



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE
NORTH CAROLINA STATE CONFERENCE

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December 12, 2018

Governor Roy Cooper
North Carolina Governor
20301 Mail Service Center
Raleigh, NC 27699

RE: Veto Senate Bill 824 “Implementation of Voter ID Constitutional Amendment”

Dear Governor Roy Cooper:

The North Carolina State Conference of the NAACP urges you to **veto** Senate Bill 824 “Implementation of Voter ID Constitutional Amendment.”

SB 824 is the product of a rushed process by a lame-duck General Assembly that both has been found to be unconstitutionally-constituted by the federal courts and has been voted out of office by the people of North Carolina. The right to vote is sacred, and the last thing this body should be doing is attempting to enact a photo voter ID law that will infringe upon it.

As we all well know, the U.S. Court of Appeals for the Fourth Circuit struck down this General Assembly’s previous attempt to enact a photo voter ID requirement in the 2013 omnibus voter restriction and photo voter ID law because it “target[ed] African-Americans with almost surgical precision,” was “enacted with racially discriminatory intent,” and “impose[d] cures for problems that did not exist.” The General Assembly remains tainted by that same discriminatory intent as it attempts to use its waning days in office to realize long-held goals of suppressing the voices of voters of color.

SB 824 is indeed a troubling bill that will disenfranchise voters of color and other marginalized voters. For example, among its many constitutional and practical problems, even long-time registered voters who have regularly voted will be disenfranchised under SB 824 if they cannot meet the bill’s photo ID requirements, and the specific categories of acceptable identification and exceptions continue to place disproportionate burdens based on race on eligible voters. Moreover, SB 824’s mandate that the photo ID requirement be fully implemented and enforced in time for the 2019 election does not leave enough time for voters to obtain the required photo IDs, or even enough time to educate voters that the requirement exists, nor does the bill provide anywhere near adequate funds to cover the costs of this overhaul of the state’s election system. Even with a nearly *three-year* implementation timeline, the 2013 photo ID requirement (before it was struck down by the Fourth Circuit) left at least 1,419 voters in the March 2016 Primary Election unable to cast a ballot because they did not present a photo ID, and those disenfranchised were disproportionately African American voters. SB 824’s dramatically

underfunded and truncated rollout all but ensures that North Carolina voters, particularly voters of color and poor voters, will be disenfranchised.

The track record of South Carolina's voter ID law also makes clear the discriminatory impact that this bill will have on voters of color. In 2016, Black voters made up 38.5% of South Carolina voters who were forced to vote a provisional ballot because they lacked the type of photo ID required to vote a regular ballot, even though Blacks made up only 27.6% of voters as a whole. SB 824 will similarly make voting more difficult for voters across North Carolina, with particular impact on voters of color and voters of other marginalized groups.

The rushed and unusual process through which this General Assembly passed SB 824 further demonstrates how little respect the General Assembly has for voters of color. In the two short weeks immediately following the Thanksgiving holiday, this lame-duck General Assembly shepherded a complex bill with the most serious ramifications through a cursory process with few opportunities for public comment and no public examination of the bill's impact on voters of color and other vulnerable groups. The public was given little to no notice of changes in committee meeting times, and no notice of whether and when there would be opportunities to speak. This mimics the expedited process deployed to enact the ultimately invalidated HB 589 in 2013.

The leadership of the General Assembly contends it was forced to act quickly to pass photo voter ID legislation because of the voter ID constitutional amendment that was passed this past November. But the constitutionality of that amendment itself is an open question that remains pending before the North Carolina courts. Even if implementing legislation were required, a duly-elected General Assembly – one not elected under the cloud of unconstitutionally racially-gerrymandered maps and not sitting in a lame-duck session – will be seated in just a few weeks. And there is no timeline in the text of the Constitutional Amendment that required the hurried actions taken by this legislature resulting in this suspect bill.

Finally, no new justifications have been provided by this General Assembly to rationalize the imposition of the law's infringement upon the right to vote. A photo ID requirement does nothing to address the state's most pressing security issues. It has nothing to do with improving the reliability of voting equipment, safeguards for voter data, protections against foreign interference, or safeguards against the types of irregularities currently under investigation in Bladen and Robeson County. Research consistently shows that fraudulent irregularities in voting are rare, and the types of irregularities that this photo identification could aid in preventing are even rarer—in this state and nationwide. There is simply no reason, other than the General Assembly leadership's own improper motivations, that this hastily-ratified bill should go any farther than it already has.

On behalf of North Carolina voters, over 90 branches across this state, and in memory and in the spirit of Mother Rosanell Eaton, who led the fight to guarantee that our democracy remains free, fair and accessible to all, the NC NAACP thus respectfully requests that you veto SB 824.

Respectfully submitted,



Rev. Dr. T. Anthony Spearman
President, NC NAACP State Conference