



SENATE BILL 214: Ensure Orderly 2019 Elections.

2019-2020 General Assembly

Committee:		Date:	December 6, 2019
Introduced by:		Prepared by:	Jessica Sammons & Erika Churchill, Staff Attorneys
Analysis of:	S.L. 2019-4		

OVERVIEW: *S.L. 2019-4 allows any registered voter voting in person in 2019 to vote an official ballot whether or not photographic identification is presented, and requires the State Board of Elections and all county boards of elections to continue all implementation and education efforts during this same time period.*

This act became effective March 14, 2019.

CURRENT LAW: In November 2018, the voters of this State approved a ballot referendum to amend the North Carolina Constitution requiring all registered voters to present photographic identification prior to voting in person effective upon the certification of the results of the 2018 ballot referendum. The constitutional amendment requires the General Assembly to enact general laws governing the requirement, which may include exceptions to the requirement.

In December 2018, the General Assembly enacted legislation applicable to all elections conducted on or after December 19, 2018, to implement the constitutional requirement to present photographic identification prior to voting in person. See S.L. 2018-144. Generally, under those provisions, if a voter fails to present appropriate photographic identification prior to voting, that voter would be permitted to vote a provisional ballot, and provide the photographic identification prior to canvass for that ballot to be counted. Three exceptions were established, each allowing the voter to vote a provisional ballot after completing the appropriate affidavit under penalty of perjury: (i) religious objection; (ii) reasonable impediment; and (iii) natural disaster. In that same legislation, the General Assembly also did the following:

- Required the county boards of elections to issue free voter photo identification cards to registered voters upon request by May 1, 2019, with rules for doing so being adopted by the State Board no later than April 15, 2019.
- Required the State Board of Elections to adopt rules for voters to include identification in the request for an absentee ballot by mail, or to comply with an affidavit requirement or include the required identification in with the voters' returned ballot, with temporary rules in place no later than July 1, 2019, and permanent rules by January 1, 2020.
- Required the State Board of Elections to develop and adopt rules with respect to student identification cards and employee identification cards, with temporary rules in place no later than February 1, 2019, and permanent rules in place no later than May 15, 2021.
- Required the State Board of Elections to educate the county boards of elections and voters, including mailing every voter in the State at least twice in 2019, notifying all registered voters

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without a NC drivers license of the requirement by September 1, 2019, and conducting at least two seminars with the county boards of elections prior to September 1, 2019.

- Required the State Board of Elections to approve certain eligible student and employee identification cards, with an initial list of approved participating institutions and employing entities no later than April 1, 2019.

The deadlines established by S.L. 2018-144 were in advance of the 2019 municipal election cycle, to allow for implementation of the photographic identification requirement in advance of any voting in 2019. Additionally, for the 2019 elections only, the General Assembly provided that a voter not presenting appropriate photographic identification when voting in person would be permitted to cast a provisional ballot upon completion of a reasonable impediment affidavit, under penalty of perjury, stating the impediment of not being aware of the requirement to present photographic identification prior to voting in person or of failing to bring photographic identification.

Also in December 2018, the General Assembly enacted legislation stating that any new congressional election ordered stemming from a 2018 general election was to include a primary and not be subject to the provisions enacted implementing the constitutional amendment.

In February 2019, a vacancy occurred in the 3rd Congressional District due to the death of the incumbent. The Governor ordered a special election, with a schedule as follows:

- Primary – April 30, 2019
- Second primary, if needed – July 9, 2019
- General election – July 9, 2019, if no second primary, or September 10, 2019, if a second primary is called.

In March 2019, the State Board of Elections ordered a new election in the 9th Congressional District, with a schedule as follows:

- Primary – May 14, 2019
- Second primary, if needed – September 10, 2019
- General election – September 10, 2019, if no second primary, or November 5, 2019, if a second primary is called.

BILL ANALYSIS: This act does all of the following:

- Allows any registered voter voting in person in 2019 to vote an official ballot whether or not photographic identification is presented.
- Requires the State Board of Elections and all county boards to continue all implementation and education efforts during 2019.
- Repeals the provision exempting any new election ordered in a 2018 election from the implementation of photographic identification prior to voting requirements.

EFFECTIVE DATE: This act became effective March 14, 2019.