

**Questions about voting? Problems at the polls?
Call our toll-free hotline at 888-OUR-VOTE (888-687-8683).**

NC election laws are subject to change. This resource was updated on Jan. 6, 2020 — for the latest rules, including what you'll need to vote, always visit ncvoter.org.



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