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SENATE DRS85184-LB-113A (03/18)

Short Title: Election Omnibus.

(Public)

Sponsors: Senator Newton (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO REQUIRE PHOTO IDENTIFICATION TO VOTE, TO PROVIDE
PROCEDURES FOR RESTORATION OF CITIZENSHIP AFTER CONVICTION OF A
FELONY, AND TO REVISE THE EARLY VOTING AND SAME-DAY
REGISTRATION LAWS.

The General Assembly of North Carolina enacts:

PART 1. VOTER PHOTO IDENTIFICATION

SECTION 1.1. G.S. 163-166.12 reads as rewritten:

"§ 163-166.12. Requirements for certain voters who register by mail. Photo ID requirements.

(a) Voting in Person. – ~~An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina.~~ Every individual seeking to vote in person shall present a valid photo identification to a local election official at a voting place before voting there.

one of the following:

- (1) ~~A current and valid photo identification.~~
- (2) ~~A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.~~

(a1) As used in this section, a valid photo identification means one of the following but only if it contains a photograph of the registered voter:

- (1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.
- (2) A special identification card for nonoperators issued under G.S. 20-37.7.
- (3) A valid identification card issued by a branch, department, agency, or entity of this State, any other state, or the United States authorized by law to issue personal identification.
- (4) A valid United States passport.
- (5) A valid employee identification card issued by any branch, department, agency, or entity of the United States government, this State, or any county, municipality, board, authority, or other entity of this State.
- (6) A valid United States military identification card.
- (7) A valid tribal identification card.
- (8) A valid North Carolina voter identification card issued under G.S. 163-166.13.



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(b) Voting Mail-In Absentee. – An individual who has registered to vote by mail on or after January 1, 2003, and has not previously voted in an election that includes a ballot item for federal office in North Carolina, in order to cast a mail-in absentee vote, shall submit with the mailed-in absentee ballot one of the following:

(1) A copy of a current and valid photo identification.

(2) A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(b1) The county board of elections shall note the type of identification proof submitted by the voter under the provisions of subsection (a) or (b) of this section and may dispose of the tendered copy of identification proof submitted under subsection (b) of this section as soon as the type of proof is noted in the voter registration records.

(b2) Voting When Identification Numbers Do Not Match. – Regardless of whether an individual has registered by mail or by another method, if the individual has provided with the registration form a drivers license number or last four digits of a Social Security number but the computer validation of the number as required by G.S. 163-82.12 did not result in a match, and the number has not been otherwise validated by the board of elections, in the first election in which the individual votes that individual shall submit with the ballot the form of identification described in subsection (a) or subsection (b) of this section, depending upon whether the ballot is voted in person or absentee. If that identification is provided and the board of elections does not determine that the individual is otherwise ineligible to vote a ballot, the failure of identification numbers to match shall not prevent that individual from registering to vote and having that individual's vote counted. If the individual registers and votes under G.S. 163-82.6A, the identification documents required in that section, rather than those described in subsection (a) or (b) of this section, apply.

(c) The Right to Vote Provisionally. – If an individual is required under subsection (a), (b), or (b2) of this section to present identification in order to vote, but that individual does not present the required identification, that individual may vote a provisional official ballot. If the voter is at the voting place, the voter may vote provisionally there without unnecessary delay. If the voter is voting by mail-in absentee ballot, the mailed ballot without the required identification shall be treated as a provisional official ballot.

(d) Exemptions. – ~~This Subsection (b) of this~~ section does not apply to any of the following:

(1) An individual who registers by mail and submits as part of the registration application either of the following:

a. A copy of a current and valid photo identification.

b. A copy of one of the following documents that shows the name and address of the voter: a current utility bill, bank statement, government check, paycheck, or other government document.

(2) An individual who registers by mail and submits as part of the registration application the individual's drivers license number or at least the last four digits of the individual's social security number where an election official matches either or both of the numbers submitted with an existing State identification record bearing the same number, name, and date of birth contained in the submitted registration. If any individual's number does not match, the individual shall provide identification as required in subsection (b2) of this section in the first election in which the individual votes.

(3) An individual who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act.

(4) An individual who is entitled to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act.

(5) An individual who is entitled to vote otherwise than in person under any other federal law."

SECTION 1.2. Article 14A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-166.13. Voter identification card.

(a) Each county board of elections shall accept applications for and issue North Carolina voter identification cards to registered North Carolina voters that shall under State law be valid only for purposes of voter identification under this Chapter and available only to registered voters of this State. No fee shall be charged or collected for the application for or issuance of a North Carolina voter identification card.

(b) No person shall be eligible for a North Carolina voter identification card if such person has a valid, unexpired drivers license or a special identification card for nonoperators issued under G.S. 20-37.7.

(c) The North Carolina voter identification card shall be captioned "NORTH CAROLINA VOTER IDENTIFICATION CARD" and shall contain a prominent statement that under North Carolina law it is valid only as identification for voting purposes. The North Carolina voter identification card shall be laminated, shall contain a digital color photograph of the applicant, and shall include the following information:

(1) Full legal name.

(2) Address of residence.

(3) Birth date.

(4) Date identification card was issued.

(5) Sex.

(6) Height.

(7) Weight.

(8) Eye color.

(9) County where the identification card was issued.

(10) Such other information or identification as required by rule of the State Board of Elections.

(d) The application for a North Carolina voter identification card shall elicit the information required under subsection (c) of this section and such other information as may be required by rule of the State Board of Elections. The application shall be signed by the applicant.

(e) The county board of elections shall require presentation and verification of the following information before issuing a North Carolina voter identification card to a person:

(1) A photo identity document, except that a nonphoto identity document is acceptable if it includes the person's name;

(2) Evidence that the person is registered to vote in this State; and

(3) Documentation showing the person's name and residence address.

(f) A North Carolina voter identification card shall remain valid so long as a person resides at the same address and remains qualified to vote. It shall be the duty of a person who moves his or her residence within the State to surrender his or her card to the county board of elections of the county of his or her new residence, and such person may after such surrender apply for and receive a new card if such person is otherwise eligible under this section. It shall be the duty of a person who moves his or her residence outside this State or who ceases to be qualified to vote to surrender his or her card to the county board of elections by which it was issued.

(g) The State Board of Elections shall provide each county board of elections issuing North Carolina voter identification cards with the necessary equipment, forms, supplies, and training for the production of the North Carolina voter identification cards and shall maintain such equipment.

(h) The State Board of Elections shall adopt policies for the administration of this section, and without limiting the generality of the foregoing, such policies may further define or prescribe the types of documentation required under subsection (e) of this section."

SECTION 1.3. G.S. 163-82.6A(b) reads as rewritten:

"(b) Both Attestation and Proof of Residence Required. – To vote under this section, a voter must present a valid photo identification as defined by G.S. 163-166.12(a1). This requirement is separate from the requirement to provide proof of residence under subdivision (2) of this subsection. If an individual does not present the required identification, that individual may vote a provisional official ballot. To register ~~and vote~~ under this section, the person shall do both of the following:

- (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including the attestation requirement of G.S. 163-82.4(b) that the person meets each eligibility requirement. Such attestation is signed under penalty of a Class I felony under G.S. 163-275(13); and
- (2) Provide proof of residence by presenting any of the following valid documents that show the person's current name and current residence address: a North Carolina drivers license, a photo identification from a government agency, or any of the documents listed in ~~G.S. 163-166.12(a)(2).~~ G.S. 163-166.12(b)(2). The State Board of Elections may designate additional documents or methods that suffice and shall prescribe procedures for establishing proof of residence."

SECTION 1.4. G.S. 163-166.7(a) reads as rewritten:

"(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure through the appropriate entrance. A precinct official assigned to check registration shall at once ask the voter to state current name and residence address. The voter shall answer by stating current name and residence ~~address.~~ address and present valid photo identification in accordance with G.S. 163-166.12. In a primary election, that voter shall also be asked to state, and shall state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that official shall state whether that voter is duly registered to vote in that precinct and shall direct that voter to the voting equipment or to the official assigned to distribute official ballots. If a precinct official states that the person is duly registered, the person shall sign the pollbook, other voting record, or voter authorization document in accordance with subsection (c) of this section before voting."

SECTION 1.5. G.S. 163-227.2(b) reads as rewritten:

"(b) Not earlier than the third Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A county board of elections shall conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the ~~board.~~ board and present valid photo identification in accordance with G.S. 163-166.12. If an individual does not present the required identification, that individual may vote a provisional official ballot. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the

primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be registered that voter may request that the authorized member or employee of the board furnish the voter with an application form as specified in G.S. 163-227. The voter shall complete the application in the presence of the authorized member or employee of the board, and shall deliver the application to that person."

SECTION 1.6. Article 15A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide valid photo identification at the polls.

(a) A voter who cast a provisional official ballot wholly or partly as a result of the voter's inability or declination to provide proof of identification may personally appear at an office of the county board of elections not later than the date of the conclusion of the election canvass for that county to seek counting of the provisional official ballot as provided in subsection (b) or (c) of this section.

(b) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter both:

(1) Provides valid photo identification to the county board of elections; and

(2) Executes an affidavit in the form prescribed by the State Board of Elections affirming under the penalties of perjury that the voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site and

b. Cast the provisional ballot on that day.

(c) Unless the vote is disqualified for some other reason provided by law, the county board of elections shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened and counted in accordance with this Chapter if the voter executes an affidavit before the county board of elections in the form prescribed by the State Board of Elections affirming under the penalties of perjury that:

(1) The voter is the same individual who:

a. Personally appeared to vote on the day of election or at an early voting site and

b. Cast the provisional ballot on that day and

(2) The voter has a sincerely held religious objection to being photographed.

(d) If the county board of elections determines that a voter described in subsection (b) or (c) of this section has also cast a provisional official ballot for a cause other than the voter's inability or declination to provide valid photo identification, the board shall both:

(1) Note on the envelope containing the provisional official ballot that the voter has complied with the proof of valid photo identification requirement and

(2) Proceed to determine any other reasons for which the ballot was cast provisionally before ruling on the validity of the voter's provisional ballot."

SECTION 1.7. G.S. 163-87 reads as rewritten:

"§ 163-87. Challenges allowed on day of primary or election.

On the day of a primary or election, at the time a registered voter offers to vote, any other registered voter of the precinct may exercise the right of challenge, and when he does so may enter the voting enclosure to make the challenge, but he shall retire therefrom as soon as the challenge is heard.

On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

- (1) One or more of the reasons listed in G.S. 163-85(c).
- (2) That the person has already voted in that primary or election.
- (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
- (4) If the challenge is made with respect to voting in a partisan primary, that the person is a registered voter of another political party.
- (5) The voter does not present proof of identification as required by G.S. 163-166.12.

The chief judge, judge, observer, or assistant appointed under ~~G.S. 163-41 or 163-42~~ G.S. 163-41, 163-42, or 163-45 may enter challenges under this section against voters in the precinct for which appointed regardless of the place of residence of the chief judge, judge, observer, or assistant.

If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may be challenged at the precinct to which the registration is being transferred."

SECTION 1.8. G.S. 20-37.7(d) reads as rewritten:

"(d) Expiration and Fee. – A special identification card issued to a person for the first time under this section expires when a drivers license issued on the same day to that person would expire. A special identification card renewed under this section expires when a drivers license renewed by the card holder on the same day would expire.

The fee for a special identification card is the same as the fee set in G.S. 20-14 for a duplicate license. The fee does not apply to a special identification card issued to a resident of this State who (i) is legally blind, (ii) is at least 70 years old, (iii) is eligible to vote in this State but does not have a valid photo identification acceptable under G.S. 163-166.12(a1), (iv) is homeless, or (v) ~~who~~ has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless."

SECTION 1.9. Education and Publicity Requirements. – The public shall be educated about the photo identification to vote requirements of this act as follows:

- (1) As counties use their regular processes to notify voters of assignments and reassignments to districts for election to the United States House of Representatives, State Senate, State House of Representatives, or local office, by including information about the provisions of this act.
- (2) As counties send new voter registration cards to voters as a result of new registration, changes of address or other reasons, by including information about the provisions of this act.
- (3) Counties that maintain a board of elections Web site shall include information about the provisions of this act.
- (4) Notices of elections published by county boards of elections under G.S. 163-22(8) for the May 2014 primary and 2014 general election shall include a brief statement that photo identification is required to vote.
- (5) The State Board of Elections shall include on its Web site information about the provisions of this act.
- (6) Counties shall post at the polls and at early voting sites beginning with the May 2014 primary elections information about the provisions of this act.

(7) The State Board of Education shall include in the Judicial Voter Guide described in G.S. 163-278.69 information about the provisions of this act and shall also include the information in the Voter Guide under G.S. 163-278.99E if it is published separately.

(8) The State Board of Elections and the county boards of elections shall take reasonable steps to provide public service announcements about the provisions of this act through print, radio, television, online, and social media. The sum of six hundred thousand dollars (\$600,000) is appropriated from the General Fund for the 2013-2014 fiscal year to a special reserve to carry out the provisions of this subdivision and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act. Those funds shall be made available as follows:

- a. One hundred thousand dollars (\$100,000) to the State Board of Elections.
- b. One hundred thousand dollars (\$100,000) in an equal share to each county board of elections.
- c. Two hundred thousand dollars (\$200,000) to county boards of elections in proportion to the number of registered voters in the county.
- d. Two hundred thousand dollars (\$200,000) to county boards of elections in counties covered by section 5 of the Voting Rights Act of 1965 in proportion to the number of registered voters in the county.

SECTION 1.10.(a) Funds under Title I and Title II of the Help America Vote Act may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

SECTION 1.10.(b) Funds under the Election Assistance for Individuals with Disabilities (EAID) provisions of the Help America Vote Act may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act to persons eligible for assistance under EAID.

SECTION 1.10.(c) Unexpended funds in the North Carolina Voter-Owned Elections Fund may be used for the purpose of Section 1.9 of this act and to provide for issuance of North Carolina voter identification cards under G.S. 163-166.13 as enacted by this act.

SECTION 1.10.(d) Funds from the surcharge on attorney membership fees under G.S. 84-34 may be used for the purpose of Section 1.9 of this act as it relates to judicial elections.

SECTION 1.11.(a) Sections 1.1 through 1.7 of this act are effective:

- (1) In counties not subject to section 5 of the Voting Rights Act of 1965 beginning with the statewide primary in 2014.
- (2) In any county covered by section 5 of the Voting Rights Act of 1965 beginning with the later of the statewide primary in 2014 or the date this act is precleared or approved under section 5 of the Voting Rights Act of 1965.

SECTION 1.11.(b) Sections 1.8, 1.9, and 1.10 of this act become effective July 1, 2013.

PART 2. RESTORATION OF CITIZENSHIP

SECTION 2.1. G.S. 13-1 reads as rewritten:

"§ 13-1. Restoration of citizenship.

(a) Any person convicted of a crime, whereby the rights of citizenship are forfeited, shall have such rights ~~automatically~~ restored upon the occurrence of any one of the following

~~conditions;~~ conditions, followed in the case where a five-year wait is required by this subsection by approval under subsection (b) of this section:

- (1) ~~The~~ Five years after the unconditional discharge of an inmate, of a probationer, or of a parolee by the Division of Adult Correction of the Department of Public Safety; or of a defendant under a suspended sentence by the court.
- (2) The unconditional pardon of the offender.
- (3) The satisfaction by the offender of all conditions of a conditional pardon.
- (4) With regard to any person convicted of a crime against the United States, five years after the unconditional discharge of such person by the agency of the United States having jurisdiction of such person, or immediately upon the unconditional pardon of such person or the satisfaction by such person of a conditional pardon.
- (5) With regard to any person convicted of a crime in another state, five years after the unconditional discharge of such person by the agency of that state having jurisdiction of such person, or immediately upon the unconditional pardon of such person or the satisfaction by such person of a conditional pardon.

(b) In the case of any person whose rights may be restored under subsection (a) of this section only after a waiting period of five years, the restoration is conditioned upon unanimous approval of the board of elections of the county of that person's residence of a petition for restoration of the right of citizenship, which petition shall be approved upon satisfaction by the applicant of the following conditions:

- (1) No new felony charge, except if the person is acquitted or if there is no conviction, upon the expiration of five years from the charge.
- (2) The applicant has not been convicted of any violation of Chapter 163 of the General Statutes.
- (3) The applicant has presented affidavits from two registered voters in the county of the applicant's residence, attesting that, to the best of the affiant's knowledge, the applicant is of upstanding moral character. A false affidavit is punishable as if it were perjury."

PART 3. EARLY VOTING CHANGES

SECTION 3.1. G.S. 163-227.2(b) reads as rewritten:

"(b) ~~Not During a period of six calendar days (not including Sunday) designated by the county board of elections, earlier than during the period beginning the third Thursday second Tuesday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday the last Thursday before that election, the voter shall appear in person only at the office of the county board of elections, except as provided in subsection (g) of this section. A~~ As one of the six days, a county board of elections shall conduct one-stop voting on the last Saturday of that period before the election until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the board office through the appropriate entrance and shall at once state his or her name and place of residence to an authorized member or employee of the board. In a primary election, the voter shall also state the political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party under G.S. 163-119, the voter shall state the name of the authorizing political party in whose primary he wishes to vote. The board member or employee to whom the voter gives this information shall announce the name and residence of the voter in a distinct tone of voice. After examining the registration records, an employee of the board shall state whether the person seeking to vote is duly registered. If the voter is found to be

1 registered that voter may request that the authorized member or employee of the board furnish
2 the voter with an application form as specified in G.S. 163-227. The voter shall complete the
3 application in the presence of the authorized member or employee of the board, and shall
4 deliver the application to that person."

5 **SECTION 3.2.** G.S. 163-227.2(f) reads as rewritten:

6 "(f) Notwithstanding the exception specified in G.S. 163-36, counties which operate a
7 modified full-time office shall remain open ~~five days each week during regular business hours~~
8 ~~consistent with daily hours presently observed by the county board of elections, commencing~~
9 ~~with the date prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday~~
10 ~~prior to that election and shall also be open on the last Saturday before the election. A county~~
11 ~~board may conduct one-stop absentee voting during evenings or on weekends, as long as the~~
12 ~~hours are part of a plan submitted and approved according to subsection (g) of this section. on~~
13 ~~days where one-stop voting is conducted in accordance with subsection (b) of this section.~~ The
14 boards of county commissioners shall provide necessary funds for the additional operation of
15 the office during that time."

16 **SECTION 3.3.** G.S. 163-227.2(g) reads as rewritten:

17 "(g) Notwithstanding any other provision of this section, a county board of elections by
18 unanimous vote of all its members may provide for one or more sites in that county for
19 absentee ballots to be applied for and cast under this section. Sites may be open under this
20 subsection only during a period of six calendar days (not including Sunday) designated by the
21 county board of elections under subsection (b) of this section. Every individual staffing any of
22 those sites shall be a member or full-time employee of the county board of elections or an
23 employee of the county board of elections whom the board has given training equivalent to that
24 given a full-time employee. Those sites must be approved by the State Board of Elections as
25 part of a Plan for Implementation approved by both the county board of elections and by the
26 State Board of Elections which shall also provide adequate security of the ballots and
27 provisions to avoid allowing persons to vote who have already voted. The Plan for
28 Implementation shall include a provision for the presence of political party observers at each
29 one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on
30 election day. A county board of elections may propose in its Plan not to offer one-stop voting at
31 the county board of elections office; the State Board may approve that proposal in a Plan only
32 if the Plan includes at least one site reasonably proximate to the county board of elections
33 office and the State Board finds that the sites in the Plan as a whole provide adequate coverage
34 of the county's electorate. If a county board of elections has considered a proposed Plan or
35 Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member
36 or members of that county board of elections may petition the State Board of Elections to adopt
37 a plan for it. If petitioned, the State Board may also receive and consider alternative petitions
38 from another member or members of that county board. The State Board of Elections may
39 adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors
40 including geographic, demographic, and partisan interests of that county."

41 **SECTION 4.** This act becomes effective January 1, 2014.