
Coates' Canons Blog: North Carolina's Voter Identification Requirements

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UPDATE November 2013: The 2013 General Assembly enacted new voter identification requirements, including the requirement that voters to show photo identification, beginning in 2016. See this Coates Canon post: 2013—A Year of Election Law Changes.

UPDATE February 2017: In July 2016 the federal Fourth Circuit Court of Appeals issued an injunction against enforcement of the provision of the 2013 legislation which required voters to show photo identification. The matter is before the United States Supreme Court.

Should you have to show a photo identification when you come to the polls to vote? In 2011, the North Carolina General Assembly passed such a requirement (in H 351) but the governor vetoed it. For the time being, then, we do not have an at-the-polls photo ID requirement in this state. What ID requirements do we have? When do voters have to show identification?

The role of drivers license or social security numbers

The voter registration application form requires the applicant to provide a drivers license number or last four digits of a social security number. When the application is submitted, the statewide voter registration computer system, acting under GS 163-82.12, compares the number with information in data bases of the DMV and the Social Security Administration. If the number, name and date of birth match, the potential voter's identity is confirmed and the voter need not show any other identification, in connection with the application to register or in connection with voting.

For the overwhelming majority of potential voters, their submitted numbers will match up on the data bases, they will be registered, and they may then vote without further ID. The voter is, of course, subject at any point in the future to being challenged by another voter as ineligible, and it may be that in such a challenge the voter's identification will be questioned and have to be verified. The challenge provisions of GS 163-84 and the statutes that follow it allow challenges on the basis of residency, age, citizenship, and identity. If the challenge is sustained by the county board of elections, the person will be removed from the voter rolls.

Aside from the challenge situation, three kinds of voters will have to show ID in order to vote: no-match applicants, applicants who did not submit a number, and voters who are making use of same-day registration and voting at one-stop early voting sites in the 17 days before an election.

No-match applicants. If the statewide voter registration computer system is unable to match the drivers license number or the social security number submitted with the registration application, the voter is not prohibited from voting. Rather, under GS 163-166.12, the voter will have to show ID before voting the first time, as described below (or provide it sooner).

No-number applicants. Under GS 163-82.4, if a potential voter has not been issued either a drivers license number or a social security number, the State Board of Elections issues to the person a unique identifier number for voter registration purposes. That voter has to show ID before voting the first time, as described below (or provide it sooner).

Same-day registration and voting at early voting sites. GS 163-82.6A allows a person to apply to register and to vote at the same time, at an early-voting site in the run-up to an election. The person fills an application and then may immediately cast a ballot. Because the person's eligibility to vote has not yet been officially determined, the ballot is numbered and is retrievable. That is, if upon review the application is denied, then election officials can withdraw the

ballot and it will not be counted in the total. The application that the person fills out requires that the voter provide a drivers license or social security last four digits, just as all registration applications do. But in this unique case of same-day registration and voting, the person is additionally required to provide ID on the spot before voting.

Identity, eligibility, and felony punishment

The application to register to vote requires information that demonstrates the person's eligibility: age, citizenship, and residence. Under GS 163-82.4, the potential voter's signature on the form constitutes an attestation to the truth of the information provided, under penalty of a Class I felony. Providing false information on the registration application is a felony.

What ID is sufficient?

The ID requirements are a little different for no-match and no-number voters than for same-day registration voters

No-match voters and no-number voters. If a potential voter must show identification at the polls because the drivers license number or social security number given on the application did not match up to that person's name and date of birth or because that person has no such number, the person must, in order to vote at the polls, show either of the following;

(1) A current and valid photo identification, or

(2) A copy of one of the following documents, showing her name and address: utility bill, bank statement, government check, paycheck, or other government document. The statute, GS 163-166.12, requires that the document must be "current," and the State Board of Elections interprets that requirement to mean dated within the last six months.

These ID requirements were enacted in 2003 to comply with the federal Help America Vote Act. They are designed to ensure that the person who is registering is really who they claim to be. That is, the law is designed to give elections officials confidence related to the person's identity. For that reason, a current drivers license would constitute an adequate ID even if the address on the license was not current.

Same-day registration and voting voters. A person who wishes to apply to register and to vote on the same day at an early voting site must show an ID both for the purpose of demonstrating identity, as for no-match and no-number voters, but additionally for the purpose of showing current residency. For that reason, the statute, GS 163-82.6A, requires that the ID shown at the one-stop same-day voting place must show the voter's *current* residence address. Thus, the regulations adopted by the State Board of Elections say, for instance, that if a college student is using a student photo ID as identification, it must be accompanied by a document from the college showing the student's name and current address. Otherwise, the ID options for same-day-registration voters are very similar to no-match and no-number voters.

Bottom Line

In North Carolina, most people never have to show ID (photo or otherwise) to register or vote. When they apply, they must provide their drivers license number or last four digits of their social security number. When those numbers match up appropriately with their name and date of birth, their identity is confirmed and their attestation (under penalty of felony punishment) as to their residence address is accepted.

For voters whose numbers do not match, or who have no drivers license or social security number, ID to establish identity must be shown before voting.

For voters who wish to register and vote at the same time at early voting sites, ID to establish identity and address must be shown before voting.

Links

- canons.sog.unc.edu/?p=7282
- www.ncga.state.nc.us/Sessions/2011/Bills/House/PDF/H351v6.pdf



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- www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=163-82.12
 - www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=163-84
 - www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=163-166.12
 - www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=163-82.6A