

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 589
Committee Substitute Favorable 4/17/13
PROPOSED COMMITTEE SUBSTITUTE H589-PCS30466-STf-34

Short Title: VIVA.

(Public)

Sponsors:

Referred to:

April 8, 2013

A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE
VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL
PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF
VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION
BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO
CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT
CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT
RESTRICTION.

The General Assembly of North Carolina enacts:

PART I. VIVA

SECTION 1. There is established within the State Board of Elections a Voter Information Verification Advisory board with at least three, but no more than five, members who are registered voters of the State and appointed by the State Board of Elections. Appointments to the board shall include members of more than one party affiliation and of no party affiliation. The State Board may not appoint members in a manner that results in one political party affiliation having a majority on the board. Members of the Voter Information Verification Advisory board shall attend training for county board of elections members under G.S. 163-82.24 and shall advise the State Board on the following:

- (1) Promotion of voter registration and voter registration drives.
- (2) Recruitment of poll workers for election day.
- (3) Initiatives to educate the public about voter registration and casting a ballot, in accordance with Chapter 163 of the General Statutes, including information about any identification requirements of voting, voting by mail-in absentee ballot, and voting by early one-stop ballot.
- (4) Other matters related to voter registration, voting, counting of ballots, and candidacy for elected office, including assisting registered voters without photo identification with obtaining photo identification appropriate for voting.
- (5) A system of identifying and training volunteers in the counties in the State to assist with its duties and responsibilities under this section.
- (6) Outreach to State and local governmental agencies, political parties as defined by Article 9 of Chapter 163 of the General Statutes, and nonprofit organizations operating in this State to help identify registered voters



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1 without photo identification appropriate for voting and assist those voters in
2 obtaining photo identification appropriate for voting.

3 **SECTION 2.** G.S. 163-82.20 is amended by adding a new subsection to read:

4 "(j) Additional Public Agencies Permitted to Offer Registration. – If approved by the
5 State Board of Elections, the county board of elections, and the county board of commissioners,
6 a county may offer voter registration in accordance with this section through the following
7 additional public offices:

8 (1) Senior centers or facilities operated by the county.

9 (2) Parks and recreation services operated by the county."

10 **SECTION 3.(a)** The State Board of Elections shall disseminate information about
11 photo identification requirements for voting, provide information on how to obtain photo
12 identification appropriate for voting, and assist any registered voter without photo identification
13 appropriate for voting with obtaining such photo identification. Information may be distributed
14 through public service announcements, print, radio, television, online, and social media. The
15 State Board shall work with public agencies, private partners, and nonprofits to identify voters
16 without photo identification appropriate for voting and assist those voters in securing the photo
17 identification appropriate for voting. All outreach efforts to notify voters of the photo
18 identification requirements shall be accessible to the elderly and persons with disabilities.

19 **SECTION 3.(b)** The Executive Director of the State Board of Elections shall
20 assign staff to support the Voter Information Verification Advisory board to fulfill the duties
21 and responsibilities of this act.

22 23 **PART II. PHOTO IDENTIFICATION**

24 **SECTION 4.** Article 14A of Chapter 163 of the General Statutes is amended by
25 adding a new section to read:

26 "**§ 163-166.13. Photo identification requirement for voting in person.**

27 (a) Every individual voting in person in accordance with this Article, G.S. 163-82.6A,
28 163-166.7, 163-166.9, 163-227.2, or 163-182.1A shall present photo identification bearing any
29 reasonable resemblance to that voter to a local election official at the voting place before
30 voting, except as follows:

31 (1) For a registered voter voting curbside, that voter shall present identification
32 under G.S. 163-166.9.

33 (2) For a registered voter who has a sincerely held religious objection to being
34 photographed and has filed a declaration in accordance with G.S. 163-82.7A
35 at least 25 days before the election in which that voter is voting in person,
36 that voter shall not be required to provide photo identification.

37 (b) Any voter who complies with subsection (a) of this section shall be permitted to
38 vote.

39 (c) Any voter who does not comply with subsection (a) of this section shall be
40 permitted to vote a provisional official ballot which shall be counted in accordance with
41 G.S. 163-182.1A.

42 (d) The local election official to whom the photo identification is presented shall
43 determine if the photo identification bears any reasonable resemblance to the voter presenting
44 the photo identification. If it is determined that the photo identification does not bear any
45 reasonable resemblance to the voter, the local election official shall comply with
46 G.S. 163-166.14.

47 (e) As used in this section, "photo identification" means any of the following that
48 contain a photograph of the registered voter:

49 (1) An identification card that bears either a date of expiration or a date of
50 issuance and that is not more than 10 years beyond the date of expiration or
51 issuance, whichever is later, issued by a branch, department, agency, or

1 entity of the United States, this State, or any other state, such as any of the
2 following:

- 3 a. A North Carolina drivers license issued under Article 2 of Chapter 20
4 of the General Statutes, including a learner's permit or a provisional
5 license.
- 6 b. A special identification card for nonoperators issued under
7 G.S. 20-37.7.
- 8 c. A United States passport.
- 9 d. An employee identification card.
- 10 e. A United States military identification card.
- 11 f. An identification card issued by The University of North Carolina or
12 its constituent institutions.
- 13 g. An identification card issued by a North Carolina community
14 college.
- 15 h. An identification card issued to a fireman, EMS, hospital employee,
16 or law enforcement officer.
- 17 i. An identification card issued by a unit of local government, public
18 authority, or special district, all as defined in G.S. 159-7.
- 19 j. An identification card issued for a government program of public
20 assistance.
- 21 (2) A Veterans Identification Card issued by the United States Department of
22 Veterans Affairs for use at Veterans Administration medical facilities.
- 23 (3) An identification card that bears a date of expiration and was not expired on
24 the day the voter reached the age of 70 issued by a branch, department,
25 agency, or entity of the United States, this State, or any other state."

26 **SECTION 5.** Article 14A of Chapter 163 of the General Statutes is amended by
27 adding a new section to read:

28 **"§ 163-166.14. Evaluation of determination of nonreasonable resemblance of photo**
29 **identification.**

30 (a) Any local election official that determines the photo identification presented by a
31 voter in accordance with G.S. 163-166.13 does not bear any reasonable resemblance to that
32 voter shall notify the judges of election of the determination.

33 (b) When notified under subsection (a) of this section, the judges of election present
34 shall review the photo identification presented and the voter to determine if the photo
35 identification bears any reasonable resemblance to that voter. The judges of election present
36 may consider information presented by the voter in addition to the photo identification and
37 shall construe all evidence presented in a light most favorable to the voter.

38 (c) A voter subject to subsections (a) and (b) of this section shall be permitted to vote
39 unless the judges of election present unanimously agree that the photo identification presented
40 does not bear any reasonable resemblance to that voter. The failure of the judges of election
41 present to unanimously agree that photo identification presented by a voter does not bear any
42 reasonable resemblance to that voter shall be dispositive of any challenges that may otherwise
43 be made under G.S. 163-85(c)(10).

44 (d) A voter subject to subsections (a) and (b) of this section shall be permitted to vote a
45 provisional ballot in accordance with G.S. 163-88.1 if the judges of election present
46 unanimously agree that the photo identification presented does not bear any reasonable
47 resemblance to that voter.

48 (e) At any time a voter presents photo identification to a local election official other
49 than on election day, the county board of elections shall have available to the local election
50 official judges of election for the review required under subsection (b) of this section,
51 appointed in the manner as is in Article 5 of this Chapter, except that the individuals (i) may

1 reside anywhere in the county or (ii) be an employee of the county or the State. Neither the
2 local election official nor the judges of election may be a county board member. The county
3 board is not required to have the same judges of election available throughout the time period a
4 voter may present photo identification other than on election day but shall have at least two
5 judges, who are not of the same political party affiliation, available at all times during that
6 period.

7 (f) Any local or State employee appointed to serve as a judge of election may hold that
8 office in addition to the number permitted by G.S. 128-1.1.

9 (g) The county board of elections shall cause to be made a record of all voters subject to
10 subsection (c) of this section. The record shall include all of the following:

11 (1) The name and address of the voter.

12 (2) The name of the local election official under subsection (a) of this section.

13 (3) The names and a record of how each judge of election voted under
14 subsection (b) of this section.

15 (4) The date of the determinations under subsections (a) and (b) of this section.

16 (5) A brief description of the photo identification presented by the voter.

17 (h) For purposes of this section, the term "judges of election" shall have the following
18 meanings:

19 (1) On election day, the chief judge and judges of election as appointed under
20 Article 5 of this Chapter.

21 (2) Any time other than on election day, the individuals appointed under
22 subsection (e) of this section.

23 (i) The State Board shall adopt rules for the administration of this section."

24 **SECTION 6.** Article 7A of Chapter 163 of the General Statutes is amended by
25 adding a new section to read:

26 **"§ 163-82.7A. Declaration of religious objection to photograph.**

27 (a) At the time of approval of the application to register to vote, a voter with a sincerely
28 held religious objection to being photographed may execute a declaration before an election
29 official to that effect to be incorporated as part of the official record of voter registration.

30 (b) At any time after the voter has registered to vote that the voter has determined the
31 voter has a sincerely held religious objection to being photographed, that voter may execute a
32 declaration before an election official to be incorporated as part of the official record of that
33 voter's voter registration.

34 (c) At any time after a voter has executed a declaration before an election official under
35 this section and that voter no longer has a sincerely held religious objection to being
36 photographed, that voter may request the cancellation of the declaration in writing to the county
37 board.

38 (d) All declarations under subsections (a) and (b) of this section shall include a
39 statement by the voter that the voter has a sincerely held religious objection to being
40 photographed and a requirement for the signature of the voter, which includes a notice that a
41 false or fraudulent declaration is a Class I felony pursuant to G.S. 163-275(13).

42 (e) The State Board shall adopt rules to establish a standard form for the administration
43 of this section."

44 **SECTION 7.** G.S. 163-82.6A(b) reads as rewritten:

45 "(b) Both Attestation and Proof of Residence Required. – To vote under this section, a
46 voter shall present photo identification in accordance with G.S. 163-166.13. This requirement is
47 separate from the requirement to provide proof of residence under subdivision (2) of this
48 subsection. To register and vote under this section, the person shall do both of the following:

49 (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including
50 the attestation requirement of G.S. 163-82.4(b) that the person meets each

1 eligibility requirement. Such attestation is signed under penalty of a Class I
2 felony under G.S. 163-275(13); and

- 3 (2) Provide proof of residence by presenting any of the following valid
4 documents that show the person's current name and current residence
5 address: a North Carolina drivers license, a photo identification from a
6 government agency, or any of the documents listed in G.S. 163-166.12(a)(2).
7 The State Board of Elections may designate additional documents or
8 methods that suffice and shall prescribe procedures for establishing proof of
9 residence."

10 **SECTION 8.** G.S. 163-166.7(a) reads as rewritten:

11 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
12 through the appropriate entrance. A precinct official assigned to check registration shall at once
13 ask the voter to state current name and residence address. The voter shall answer by stating
14 current name and residence ~~address.~~ address and presenting photo identification in accordance
15 with G.S. 163-166.13. In a primary election, that voter shall also be asked to state, and shall
16 state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing
17 party in which the voter wishes to vote. After examination, that official shall state whether that
18 voter is duly registered to vote in that precinct and shall direct that voter to the voting
19 equipment or to the official assigned to distribute official ballots. If a precinct official states
20 that the person is duly registered, the person shall sign the pollbook, other voting record, or
21 voter authorization document in accordance with subsection (c) of this section before voting."

22 **SECTION 9.** G.S. 163-166.9 reads as rewritten:

23 **"§ 163-166.9. Curbside voting.**

24 (a) In any election or referendum, if any qualified voter is able to travel to the voting
25 place, but because of age or physical disability and physical barriers encountered at the voting
26 place is unable to enter the voting enclosure to vote in person without physical assistance, that
27 voter shall be allowed to vote either in the vehicle conveying that voter or in the immediate
28 proximity of the voting place.

29 (b) Any qualified voter voting under this section shall comply with G.S. 163-166.13(a)
30 by one of the following means:

- 31 (1) Presenting photo identification in accordance with G.S. 163-166.13(a).
32 (2) Presenting a copy of a document listed in G.S. 163-166.12(a)(2).
33 (3) Completing a declaration stating the identity of the qualified voter that
34 contains all of the following:
35 a. The name of the qualified voter.
36 b. The signature of the voter.
37 c. The name of an individual accompanying the qualified voter to the
38 voting place.
39 d. The signature of the individual accompanying the qualified voter to
40 the voting place, declaring to personally knowing the qualified voter.
41 e. Acknowledgment by a judge of election that the individual
42 accompanying the qualifying voter presented photo identification as
43 defined in G.S. 163-166.13(e) bearing any reasonable resemblance to
44 that individual.

45 (c) The State Board of Elections shall ~~promulgate-adopt~~ rules for the administration of
46 this section."

47 **SECTION 10.** G.S. 163-227.2(b) reads as rewritten:

48 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
49 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
50 before that election, the voter shall appear in person only at the office of the county board of
51 elections, except as provided in subsection (g) of this section. A county board of elections shall

1 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may
2 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the
3 board office through the appropriate entrance and shall at once state his or her name and place
4 of residence to an authorized member or employee of the ~~board.~~ board and present photo
5 identification in accordance with G.S. 163-166.13. In a primary election, the voter shall also
6 state the political party with which the voter affiliates and in whose primary the voter desires to
7 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party
8 under G.S. 163-119, the voter shall state the name of the authorizing political party in whose
9 primary he wishes to vote. The board member or employee to whom the voter gives this
10 information shall announce the name and residence of the voter in a distinct tone of voice.
11 After examining the registration records, an employee of the board shall state whether the
12 person seeking to vote is duly registered. If the voter is found to be registered that voter may
13 request that the authorized member or employee of the board furnish the voter with an
14 application form as specified in G.S. 163-227. The voter shall complete the application in the
15 presence of the authorized member or employee of the board, and shall deliver the application
16 to that person."

17 **SECTION 11.** Article 15A of Chapter 163 of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 163-182.1A. Counting of provisional official ballots cast due to failure to provide**
20 **photo identification when voting in person.**

21 (a) Unless disqualified for some other reason provided by law, the county board of
22 elections shall find that a voter's provisional official ballot cast wholly or partly as a result of
23 failing to present photo identification when voting in person in accordance with
24 G.S. 163-166.13 is valid and direct that the provisional ballot be opened and counted in
25 accordance with this Chapter if the voter complies with this section.

26 (b) A voter who casts a provisional official ballot wholly or partly as a result of failing
27 to present photo identification when voting in person in accordance with G.S. 163-166.13 may
28 comply with this section by appearing in person at the county board of elections and doing one
29 of the following:

30 (1) Presenting photo identification as defined in G.S. 163-166.13(e) that bears
31 any reasonable resemblance to the voter. The local election official to whom
32 the photo identification is presented shall determine if the photo
33 identification bears any reasonable resemblance to that voter. If not, that
34 local election official shall comply with G.S. 163-166.14.

35 (2) Declaring, on a form provided by the State Board, that the voter does not
36 possess proof of identification due to a natural disaster occurring within the
37 previous 60 days, as declared by the President of the United States or the
38 Governor of this State.

39 (3) Presenting any of the documents listed in G.S. 163-166.12(a)(2) and
40 declaring that the voter has a sincerely held religious objection to being
41 photographed. That voter shall also be offered an opportunity to execute a
42 declaration under G.S. 163-82.7A for future elections.

43 (c) All identification under subsection (b) of this section shall be presented to the
44 county board of elections not later than 12:00 noon the day prior to the time set for the
45 convening of the election canvass pursuant to G.S. 163-182.5.

46 (d) If the county board of elections determines that a voter has also cast a provisional
47 official ballot for a cause other than the voter's failure to provide photo identification in
48 accordance with G.S. 163-166.13, the county board shall do all of the following:

49 (1) Note on the envelope containing the provisional official ballot that the voter
50 has complied with the proof of identification requirement.

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

4 **SECTION 12.** G.S. 163-87 reads as rewritten:

5 "**§ 163-87. Challenges allowed on day of primary or election.**

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

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

- 12 (1) One or more of the reasons listed in G.S. 163-85(c).
13 (2) That the person has already voted in that primary or election.
14 (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
15 (4) If the challenge is made with respect to voting in a partisan primary, that the
16 person is a registered voter of another political party.
17 (5) The voter does not present photo identification in accordance with
18 G.S. 163-166.13.

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

22 If a person is challenged under this subsection, and the challenge is sustained under
23 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if
24 eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if
25 the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may
26 be challenged at the precinct to which the registration is being transferred."
27

28 **PART III. IMPLEMENTATION**

29 **SECTION 13.** G.S. 20-37.7(d) reads as rewritten:

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

34 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a
35 duplicate license. The fee does not apply to a special identification card issued to a resident of
36 this State as follows:

- 37 (1) ~~who~~The applicant is legally blind, blind.
38 (2) The applicant is at least 70 years old,
39 (3) ~~The applicant is homeless,~~ has been issued a drivers license but the drivers
40 license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and
41 (g), as a result of a physical or mental disability or disease.
42 (4) The applicant is homeless. To obtain a special identification card without
43 paying a fee, a homeless person must present a letter to the Division from
44 the director of a facility that provides care or shelter to homeless persons
45 verifying that the person is homeless.
46 (5) The applicant is registered to vote in this State and does not have photo
47 identification acceptable under G.S. 163-166.13. To obtain a special
48 identification card without paying a fee, a registered voter shall sign a
49 declaration stating the registered voter is registered and does not have other
50 photo identification acceptable under G.S. 163-166.13. The Division shall
51 verify that voter registration prior to issuing the special identification card.

1 Any declaration shall prominently include the penalty under
2 G.S. 163-275(13) for falsely making the declaration.

3 (6) The applicant is appearing before the Division for the purpose of registering
4 to vote in accordance with G.S. 163-82.19 and does not have other photo
5 identification acceptable under G.S. 163-166.13. To obtain a special
6 identification card without paying a fee, that applicant shall sign a
7 declaration stating that applicant is registering to vote and does not have
8 other photo identification acceptable under G.S. 163-166.13. Any
9 declaration shall prominently include the penalty under G.S. 163-275(13) for
10 falsely making the declaration."

11 **SECTION 14.(a)** G.S. 130A-93.1 is amended by adding a new subsection to read:

12 "(c) Upon verification of voter registration, the State Registrar shall not charge any fee
13 under subsection (a) of this section to a registered voter who signs a declaration stating the
14 registered voter is registered to vote in this State and does not have a certified copy of that
15 registered voter's birth certificate or marriage license necessary to obtain photo identification
16 acceptable under G.S. 163-166.13. Any declaration shall prominently include the penalty under
17 G.S. 163-275(13) for falsely or fraudulently making the declaration."

18 **SECTION 14.(b)** G.S. 161-10(a)(8) reads as rewritten:

19 "(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. –
20 For furnishing a certified copy of a death or birth certificate or marriage
21 license ten dollars (\$10.00). Provided however, a ~~Register of Deeds~~register
22 of deeds, in accordance with G.S. 130A-93, may issue without charge a
23 certified ~~Birth Certificate~~birth certificate to any person over the age of 62
24 years. Provided however, upon verification of voter registration, a register of
25 deeds, in accordance with G.S. 130A-93, shall issue without charge a
26 certified copy of a birth certificate or a certified copy of a marriage license to
27 any registered voter who declares the registered voter is registered to vote in
28 this State and does not have a certified copy of that registered voter's birth
29 certificate or marriage license necessary to obtain photo identification
30 acceptable under G.S. 163-166.13. Any declaration shall prominently
31 include the penalty under G.S. 163-275(13) for falsely or fraudulently
32 making the declaration."

33 **SECTION 15.** G.S. 163-275(13) reads as rewritten:

34 "(13) For any person falsely to make or present any certificate or other paper to
35 qualify any person fraudulently as a voter, or to attempt thereby to secure to
36 any person the privilege of ~~voting~~voting, including declarations made under
37 this Chapter, G.S. 20-37.7(d)(5), 130A-93.1(c), and 161-10(a)(8);"

38 **SECTION 16.(a)** G.S. 163-229(b) reads as rewritten:

39 "(b) Application on Container-Return Envelope. – In time for use not later than 60 days
40 before a statewide general election in an even-numbered year, and not later than 50 days before
41 a statewide primary, other general election or county bond election, the county board of
42 elections shall print a sufficient number of envelopes in which persons casting absentee ballots
43 may transmit their marked ballots to the county board of elections. However, in the case of
44 municipal elections, sufficient container-return envelopes shall be made available no later than
45 30 days before an election. Each container-return envelope shall have printed on it an
46 application which shall be designed and prescribed by the State Board of Elections, providing
47 for all of the following:

48 (1) ~~the~~The voter's certification of eligibility to vote the enclosed ballot and of
49 having voted the enclosed ballot in accordance with this ~~Article~~,Article.

50 (2) ~~a~~A space for identification of the envelope with the ~~voter~~,voter and the
51 voter's signature.

- 1 (3) ~~and a~~ A space for the identification of the two persons witnessing the casting
 2 of the absentee ballot in accordance with G.S. 163-231, those persons'
 3 signatures, and those persons' addresses.
 4 (4) A space for the name and address of any near relative or verifiable legal
 5 guardian who assisted the voter if the voter is unable to complete and sign
 6 the certification and that individual's signature.
 7 (5) A space for approval by the county board of elections.
 8 (6) ~~The envelope shall~~ A space to allow reporting of a change of name as
 9 provided by G.S. 163-82.16.
 10 (7) A prominent display of the unlawful acts under G.S. 163-226.3 and
 11 G.S. 163-275.

12 The container-return envelope shall be printed in accordance with the instructions of the
 13 State Board of Elections."

14 **SECTION 16.(b)** G.S. 163-230.1 reads as rewritten:

15 **"§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

16 (a) A qualified voter who is ~~eligible to vote by absentee ballot under~~
 17 ~~G.S. 163-226(a)~~ desires to vote by absentee ballot, or that voter's near relative or verifiable legal
 18 guardian, shall complete a request form for in writing an application for absentee ballots, an
 19 absentee application and absentee ballots so that the county board of elections receives the that
 20 completed request form not later than 5:00 P.M. on the Tuesday before the election. That
 21 completed written request form shall be signed by the voter, the voter's near relative, or the
 22 voter's verifiable legal guardian in compliance with G.S. 163-230.2. The county board of
 23 elections shall enter in the register of absentee requests, applications, and ballots issued the
 24 information required in G.S. 163-228 as soon as each item of that information becomes
 25 available. Upon receiving the application, completed request form, the county board of elections
 26 shall cause to be mailed to that voter in a single package; package that includes all of the
 27 following:

- 28 (1) The official ballots ~~the that~~ voter is entitled to ~~vote;~~ vote.
 29 (2) A container-return envelope for the ballots, printed in accordance with
 30 ~~G.S. 163-229; and~~ G.S. 163-229.
 31 (3) Repealed by Session Laws 1999-455, s. 10.
 32 (4) An instruction sheet.

33 The ballots, envelope, and instructions shall be mailed to the voter by the county board's
 34 chairman, member, officer, or employee as determined by the board and entered in the register
 35 as provided by this Article.

36 (a1) Absence for Sickness or Physical Disability. – Notwithstanding the provisions of
 37 subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in
 38 person on election day because of that voter's sickness or other physical disability, that voter or
 39 that voter's near relative or verifiable legal guardian may make ~~written the~~ request under
 40 subsection (a) of this section in person for absentee ballots to the board of elections of the
 41 county in which the voter is registered after 5:00 p.m. on the Tuesday before the election but
 42 not later than 5:00 p.m. on the day before the election. The county board of elections shall treat
 43 that completed request form in the same manner as a request under subsection (a) of this
 44 section, but may personally deliver the application and ballots, enter in the register of absentee
 45 requests, applications, and ballots issued the information required in G.S. 163-228 as soon as
 46 each item of that information becomes available. The county board of elections shall personally
 47 deliver to the requester in a single package:

- 48 (1) The official ballots the voter is entitled to vote;
 49 (2) ~~A container-return envelope for the ballots, printed in accordance with~~
 50 ~~G.S. 163-229; and~~
 51 (3) ~~An instruction sheet.~~

1 (a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When
2 the county board of elections receives a completed request form for applications and absentee
3 ballots, the board shall promptly issue and transmit them to the voter in accordance with the
4 following instructions:

- 5 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
6 member, officer, or employee of the board of elections shall write or type the
7 words "Absentee Ballot No. ____" or an abbreviation approved by the State
8 Board of Elections and insert in the blank space the number assigned the
9 applicant's application in the register of absentee requests, applications, and
10 ballots issued. That person shall not write, type, or print any other matter
11 upon the ballots transmitted to the absentee voter. Alternatively, the board of
12 elections may cause to be barcoded on the ballot the voter's application
13 number, if that barcoding system is approved by the State Board of
14 Elections.
- 15 (2) The chair, member, officer, or employee of the board of elections shall fold
16 and place the ballots (identified in accordance with the preceding
17 instruction) in a container-return envelope and write or type in the
18 appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b),
19 the absentee voter's name, the absentee voter's application number, and the
20 designation of the precinct in which the voter is registered. If the ballot is
21 barcoded under this section, the envelope may be barcoded rather than
22 having the actual number appear. The person placing the ballots in the
23 envelopes shall leave the container-return envelope holding the ballots
24 unsealed.
- 25 (3) The chair, member, officer, or employee of the board of elections shall then
26 place the unsealed container-return envelope holding the ballots together
27 with printed instructions for voting and returning the ballots, in an envelope
28 addressed to the voter at the post office address stated in the request, seal the
29 envelope, and mail it at the expense of the county board of elections:
30 Provided, that in case of a request received after 5:00 p.m. on the Tuesday
31 before the election under the provisions of subsection (a1) of this section, in
32 lieu of transmitting the ballots to the voter in person or by mail, the chair,
33 member, officer, or employee of the board of elections may deliver the
34 sealed envelope containing the instruction sheet and the container-return
35 envelope holding the ballots to a near relative or verifiable legal guardian of
36 the voter.

37 The county board of elections may receive completed written requests~~request forms~~ for
38 applications at any time prior to the election but shall not mail applications and ballots to the
39 voter or issue applications and ballots in person earlier than 60 days prior to the statewide
40 general election in an even-numbered year, or earlier than 50 days prior to any other election,
41 except as provided in G.S. 163-227.2. No election official shall issue applications for absentee
42 ballots except in compliance with this Article.

43 (b) The application shall be completed and signed by the voter personally, the ballots
44 marked, the ballots sealed in the container-return envelope, and the certificate completed as
45 provided in G.S. 163-231.

46 (c) At its next official meeting after return of the completed container-return envelope
47 with the voter's ballots, the county board of elections shall determine whether the
48 container-return envelope has been properly executed. If the board determines that the
49 container-return envelope has been properly executed, it shall approve the application and
50 deposit the container-return envelope with other container-return envelopes for the envelope to

1 be opened and the ballots counted at the same time as all other container-return envelopes and
2 absentee ballots.

3 (c1) Required Meeting of County Board of Elections. – During the period commencing
4 on the third Tuesday before an election, in which absentee ballots are authorized, the county
5 board of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the
6 purpose of action on applications for absentee ballots. At these meetings, the county board of
7 elections shall pass upon applications for absentee ballots.

8 If the county board of elections changes the time of holding its meetings or provides for
9 additional meetings in accordance with the terms of this subsection, notice of the change in
10 hour and notice of the schedule of additional meetings, if any, shall be published in a
11 newspaper circulated in the county at least 30 days prior to the election.

12 At the time the county board of elections makes its decision on an application for absentee
13 ballots, the board shall enter in the appropriate column in the register of absentee requests,
14 applications, and ballots issued opposite the name of the applicant a notation of whether the
15 applicant's application was "Approved" or "Disapproved".

16 The decision of the board on the validity of an application for absentee ballots shall be final
17 subject only to such review as may be necessary in the event of an election contest. The county
18 board of elections shall constitute the proper official body to pass upon the validity of all
19 applications for absentee ballots received in the county; this function shall not be performed by
20 the chairman or any other member of the board individually.

21 (d) Repealed by Session Laws 1999-455, s. 10.

22 (e) The State Board of Elections, by rule or by instruction to the county board of
23 elections, shall establish procedures to provide appropriate safeguards in the implementation of
24 this section.

25 (f) For the purpose of this Article, "near relative" means spouse, brother, sister, parent,
26 grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law,
27 stepparent, or stepchild."

28 **SECTION 16.(c)** G.S. 163-230.2 reads as rewritten:

29 **"§ 163-230.2. Method of requesting absentee ballots.**

30 (a) Valid Types of Written Requests. – A completed written request form for an
31 absentee ballot as required by G.S. 163-230.1 is valid only if it is ~~written entirely by the~~
32 ~~requester personally, or is on a form generated-created by the county board of elections-State~~
33 Board and signed by the requester, voter requesting absentee ballots or that voter's near relative
34 or verifiable legal guardian. The county board of elections shall issue a request form only to the
35 voter seeking to vote by absentee ballot or to a person authorized by G.S. 163-230.1 to make a
36 request for the voter. If a requester, due to disability or illiteracy, is unable to complete a
37 written request, that requester may receive assistance in writing that request from an individual
38 of that requester's choice. The State Board shall make the form available at its offices, online,
39 and in each county board of elections office, and that form may be reproduced. A voter may
40 make a request in person or by writing to the county board for the form to request an absentee
41 ballot. The request form for an absentee ballot shall require at least the following information:

42 (1) The name and address of the residence of the voter.

43 (2) The name and address of the voter's near relative or verifiable legal guardian
44 if that individual is making the request.

45 (3) The address of the voter to which the application and absentee ballots are to
46 be mailed, if different from the residence address of the voter.

47 (4) One or more of the following in the order of preference:

48 a. The number of the voter's North Carolina drivers license issued under
49 Article 2 of Chapter 20 of the General Statutes, including a learner's
50 permit or a provisional license.

b. The number of the voter's special identification card for nonoperators issued under G.S. 20-37.7.

c. The last four digits of the applicant's social security number.

(5) The voter's date of birth.

(6) The signature of the voter or of the voter's near relative or verifiable legal guardian if that individual is making the request.

(a1) A completed request form for an absentee ballot shall be deemed a request to update the official record of voter registration for that voter and shall be confirmed in writing in accordance with G.S. 163-82.14(d).

(a2) The completed request form for an absentee ballot shall be delivered to the county board of elections. If the voter does not include the information requested in subdivision (a)(4) of this section, a copy of a document listed in G.S. 163-166.12(a)(2) shall accompany the completed request form.

(a3) Upon receiving a completed request form for an absentee ballot, the county board shall verify the voter registration. If verified, the absentee ballots and certification form shall be sent to the voter. If the voter's official record of voter registration conflicts with the completed request form for an absentee ballot or cannot be verified, the voter shall be so notified. If the county board cannot resolve the differences, no application or absentee ballots shall be issued.

(b) Invalid Types of Written Requests. – A request is not valid if it does not comply with subsection (a) of this section. If a county board of elections receives a request for an absentee ballot that does not comply with subsection (a) of this section, the board shall not issue an application and ballot under G.S. 163-230.1.

(c) Rules by State Board. – The State Board of Elections shall adopt rules for the enforcement of this section."

SECTION 16.(d) G.S. 163-231 reads as rewritten:

"§ 163-231. Voting absentee ballots and transmitting them to the county board of elections.

(a) Procedure for Voting Absentee Ballots. – In the presence of ~~a person~~two persons who ~~is~~are at least 18 years of age, and who ~~is~~are not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(b1), the voter ~~shall~~shall do all of the following:

(1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's ~~instruction;~~instruction.

(2) Fold each ballot separately, or cause each of them to be folded in the voter's ~~presence;~~presence.

(3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter's ~~presence;~~presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163-229(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

(5) Require those two persons in whose presence the voter marked that voter's ballots to sign the application and certificate as witnesses and to indicate those persons' addresses.

The ~~person~~persons in whose presence the ballot is marked shall at all times respect the secrecy of the ballot and the privacy of the absentee voter, unless the voter requests ~~the person's~~ assistance and ~~the~~that person is otherwise authorized by law to give assistance. ~~The person in whose presence the ballot was marked shall sign the application and certificate as a witness and shall indicate that person's address.~~ When thus executed, the sealed container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) of this section to the county board of elections which issued the ballots.

(a1) Repealed by Session Laws 1987, c. 583, s. 1.

1 (b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
2 container-return envelope in which executed absentee ballots have been placed shall be
3 transmitted to the county board of elections who issued them as follows: All ballots issued
4 under the provisions of ~~Articles 20~~this Article and Article 21A of this Chapter shall be
5 transmitted by mail or by commercial courier service, at the voter's expense, or delivered in
6 person, or by the voter's near relative or verifiable legal guardian not later than 5:00 p.m. on the
7 day before the statewide primary or general election or county bond election. Ballots issued
8 under the provisions of Article 21A of this Chapter may also be electronically transmitted. If
9 ballots are received later than that hour, ~~they~~those absentee ballots shall not be accepted unless
10 (i) federal law so requires, (ii) if ~~ballots~~ballots issued under Article 20 of this Chapter ~~Article~~, the
11 absentee ballots are postmarked by the day of the statewide primary or general election or
12 county bond election and are received by the county board of elections not later than three days
13 after the election by 5:00 p.m., or (iii) if ~~ballots~~ballots issued under Article 21A of this Chapter
14 Chapter, the absentee ballots are received by the county board of elections not later than the
15 end of business on the business day before the canvass conducted by the county board of
16 elections held pursuant to G.S. 163-182.5. Ballots issued under ~~Article 20 of this Chapter~~
17 Article not postmarked by the day of the election shall not be accepted by the county board of
18 elections."

19 **SECTION 16.(e)** G.S. 163-226 is amended by adding a new subsection to read:

20 "(d) The Term "Verifiable Legal Guardian." – An individual appointed guardian under
21 Chapter 35A of the General Statutes. For a corporation appointed as a guardian under that
22 Chapter, the corporation may submit a list of 10 named individuals to the State Board of
23 Elections who may act for that corporation under this Article."

24 **SECTION 17.** Education and Publicity Requirements. – The public shall be
25 educated about the photo identification to vote requirements of this act as follows:

- 26 (1) As counties use their regular processes to notify voters of assignments and
27 reassignments to districts for election to the United States House of
28 Representatives, State Senate, State House of Representatives, or local
29 office, by including information about the provisions of Part II of this act.
- 30 (2) As counties send new voter registration cards to voters as a result of new
31 registration, changes of address, or other reasons, by including information
32 about the provisions of Part II of this act.
- 33 (3) Counties that maintain a board of elections Web site shall include
34 information about the provisions of Part II of this act.
- 35 (4) Notices of elections published by county boards of elections under
36 G.S. 163-22(8) for the 2014 primary and 2014 general election shall include
37 a brief statement that photo identification will be required to vote in person
38 beginning in 2016.
- 39 (5) The State Board of Elections shall include on its Web site information about
40 the provisions of Part II of this act.
- 41 (6) Counties shall post at the polls and at early voting sites beginning with the
42 2014 primary elections information about the provisions of Part II of this act.
- 43 (7) The Voter Information and Verification Advisory board, as required by Part
44 I of this act, shall provide education and assistance to voters and newly
45 registered voters information about the provisions of Part II of this act.
- 46 (8) The State Board of Elections shall distribute information about the photo
47 identification to groups and organizations serving persons with disabilities or
48 the elderly.
- 49 (9) The State Board of Elections may publish a Voter Guide that includes the
50 voter identification procedures and requirements set forth in the provisions
51 of Part II of this act in an easily readable and understandable form. The

1 Board may distribute the Guide to as many registered voters in the State as
2 practical through a mailing to all residences of registered voters at least 30
3 days before the one-stop voting period provided in G.S. 163-227.2 for the
4 primary and at least 30 days before the one-stop voting period provided in
5 G.S. 163-227.2 for the general election. If the State Board decides to publish
6 a Voter Guide, the State Board shall incur the costs of production and
7 mailing of the Voter Guide and shall adopt rules for the administration of
8 this subdivision.

9 **SECTION 18.** The State Board of Elections shall reimburse the Division of Motor
10 Vehicles, the State Registrar, and the county registers of deeds for direct costs incurred in
11 administering the fee waivers authorized in Section 13 and Section 14 of this act.

12 **SECTION 19.** The State Board of Elections shall include in all forms prepared by
13 the Board a prominent statement that submitting fraudulently or falsely completed declarations
14 is a Class I felony under Chapter 163 of the General Statutes.

15 **SECTION 20.** By April 1, 2014, the State Board of Elections shall review and
16 make recommendations to the Joint Legislative Elections Oversight Committee on the steps
17 recommended by the Board to implement the use of electronic and digital information in all
18 polling places statewide. The review shall address all of the following:

- 19 (1) Obtaining digital photographs of registered voters and verifying identity of
20 those voters.
- 21 (2) Maintaining information stored electronically in a secure fashion.
- 22 (3) Utilizing electronically stored information, including digital photographs and
23 electronic signatures, to create electronic pollbooks.
- 24 (4) Using electronic pollbooks to assist in identifying individuals attempting to
25 vote more than once in an election.
- 26 (5) A proposed plan for a pilot project to implement electronic pollbooks,
27 including the taking of digital photographs at the polling place to supplement
28 the electronic pollbooks.
- 29 (6) Any other related matter identified by the State Board impacting the use of
30 digital and electronic information in the voting place.

31 **SECTION 21.** If any provision of this act or its application is held invalid, the
32 invalidity does not affect other provisions or applications of this act that can be given effect
33 without the invalid provisions or application, and to this end the provisions of this act are
34 severable.

35 **SECTION 22.** This act shall become effective and applies as follows:

- 36 (1) Part I of this act becomes effective July 1, 2013, and expires December 31,
37 2016.
- 38 (2) Part II of this act becomes effective January 1, 2016, and applies to
39 primaries and elections conducted on or after that date.
- 40 (3) Sections 13 and 14 of this act become effective October 1, 2013.
- 41 (4) Section 16 becomes effective January 1, 2014, and applies to primaries and
42 elections held on or after that date.
- 43 (5) At any election between October 1, 2013, and January 1, 2016, any
44 registered voter may present that voter's photo identification to the elections
45 officials at the voting place but may not be required to do so. At each
46 election between October 1, 2013, and January 1, 2016, each voter
47 presenting in person shall be notified that photo identification will be needed
48 to vote beginning in 2016 and be asked if that voter has one of the forms of
49 photo identification appropriate for voting. If that voter indicates he or she
50 does not have one or more of the types of photo identification appropriate
51 for voting, that voter shall be asked to sign an acknowledgment of the photo

- 1 identification requirement and be given a list of types of photo identification
2 appropriate for voting and information on how to obtain those types of photo
3 identification. The list of names of those voters who signed an
4 acknowledgment is a public record.
- 5 (6) The remainder of this act is effective when it becomes law.
- 6 (7) This act is effective only if the General Assembly appropriates funds in the
7 Current Operations Appropriations Act of 2013 to implement it.