

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH50120-BKf-26A

Short Title: Implementation of Voter ID Const. Amendment. (Public)

Sponsors: Representatives Lewis, Duane Hall, Torbett, and Conrad (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING
3 PHOTOGRAPHIC IDENTIFICATION TO VOTE.

4 The General Assembly of North Carolina enacts:

5
6 **PART I: IMPLEMENTATION OF THE CONSTITUTIONAL REQUIREMENT**
7 **REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE**

8 **SECTION 1.1(a)** Article 17 of Chapter 163A of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 163A-869.1. Voter photo identification cards.**

11 (a) The county board of elections shall, in accordance with this section, issue without
12 charge voter photo identification cards upon request to registered voters. The voter photo
13 identification cards shall contain a photograph of the voter and the voter registration number for
14 that voter. The voter photo identification card shall be used for voting purposes only and shall
15 expire eight years from the date of issuance.

16 (b) The State Board shall make available to county boards of elections the equipment
17 necessary to print voter photo identification cards. County boards of elections shall operate and
18 maintain the equipment necessary to print voter photo identification cards.

19 (c) County boards of elections shall maintain a secure database containing the
20 photographs of registered voters taken for the purpose of issuing voter photo identification cards.

21 (d) The State Board shall adopt rules to ensure at a minimum, but not limited to, the
22 following:

- 23 (1) A registered voter seeking to obtain a voter photo identification card shall
24 provide the voter's date of birth and the last four digits of the voter's social
25 security number.
26 (2) Voter photo identification cards shall be issued at any time, except during the
27 time period between the end of one-stop voting for a primary or election as
28 provided in G.S. 163A-1300 and election day for each primary and election.
29 (3) If the registered voter loses or defaces the voter's photo identification card, the
30 voter may obtain a duplicate card without charge from his or her county board
31 of elections upon request in person, or by telephone or mail."

32 **SECTION 1.1(b)** Voter photo identification cards, as required by G.S 163A-869.1,
33 as enacted by this act, shall be available on request no later than May 1, 2019. The State Board
34 shall adopt temporary rules to implement G.S. 163A-869.1, as enacted by this act, no later than
35 April 15, 2019.



1 SECTION 1.2(a) Article 20 of Chapter 163A of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 163A-1145.1. Requirement for photo identification to vote in person.**

4 (a) Photo Identification Required to Vote. – When a voter presents to vote in person, the
5 voter shall produce any of the following forms of identification that contain a photograph of the
6 voter:

7 (1) Any of the following that is valid and unexpired, or has been expired for one
8 year or less:

9 a. A North Carolina drivers license.

10 b. A special identification card for nonoperators issued under
11 G.S. 20-37.7 or other form of nontemporary identification issued by
12 the Division of Motor Vehicles of the Department of Transportation.

13 c. A United States passport.

14 d. A North Carolina voter photo identification card of the voter issued
15 pursuant to G.S. 163A-869.1.

16 e. A tribal enrollment card issued by a federally recognized tribe.

17 f. A tribal enrollment card issued by a tribe recognized by this State
18 under Chapter 71A of the General Statutes, provided that card meets
19 all of the following criteria:

20 1. Is issued in accordance with a process approved by the State
21 Board that requires an application and proof of identity
22 equivalent to the process for approving a college or university
23 identification card in G.S. 163A-1145.2.

24 2. Is signed by an elected official of the tribe.

25 g. A student identification card issued by a constituent institution of The
26 University of North Carolina, the North Carolina Community College
27 system, or eligible private postsecondary institution as defined in
28 G.S. 116-280(3), provided that card is issued in accordance with
29 G.S. 163A-1145.2.

30 h. An employee identification card issued by a state or local government
31 entity, including a charter school, provided that card is issued in
32 accordance with G.S. 163A-1145.3.

33 i. A drivers license or special identification card for nonoperators issued
34 by another state, the District of Columbia, or a territory or
35 commonwealth of the United States, but only if the voter's voter
36 registration was within 90 days of the election.

37 (2) Any of the following, regardless of whether the identification contains a
38 printed expiration or issuance date:

39 a. A military identification card issued by the United States government.

40 b. A Veterans Identification Card issued by the United States Department
41 of Veterans Affairs for use at Veterans Administration medical
42 facilities.

43 (3) Any expired form of identification allowed in this subsection presented by a
44 voter having attained the age of 65 years at the time of presentation at the
45 voting place, provided that the identification was unexpired on the voter's
46 sixty-fifth birthday.

47 (b) Verification of Photo Identification. – After presentation of the required identification
48 described in subsection (a) of this section, the precinct officials assigned to check registration
49 shall compare the photograph contained on the required identification with the person presenting
50 to vote. The precinct official shall verify that the photograph is that of the person seeking to vote.
51 If the precinct official disputes that the photograph contained on the required identification is the

1 person presenting to vote, a challenge shall be conducted in accordance with the procedures of
2 G.S. 163A-914.

3 (c) Provisional Ballot Required Without Photo Identification. – If the registered voter
4 cannot produce the identification as required in subsection (a) of this section, the voter may cast
5 a provisional ballot that is counted only if the voter brings an acceptable form of photograph
6 identification listed in subsection (a) of this section to the county board of elections no later than
7 the end of business on the business day prior to the canvass by the county board of elections as
8 provided in G.S. 163A-1172.

9 (d) Exceptions. – The following exceptions are provided for a voter who does not produce
10 a valid and current photograph identification as required in subsection (a):

11 (1) Religious Objection. – If a voter does not produce an acceptable form of
12 photograph identification due to a religious objection to being photographed,
13 the voter may complete an affidavit under penalty of perjury at the voting
14 place and affirm that the voter: (i) is the same individual who personally
15 appears at the voting place; (ii) will cast the provisional ballot while voting in
16 person; and (iii) has a religious objection to being photographed. Upon
17 completion of the affidavit, the voter may cast a provisional ballot.

18 (2) Reasonable Impediment. – If a voter does not produce an acceptable form of
19 photograph identification because the voter suffers from a reasonable
20 impediment that prevents the voter from presenting photograph identification,
21 the voter may complete an affidavit under the penalty of perjury at the voting
22 place and affirm that the voter: (i) is the same individual who personally
23 appears at the voting place; (ii) will cast the provisional ballot while voting in
24 person; and (iii) suffers from a reasonable impediment that prevents the voter
25 from presenting photograph identification. The voter also shall list the
26 impediment, unless otherwise prohibited by state or federal law. Upon
27 completion of the affidavit, the voter may cast a provisional ballot.

28 (3) Natural Disaster. – If a voter does not produce an acceptable form of
29 photograph identification due to being a victim of a natural disaster occurring
30 within 60 days before election day that resulted in a disaster declaration by the
31 President of the United States and the Governor of this State, the voter may
32 complete an affidavit under penalty of perjury at the voting place and affirm
33 that the voter: (i) is the same individual who personally appears at the voting
34 place; (ii) will cast the provisional ballot while voting in person; and (iii) was
35 a victim of a natural disaster occurring within 60 days before election day that
36 resulted in a disaster declaration by the President of the United States and the
37 Governor of this State. Upon completion of the affidavit, the voter may cast a
38 provisional ballot.

39 (e) County Board Review of Exceptions. – If the county board of elections determines
40 that the voter voted a provisional ballot only due to the inability to provide proof of identification
41 and the required affidavit required in subsection (d) of this section is submitted, the county board
42 of elections shall find that the provisional ballot is valid unless the county board has grounds to
43 believe the affidavit is false.

44 (f) Purpose. – The purpose of the identification required pursuant to subsection (a) of this
45 section is to confirm the person presenting to vote is the voter on the voter registration records.
46 Any address listed on the identification is not determinative of a voter's residence for the purpose
47 of voting. A voter's residence for the purpose of voting is determined pursuant to
48 G.S. 163A-842."

49 **SECTION 1.2(b)** Article 20 of Chapter 163A of the General Statutes is amended by
50 adding a new section to read:

51 **"§ 163A-1145.2. Approval of student identification cards for voting identification.**

1 (a) The State Board shall approve the use of student identification cards issued by a
2 constituent institution of The University of North Carolina, the North Carolina Community
3 College system, or eligible private postsecondary institution as defined in G.S. 116-280(3) for
4 voting identification under G.S. 163A-1145.1 if the following criteria are met:

5 (1) The chancellor, president, or registrar of the university or college submits a
6 signed letter to the Executive Director of the State Board under penalty of
7 perjury that the following are true:

8 a. The identification cards that are issued by the university or college
9 contain photographs of students taken by the university or college or
10 its agents or contractors.

11 b. The identification cards are issued after an enrollment process that
12 includes methods of confirming the identity of the student that include,
13 but are not limited to, the social security number, citizenship status,
14 and birthdate of the student.

15 c. The equipment for producing the identification cards is kept in a secure
16 location.

17 d. Misuse of the equipment for producing the identification cards would
18 be grounds for student discipline or termination of an employee.

19 e. University or college officials would report any misuse of student
20 identification card equipment to law enforcement if
21 G.S. 163A-1389(19) was potentially violated.

22 f. The cards issued by the university or college contain a date of
23 expiration, effective January 1, 2021.

24 g. The university or college provides copies of standard identification
25 cards to the State Board to assist with training purposes.

26 (2) The university or college complies with any other reasonable security
27 measures determined by the State Board to be necessary for the protection and
28 security of the student identification process.

29 (b) The State Board shall approve the use of student identification cards issued by a
30 constituent institution of The University of North Carolina, the North Carolina Community
31 College system, or eligible private postsecondary institution as defined in G.S. 116-280(3) every
32 four years.

33 (c) The State Board shall produce a list of participating universities and colleges every
34 four years. The list shall be published on the State Board's Web site and distributed to every
35 county board of elections."

36 **SECTION 1.2(c)** Article 20 of Chapter 163A of the General Statutes is amended by
37 adding a new section to read:

38 **"§ 163A-1145.3. Approval of employee identification cards for voting identification.**

39 (a) The State Board shall approve the use of employee identification card issued by a
40 state or local government entity, including a charter school, for voting identification under
41 G.S. 163A-1145.1 if the following criteria are met:

42 (1) The head elected official or lead human resources employee of the state or
43 local government entity or charter school submits a signed letter to the
44 Executive Director of the State Board under penalty of perjury that the
45 following are true:

46 a. The identification cards that are issued by the state or local government
47 entity contain photographs of the employees taken by the employing
48 entity or its agents or contractors.

49 b. The identification cards are issued after an employment application
50 process that includes methods of confirming the identity of the

- 1 employee that include, but are not limited to, the social security
2 number, citizenship status, and birthdate of the employee.
3 c. The equipment for producing the identification cards is kept in a secure
4 location.
5 d. Misuse of the equipment for producing the identification cards would
6 be grounds for termination of an employee.
7 e. State or local officials would report any misuse of student
8 identification card equipment to law enforcement if
9 G.S. 163A-1389(19) was potentially violated.
10 f. The cards issued by the state or local government entity contain a date
11 of expiration, effective January 1, 2021.
12 g. The state or local government entity provides copies of standard
13 identification cards to the State Board to assist with training purposes.
14 (2) The state or local government entity complies with any other reasonable
15 security measures determined by the State Board to be necessary for the
16 protection and security of the employee identification process.
17 (b) The State Board shall approve the use of employee identification cards issued by a
18 state or local government entity, including a charter school, every four years.
19 (c) The State Board shall produce a list of participating employing entities every four
20 years. The list shall be published on the State Board's Web site and distributed to every county
21 board of elections."

22 **SECTION 1.2(d)** Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and
23 163A-1145.3, the State Board shall approve (i) tribal enrollment cards issued by a tribe
24 recognized by this State under Chapter 71A of the General Statutes; (ii) student identification
25 cards issued by a constituent institution of The University of North Carolina, the North Carolina
26 Community College system, or eligible private postsecondary institution as defined in
27 G.S. 116-280(3); and (iii) employee identification cards issued by a state or local government
28 entity, including a charter school, for use as voting identification under G.S. 163A-1145.1 no
29 later than March 15, 2019, for use in primaries and elections held in 2019 and 2020, and again
30 no later than May 15, 2021, for elections held on or after that date. The State Board shall adopt
31 temporary rules on reasonable security measures for use of student or employee identification
32 cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than February
33 1, 2019. The State Board shall adopt permanent rules on reasonable security measures for use of
34 student or employee identification cards for voting identification in G.S. 163A-1145.2 and
35 G.S. 163A-1145.3 no later than May 15, 2021. The State Board shall produce the initial list of
36 participating institutions and employing entities no later than April 1, 2019.

37 **SECTION 1.2(e)** Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and
38 163A-1145.3, a student identification card issued by a constituent institution of The University
39 of North Carolina, the North Carolina Community College system, or eligible private
40 postsecondary institution as defined in G.S. 116-280(3) or an employee identification card issued
41 by state or local government entity that does not contain an expiration date shall be eligible for
42 use in any election held before January 1, 2021.

43 **SECTION 1.2(f)** Notwithstanding G.S. 163A-1145.1(d)(2), for elections held in
44 2019, any voter who does not present a photograph identification listed as acceptable in
45 G.S. 163A-1145.1(a) when presenting to vote in person shall be allowed to complete a reasonable
46 impediment affidavit and cast a provisional ballot, listing as the impediment not being aware of
47 the requirement to present photograph identification when voting in person or failing to bring
48 photograph identification to the voting place.

49 **SECTION 1.3** G.S. 20-37.7 reads as rewritten:
50 "**§ 20-37.7. Special identification card.**

51 ...

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

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

- 8 (1) The applicant is legally blind.
- 9 (2) The applicant is at least ~~70~~17 years old.
- 10 (3) The applicant or who has been issued a drivers license but the drivers license
11 is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a
12 result of a physical or mental disability or disease.
- 13 (4) The applicant is homeless. To obtain a special identification card without
14 paying a fee, a homeless person must present a letter to the Division from the
15 director of a facility that provides care or shelter to homeless persons verifying
16 that the person is homeless.
- 17 ~~(5) The applicant is registered to vote in this State and does not have photo
18 identification acceptable under G.S. 163A 1145. To obtain a special
19 identification card without paying a fee, a registered voter shall sign a
20 declaration stating the registered voter is registered and does not have other
21 photo identification acceptable under G.S. 163A 1145. The Division shall
22 verify that voter registration prior to issuing the special identification card.
23 Any declaration shall prominently include the penalty under
24 G.S. 163A 1389(13) for falsely making the declaration.~~
- 25 ~~(6) The applicant is appearing before the Division for the purpose of registering
26 to vote in accordance with G.S. 163A 883 and does not have other photo
27 identification acceptable under G.S. 163A 1145. To obtain a special
28 identification card without paying a fee, that applicant shall sign a declaration
29 stating that applicant is registering to vote and does not have other photo
30 identification acceptable under G.S. 163A 1145. Any declaration shall
31 prominently include the penalty under G.S. 163A 1389(13) for falsely making
32 the declaration.~~
- 33 (7) The applicant has a developmental disability. To obtain a special identification
34 card without paying a fee pursuant to this subdivision, an applicant must
35 present a letter from his or her primary care provider certifying that the
36 applicant has a developmental disability. For purposes of this subdivision, the
37 term "developmental disability" has the same meaning as in G.S. 122C-3.

38 ...

39 (d2) Notwithstanding subsection (b) of this section, for a person whose valid drivers
40 license, permit, or endorsement, is required to be seized or surrendered due to cancellation,
41 disqualification, suspension, or revocation under applicable State law, the Division shall issue a
42 special identification card to that person without application, if eligible to receive a special
43 identification card, upon receipt of the seized or surrendered document. The Division shall issue
44 and mail, via first-class mail to that person's address on file, a special identification card pursuant
45 to this subsection at no charge.

46"

47 **SECTION 1.4(a)** G.S. 163A-1137(a) reads as rewritten:

48 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
49 through the appropriate entrance. A precinct official assigned to check registration shall at once
50 ask the voter to state current name and residence address. The voter shall answer by stating
51 current name and residence address and presenting photo identification in accordance with

1 ~~G.S. 163A-1145.~~G.S. 163A-1145.1. In a primary election, that voter shall also be asked to state,
2 and shall state, the political party with which the voter is affiliated or, if unaffiliated, the
3 authorizing party in which the voter wishes to vote. After examination, that official shall state
4 whether that voter is duly registered to vote in that precinct and shall direct that voter to the
5 voting equipment or to the official assigned to distribute official ballots. If a precinct official
6 states that the person is duly registered, the person shall sign the pollbook, other voting record,
7 or voter authorization document in accordance with subsection (c) of this section before voting."

8 **SECTION 1.4(b)** G.S. 163A-1300(b) reads as rewritten:

9 "(b) Not earlier than the third Wednesday before an election, in which absentee ballots are
10 authorized, in which a voter seeks to vote and not later than 7:00 P.M. on the last Friday before
11 that election, the voter shall appear in person only at the office of the county board of elections,
12 except as provided in G.S. 163A-1303. That voter shall enter the voting enclosure at the board
13 office through the appropriate entrance and shall at once state his or her name and place of
14 residence to an authorized member or employee of the board and present photo identification in
15 accordance with ~~G.S. 163A-1145.~~G.S. 163A-1145.1. In a primary election, the voter shall also
16 state the political party with which the voter affiliates and in whose primary the voter desires to
17 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party
18 under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose
19 primary he wishes to vote. The board member or employee to whom the voter gives this
20 information shall announce the name and residence of the voter in a distinct tone of voice. After
21 examining the registration records, an employee of the board shall state whether the person
22 seeking to vote is duly registered. If the voter is found to be registered that voter may request that
23 the authorized member or employee of the board furnish the voter with an application form as
24 specified in G.S. 163A-1391. The voter shall complete the application in the presence of the
25 authorized member or employee of the board, and shall deliver the application to that person."

26 **SECTION 1.5(a)** The Bipartisan State Board of Elections and Ethics Enforcement
27 (State Board) shall establish an aggressive voter education program concerning the provisions
28 contained in this legislation. The State Board shall educate the public as follows:

- 29 (1) Post information concerning changes contained in this legislation in a
30 conspicuous location at each county board of elections, the State Board's
31 office, and their respective websites.
- 32 (2) Train precinct officials at training sessions required as provided in
33 G.S. 163A-889 to answer questions by voters concerning the changes in this
34 legislation.
- 35 (3) Require documentation describing the changes in this legislation to be
36 disseminated by precinct officials at every election held following the
37 effective date of this act.
- 38 (4) Coordinate with each county board of elections so that at least two seminars
39 are conducted in each county prior to September 1, 2019.
- 40 (5) Coordinate with local and service organizations to provide for additional
41 informational seminars at a local or statewide level.
- 42 (6) Coordinate with local media outlets, county boards of commissions, and
43 county boards of elections to disseminate information in a way that would
44 reasonably inform the public concerning the changes in this legislation,
45 including disseminating the information in Spanish and other languages
46 deemed necessary.
- 47 (7) Provide educational materials regarding the provisions of this act, the
48 requirements to vote absentee, early, or on election day, a description of voting
49 by provisional ballot, and the availability of a free North Carolina voter photo
50 identification card pursuant to G.S. 163A-869.1 to underserved and minority
51 communities.

- 1 (8) Notify each registered voter who does not have a North Carolina issued
2 drivers license or identification card a notice of the provisions of this act by
3 no later than September 1, 2019. This notice must include the requirements to
4 vote absentee, early, or on election day and a description of voting by
5 provisional ballot. It must also state the availability of a free North Carolina
6 voter photo identification card pursuant to G.S. 163A-869.1.
- 7 (9) Mail information to all registered voters twice in 2019 and twice in 2020 that,
8 at a minimum, describes forms of acceptable photo identification when
9 presenting to vote in person, the options for provisional voting for registered
10 voters who do not present the required photo identification, and a description
11 of voting mail-in absentee.
- 12 (10) In addition to the items above, the State Board may implement additional
13 educational programs in its discretion.

14 **SECTION 1.5(b)** The State Board is directed to create a list containing all registered
15 voters of North Carolina who are otherwise qualified to vote but do not have a North Carolina
16 drivers license or other form of identification containing a photograph issued by the Division of
17 Motor Vehicles of the Department of Transportation, as of September 1, 2019. The list must be
18 made available to any registered voter upon request. The State Board may charge a reasonable
19 fee for the provision of the list in order to recover associated costs of producing the list. The
20 Division of Motor Vehicles must provide the list of persons with a North Carolina drivers license
21 or other form of identification containing a photograph issued by the Division of Motor Vehicles
22 at no cost to the State Board.

23 **SECTION 1.5(c)** County boards of elections shall make available information
24 describing the changes in this legislation, including acceptable forms of photograph
25 identification, to all voters in the 2019 municipal primary and election and at the 2020 primary
26 election.

27 **PART II: REPEAL OF UNCODIFIED SECTIONS OF THE VOTER INFORMATION** 28 **VERIFICATION ACT**

29 **SECTION 2.(a)** Sections 1.1, 5.2, 5.4, and 5.5 of S.L. 2013-381 are repealed.

30 **SECTION 2.(b)** Section 5.3 of S.L. 2013-381, as amended by Section 8.(g) of S.L.
31 2015-103, is repealed.
32

33 **PART III: REPEAL OF CODIFIED SECTIONS OF THE VOTER INFORMATION** 34 **VERIFICATION ACT AND RELATED STATUTES**

35 **SECTION 3.1(a)** G.S. 163A-868 is repealed.

36 **SECTION 3.1(b)** G.S. 163A-869(e) reads as rewritten:

37 "(e) Display of Card May Not Be Required to Vote. – No county board of elections may
38 require that a voter registration card be displayed in order to vote. ~~A county board of elections~~
39 ~~may notify a voter that the voter's registration card may be used for the required identification in~~
40 ~~conjunction with a reasonable impediment declaration in accordance with G.S. 163A-1147."~~
41

42 **SECTION 3.1(c)** G.S. 163A-913 reads as rewritten:

43 **"§ 163A-913. Challenges allowed on day of primary or election.**

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

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

50 (1) One or more of the reasons listed in G.S. 163A-911(c).

51 (2) That the person has already voted in that primary or election.

- 1 (3) If the challenge is made with respect to voting in a partisan primary, that the
 2 person is a registered voter of another political party.
 3 (4) ~~Except as provided in G.S. 163A-1145(d) and G.S. 163A-1146, the voter does~~
 4 ~~not present photo identification in accordance with G.S. 163A-1145.~~
 5 (4a) The voter does not present photo identification in accordance with
 6 G.S. 163A-1145.1.

7 The chief judge, judge, or assistant appointed under G.S. 163A-815 or 163A-818 may enter
 8 challenges under this section against voters in the precinct for which appointed regardless of the
 9 place of residence of the chief judge, judge, or assistant.

10 If a person is challenged under this subsection, and the challenge is sustained under
 11 G.S. 163A-911(c)(3), the voter may still transfer that voter's registration under G.S. 163A-878(e)
 12 if eligible under that section, and the registration shall not be cancelled under G.S. 163A-919(a)
 13 if the transfer is made. A person who has transferred that voter's registration under
 14 G.S. 163A-911(c)(3) may be challenged at the precinct to which the registration is being
 15 transferred."

16 **SECTION 3.1(d)** G.S. 163A-1140(b) is repealed.

17 **SECTION 3.1(e)** G.S. 163A-1145 is repealed.

18 **SECTION 3.1(f)** G.S. 163A-1146 is repealed.

19 **SECTION 3.1(g)** G.S. 163A-1147 is repealed.

20 **SECTION 3.1(h)** G.S. 163A-1167 is repealed.

21 **SECTION 3.1(i)** G.S. 163A-1168 is repealed.

22 **SECTION 3.1(j)** G.S. 163A-1301 is repealed.

23 **SECTION 3.2(a)** G.S. 130A-93.1(c) reads as rewritten:

24 "(c) Upon verification of voter registration, the State Registrar shall not charge any fee
 25 under subsection (a) of this section to a registered voter who signs a declaration stating the
 26 registered voter is registered to vote in this State and does not have a certified copy of that
 27 registered voter's birth certificate or marriage license necessary to obtain photo identification
 28 acceptable under ~~G.S. 163A-1145~~. G.S. 163A-1145.1. Any declaration shall prominently include
 29 the penalty under G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

30 **SECTION 3.2(b)** G.S. 161-10(a)(8) reads as rewritten:

31 "(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For
 32 furnishing a certified copy of a death or birth certificate or marriage license
 33 ten dollars (\$10.00). Provided however, a register of deeds, in accordance with
 34 G.S. 130A-93, may issue without charge a certified birth certificate to any
 35 person over the age of 62 years. Provided, however, upon verification of voter
 36 registration, a register of deeds, in accordance with G.S. 130A-93, shall issue
 37 without charge a certified copy of a birth certificate or a certified copy of a
 38 marriage license to any registered voter who declares the registered voter is
 39 registered to vote in this State and does not have a certified copy of that
 40 registered voter's birth certificate or marriage license necessary to obtain
 41 photo identification acceptable under ~~G.S. 163A-1145~~. G.S. 163A-1145.1.
 42 Any declaration shall prominently include the penalty under
 43 G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

44 **SECTION 3.2(c)** G.S. 163A-1389(13) reads as rewritten:

45 "(13) For any person falsely to make or present any certificate or other paper to
 46 qualify any person fraudulently as a voter, or to attempt thereby to secure to
 47 any person the privilege of voting, including declarations made under this
 48 ~~Subchapter, G.S. 20-37.7(d)(5), 20-37.7(d)(6), 130A-93.1(e), Subchapter,~~
 49 G.S. 130A-93.1(c), and G.S. 161-10(a)(8)."

50 **SECTION 3.2(d)** G.S. 163A-1389 is amended by adding a new subdivision to read:

1 "(19) To counterfeit, sell, lend to, or knowingly permit the use of, by one not entitled
2 thereto, a form of photo identification provided in G.S. 163A-1145.1 for the
3 purposes of voting."

4 **SECTION 3.3** G.S. 163A-821 reads as rewritten:

5 "**§ 163A-821. Observers; appointment.**

6 (a) The chair of each political party in the county shall have the right to designate two
7 observers to attend each voting place at each primary and election and such observers may, at the
8 option of the designating party chair, be relieved during the day of the primary or election after
9 serving no less than four hours and provided the list required by this section to be filed by each
10 chair contains the names of all persons authorized to represent such chair's political party. The
11 chair of each political party in the county shall have the right to designate 10 additional at-large
12 observers who are residents of that county who may attend any voting place in that county. The
13 chair of each political party in the State shall have the right to designate up to 100 additional
14 at-large observers who are residents of the State who may attend any voting place in the State.
15 The list submitted by the chair of the political party may be amended between the one-stop period
16 under G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 and general
17 election day to substitute one or all at-large observers for election day. Not more than two
18 observers from the same political party shall be permitted in the voting enclosure at any time,
19 except that in addition one of the at-large observers from each party may also be in the voting
20 enclosure. This right shall not extend to the chair of a political party during a primary unless that
21 party is participating in the primary. In any election in which an unaffiliated candidate is named
22 on the ballot, the candidate or the candidate's campaign manager shall have the right to appoint
23 two observers for each voting place consistent with the provisions specified herein. Persons
24 appointed as observers by the chair of a county political party must be registered voters of the
25 county for which appointed and must have good moral character. Persons appointed as observers
26 by the chair of a State political party must be registered voters of the State and must have good
27 moral character. No person who is a candidate on the ballot in a primary or election may serve
28 as an observer or runner in that primary or election. Observers shall take no oath of office.

29 (b) Individuals authorized to appoint observers must submit in writing to the chief judge
30 of each precinct a signed list of the observers appointed for that precinct, except that the list of
31 at-large observers authorized in subsection (a) of this section shall be submitted to the county
32 director of elections. Individuals authorized to appoint observers must, prior to 10:00 A.M. on
33 the fifth day prior to any primary or general election, submit in writing to the chair of the county
34 board of elections two signed copies of a list of observers appointed by them, designating the
35 precinct or at-large status for which each observer is appointed. Before the opening of the voting
36 place on the day of a primary or general election, the chair shall deliver one copy of the list to
37 the chief judge for each affected precinct, except that the list of at-large observers shall be
38 provided by the county director of elections to the chief judge. The chair shall retain the other
39 copy. The chair, or the chief judge and judges for each affected precinct, may for good cause
40 reject any appointee and require that another be appointed. The names of any persons appointed
41 in place of those persons rejected shall be furnished in writing to the chief judge of each affected
42 precinct no later than the time for opening the voting place on the day of any primary or general
43 election, either by the chair of the county board of elections or the person making the substitute
44 appointment.

45 If party chairs appoint observers at one-stop sites under G.S. 163A-1300, ~~163A-1301~~,
46 163A-1302, 163A-1303, and 163A-1304, those party chairs shall provide a list of the observers
47 appointed before 10:00 A.M. on the fifth day before the observer is to observe. At-large observers
48 may serve at any one-stop site.

49 "

50 **SECTION 3.4(a)** G.S. 163A-867(g)(2) reads as rewritten:

1 "(2) If the Postal Service has returned as undeliverable a notice sent within 25 days
2 before the election to the applicant under subsection (c) of this section, then
3 the applicant may vote only in person in that first election and may not vote
4 by absentee ballot except in person under G.S. 163A-1300, ~~163A-1301~~,
5 163A-1302, 163A-1303, and 163A-1304. The county board of elections shall
6 establish a procedure at the voting site for:

- 7 a. Obtaining the correct address of any person described in this
8 subdivision who appears to vote in person; and
- 9 b. Assuring that the person votes in the proper place and in the proper
10 contests.

11 If a notice mailed under subsection (c) or subsection (e) of this section is
12 returned as undeliverable after a person has already voted by absentee ballot,
13 then that person's ballot may be challenged in accordance with
14 G.S. 163A-916."

15 **SECTION 3.4(b)** G.S. 163A-1133(b) reads as rewritten:

16 "(b) Photographing Voters Prohibited. – No person shall photograph, videotape, or
17 otherwise record the image of any voter within the voting enclosure, except with the permission
18 of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission
19 of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300,
20 ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras
21 used as a regular part of the security of the facility that is a voting place or one-stop site."

22 **SECTION 3.4(c)** G.S. 163A-1134(e) reads as rewritten:

23 "(e) Buffer Zone and Area for Election-Related Activity at One-Stop Sites. – Except as
24 modified in this subsection, the provisions of this section shall apply to one-stop voting sites in
25 G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304.

26 (1) Subsection (c) of this section shall not apply.

27 (2) The notice in subsection (d) of this section shall be provided no later than 10
28 days before the opening of one-stop voting at the site."

29 **SECTION 3.4(d)** G.S. 163A-1298(a) reads as rewritten:

30 "(a) Any person who shall, in connection with absentee voting in any election held in this
31 State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a Class
32 I felony. It shall be unlawful:

33 (1) For any person except the voter's near relative or the voter's verifiable legal
34 guardian to assist the voter to vote an absentee ballot when the voter is voting
35 an absentee ballot other than under the procedure described in
36 G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304;
37 provided that if there is not a near relative or legal guardian available to assist
38 the voter, the voter may request some other person to give assistance.

39 (2) For any person to assist a voter to vote an absentee ballot under the absentee
40 voting procedure authorized by G.S. 163A-1300, ~~163A-1301~~, 163A-1302,
41 163A-1303, and 163A-1304 except as provided in that section.

42 (3) For a voter who votes an absentee ballot under the procedures authorized by
43 G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 to
44 vote that voter's absentee ballot outside of the voting booth or private room
45 provided to the voter for that purpose in or adjacent to the office of the county
46 board of elections or at the additional site provided by G.S. 163A-1302, or to
47 receive assistance except as provided in G.S. 163A-1300, ~~163A-1301~~,
48 163A-1302, 163A-1303, and 163A-1304.

49 "

50 **SECTION 3.4(e)** G.S. 163A-1300(a) reads as rewritten:

1 "(a) Any voter eligible to vote by absentee ballot under G.S. 163A-1295 may request an
2 application for absentee ballots, complete the application, and vote under the provisions of this
3 section and ~~G.S. 163A-1301, 163A-1302,~~ G.S. 163A-1302, 163A-1303, and 163A-1304."

4 **SECTION 3.4(f)** G.S. 163A-1300(i) reads as rewritten:

5 "(i) Notwithstanding the provisions of G.S. 163A-916(a) and (b), a challenge may be
6 entered against a voter at a one-stop site under G.S. 163A-1303 or during one-stop voting at the
7 county board office. The challenge may be entered by a person conducting one-stop voting under
8 this section and ~~G.S. 163A-1301, 163A-1302,~~ G.S. 163A-1302, 163A-1303, and 163A-1304 or
9 by another registered voter who resides in the same precinct as the voter being challenged. If
10 challenged at the place where one-stop voting occurs, the voter shall be allowed to cast a ballot
11 in the same way as other voters. The challenge shall be made on forms prescribed by the State
12 Board. The challenge shall be heard by the county board of elections in accordance with the
13 procedures set forth in G.S. 163A-916(e)."

14 **SECTION 3.4(g)** G.S. 163A-1303 reads as rewritten:

15 "**§ 163A-1303. Sites and hours for one-stop voting.**

16 (a) Notwithstanding any other provision of G.S. 163A-1300, ~~163A-1301,~~ 163A-1302,
17 this section, and G.S. 163A-1304, a county board of elections by unanimous vote of all its
18 members may provide for one or more sites in that county for absentee ballots to be applied for
19 and cast under these sections. Every individual staffing any of those sites shall be a member or
20 full-time employee of the county board of elections or an employee of the county board of
21 elections whom the board has given training equivalent to that given a full-time employee. Those
22 sites must be approved by the State Board as part of a Plan for Implementation approved by both
23 the county board of elections and by the State Board which shall also provide adequate security
24 of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan
25 for Implementation shall include a provision for the presence of political party observers at each
26 one-stop site equivalent to the provisions in G.S. 163A-821 for party observers at voting places
27 on election day. A county board of elections may propose in its Plan not to offer one-stop voting
28 at the county board of elections office; the State Board may approve that proposal in a Plan only
29 if the Plan includes at least one site reasonably proximate to the county board of elections office
30 and the State Board finds that the sites in the Plan as a whole provide adequate coverage of the
31 county's electorate. If a county board of elections has considered a proposed Plan or Plans for
32 Implementation and has been unable to reach unanimity in favor of a Plan, a member or members
33 of that county board of elections may petition the State Board to adopt a plan for it. If petitioned,
34 the State Board may also receive and consider alternative petitions from another member or
35 members of that county board. The State Board may adopt a Plan for that county. The State
36 Board, in that plan, shall take into consideration factors including geographic, demographic, and
37 partisan interests of that county.

38 (b) The State Board shall not approve, either in a Plan approved unanimously by a county
39 board of elections or in an alternative Plan proposed by a member or members of that board, a
40 one-stop site in a building that the county board of elections is not entitled under G.S. 163A-1046
41 to demand and use as an election-day voting place, unless the State Board finds that other equally
42 suitable sites were not available and that the use of the sites chosen will not unfairly advantage
43 or disadvantage geographic, demographic, or partisan interests of that county. In providing the
44 site or sites for one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this
45 section, and G.S. 163A-1304, the county board of elections shall make a request to the State,
46 county, city, local school board, or other entity in control of the building that is supported or
47 maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of
48 one-stop absentee voting under these sections. The request shall clearly identify the building, or
49 any specific portion thereof, requested the dates and times for which that building or specific
50 portion thereof is requested and the requirement of an area for election related activity. If the
51 State, local governing board, or other entity in control of the building does not respond to the

1 request within 20 days, the building or specific portion thereof may be used for one-stop absentee
2 voting as stated in the request. If the State, local governing board, or other entity in control of the
3 building or specific portion thereof responds negatively to the request within 20 days, that entity
4 and the county board of elections shall, in good faith, work to identify a building or specific
5 portion thereof in which to conduct one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~
6 163A-1302, this section, and G.S. 163A-1304. If no building or specific portion thereof has been
7 agreed upon within 45 days from the date the county board of elections received a response to
8 the request, the matter shall be resolved by the State Board.

9"

10 **SECTION 3.4(h)** G.S. 163A-1306 reads as rewritten:

11 "**§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public**
12 **record.**

13 The State Board shall approve an official register in which the county board of elections in
14 each county of the State shall record the following information:

- 15 (1) Name of voter for whom application and ballots are being requested, and, if
16 applicable, the name and address of the voter's near relative or verifiable legal
17 guardian who requested the application and ballots for the voter.
- 18 (2) Number of assigned voter's application when issued.
- 19 (3) Precinct in which applicant is registered.
- 20 (4) Address to which ballots are to be mailed, or, if the voter voted pursuant to
21 G.S. 163A-1300, ~~163A-1301,~~163A-1302, 163A-1303, and 163A-1304, a
22 notation of that fact.
- 23 (5) Date request for application for ballots is received by the county board of
24 elections.
- 25 (6) The voter's party affiliation.
- 26 (7) The date the ballots were mailed or delivered to the voter.
- 27 (8) Whatever additional information and official action may be required by this
28 Part.

29 The State Board may provide for the register to be kept by electronic data processing
30 equipment, and a copy shall be printed out each business day or a supplement printed out each
31 business day of new information.

32 The register of absentee requests, applications and ballots issued shall constitute a public
33 record and shall be opened to the inspection of any registered voter of the county within 60 days
34 before and 30 days after an election in which absentee ballots were authorized, or at any other
35 time when good and sufficient reason may be assigned for its inspection."

36 **SECTION 3.4(i)** G.S. 163A-1308(c) reads as rewritten:

37 "(c) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When
38 the county board of elections receives a completed request form for applications and absentee
39 ballots, the board shall promptly issue and transmit them to the voter in accordance with the
40 following instructions:

- 41 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
42 member, officer, or employee of the board of elections shall write or type the
43 words "Absentee Ballot No. ____ " or an abbreviation approved by the State
44 Board and insert in the blank space the number assigned the applicant's
45 application in the register of absentee requests, applications, and ballots
46 issued. That person shall not write, type, or print any other matter upon the
47 ballots transmitted to the absentee voter. Alternatively, the board of elections
48 may cause to be barcoded on the ballot the voter's application number, if that
49 barcoding system is approved by the State Board.
- 50 (2) The chair, member, officer, or employee of the board of elections shall fold
51 and place the ballots (identified in accordance with the preceding instruction)

1 in a container-return envelope and write or type in the appropriate blanks
 2 thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee
 3 voter's name, the absentee voter's application number, and the designation of
 4 the precinct in which the voter is registered. If the ballot is barcoded under
 5 this section, the envelope may be barcoded rather than having the actual
 6 number appear. The person placing the ballots in the envelopes shall leave the
 7 container-return envelope holding the ballots unsealed.

- 8 (3) The chair, member, officer, or employee of the board of elections shall then
 9 place the unsealed container-return envelope holding the ballots together with
 10 printed instructions for voting and returning the ballots, in an envelope
 11 addressed to the voter at the post office address stated in the request, seal the
 12 envelope, and mail it at the expense of the county board of elections: Provided,
 13 that in case of a request received after 5:00 p.m. on the Tuesday before the
 14 election under the provisions of subsection (b) of this section, in lieu of
 15 transmitting the ballots to the voter in person or by mail, the chair, member,
 16 officer, or employee of the board of elections may deliver the sealed envelope
 17 containing the instruction sheet and the container-return envelope holding the
 18 ballots to a near relative or verifiable legal guardian of the voter.

19 The county board of elections may receive completed written request forms for applications
 20 at any time prior to the election but shall not mail applications and ballots to the voter or issue
 21 applications and ballots in person earlier than 60 days prior to the statewide general election in
 22 an even-numbered year, or earlier than 50 days prior to any other election, except as provided in
 23 G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304. No election official shall
 24 issue applications for absentee ballots except in compliance with this Part."

25 **SECTION 3.4(j)** G.S. 163A-1310(c) reads as rewritten:

26 "(c) For purposes of this section, "Delivered in person" includes delivering the ballot to
 27 an election official at a one-stop voting site under G.S. 163A-1300, ~~163A-1301~~, 163A-1302,
 28 163A-1303, and 163A-1304 during any time that site is open for voting. The ballots shall be kept
 29 securely and delivered by election officials at that site to the county board of elections office for
 30 processing."

31 **SECTION 3.4(k)** G.S. 163A-1315 reads as rewritten:

32 "**§ 163A-1315. Counting absentee ballots by county board of elections.**

33 All absentee ballots returned to the county board of elections in the container-return
 34 envelopes shall be retained by the board to be counted by the county board of elections as herein
 35 provided.

36 ...

- 37 (6) As each ballot envelope is opened, the board shall cause to be entered into a
 38 pollbook designated "Pollbook of Absentee Voters" the name of the absentee
 39 voter, or if the pollbook is computer-generated, the board shall check off the
 40 name. Preserving secrecy, the ballots shall be placed in the appropriate ballot
 41 boxes, at least one of which shall be provided for each type of ballot. The
 42 "Pollbook of Absentee Voters" shall also contain the names of all persons who
 43 voted under G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and
 44 163A-1304, but those names may be printed by computer for inclusion in the
 45 pollbook.

46 After all ballots have been placed in the boxes, the counting process shall
 47 begin.

48 If one-stop ballots under G.S. 163A-1300, ~~163A-1301~~, 163A-1302,
 49 163A-1303, and 163A-1304 are counted electronically, that count shall
 50 commence at the time the polls close. If one-stop ballots are paper ballots

1 counted manually, that count shall commence at the same time as other
2 absentee ballots are counted.

3 If a challenge transmitted to the board on canvass day by a chief judge is
4 sustained, the ballots challenged and sustained shall be withdrawn from the
5 appropriate boxes, as provided in G.S. 163A-916(e).

6 As soon as the absentee ballots have been counted and the names of the
7 absentee voters entered in the pollbook as required herein, the board members
8 and assistants employed to count the absentee ballots shall each sign the
9 pollbook immediately beneath the last absentee voter's name entered therein.
10 The county board of elections shall be responsible for the safekeeping of the
11 pollbook of absentee voters.

- 12 (7) Upon completion of the counting process the board members shall cause the
13 results of the tally to be entered on the absentee abstract prescribed by the
14 State Board. The abstract shall be signed by the members of the board in
15 attendance and the original mailed immediately to the State Board. The county
16 board of elections may have a separate count on the abstract for one-stop
17 absentee ballots under G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303,
18 and 163A-1304.

19"

20 **SECTION 3.4(l)** G.S. 163A-1368 reads as rewritten:

21 "**§ 163A-1368. Absentee voting at office of board of elections.**

22 Notwithstanding any other provisions of this Subchapter, any covered voter under this Part
23 shall be permitted to vote an absentee ballot pursuant to G.S. 163A-1300, ~~163A-1301~~,
24 163A-1302, 163A-1303, and 163A-1304 if the covered voter has not already voted an absentee
25 ballot which has been returned to the board of elections, and if the covered voter will not be in
26 the county on the day of the primary or election.

27 In the event an absentee application or ballot has already been mailed to the covered voter
28 applying to vote pursuant to G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and
29 163A-1304, the board of elections shall void the application and ballot unless the voted absentee
30 ballot has been received by the board of elections. The covered voter shall be eligible to vote
31 pursuant to G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 no later than
32 5:00 P.M. on the day next preceding the primary, second primary or election."

33 **SECTION 3.4(m)** G.S. 163A-1411(41) reads as rewritten:

34 "(41) The term "electioneering communication" means any broadcast, cable, or
35 satellite communication, or mass mailing, or telephone bank that has all the
36 following characteristics:

- 37 a. Refers to a clearly identified candidate for elected office.
38 b. In the case of the general election in November of the even-numbered
39 year is aired or transmitted after September 7 of that year, and in the
40 case of any other election is aired or transmitted within 60 days of the
41 time set for absentee voting to begin pursuant to G.S. 163A-1300,
42 ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 in an election
43 for that office.
44 c. May be received by either:
45 1. 50,000 or more individuals in the State in an election for
46 statewide office or 7,500 or more individuals in any other
47 election if in the form of broadcast, cable, or satellite
48 communication.
49 2. 20,000 or more households, cumulative per election, in a
50 statewide election or 2,500 households, cumulative per

1 election, in any other election if in the form of mass mailing or
2 telephone bank."

3 **SECTION 3.4(n)** G.S. 163A-1520(a) reads as rewritten:

4 "(a) Judicial Voter Guide. – The State Board shall publish a Judicial Voter Guide that
5 explains the functions of the appellate courts and the laws concerning the election of appellate
6 judges, the purpose and function of the Public Campaign Fund, and the laws concerning voter
7 registration. The State Board shall distribute the Guide to as many voting-age individuals in the
8 State as practical, through a mailing to all residences or other means it deems effective. The
9 distribution shall occur no more than 28 days nor fewer than seven days before the one-stop
10 voting period provided in G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304
11 for the primary and no more than 28 days nor fewer than seven days before the one-stop voting
12 period provided in G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 for
13 the general election."
14

15 **PART IV. APPROPRIATION**

16 **SECTION 4.** The Bipartisan State Board of Elections and Ethics Enforcement may
17 spend the entirety of the Voter Education Fund for the implementation of this act.
18

19 **PART V. EFFECTIVE DATE**

20 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
21 law.