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

Sponsors:

Referred to:

November 27, 2018

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 registered voter, the name of the registered
14 voter, and the voter registration number for that registered voter. The voter photo identification
15 card shall be used for voting purposes only and shall expire 10 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 registered voter's name, the registered voter's date of birth, and the
25 last four digits of the voter's social 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 registered voter may obtain a duplicate card without charge from his or her
31 county board of elections upon request in person, or by telephone or mail.

32 (4) If a registered voter has a change of name and has updated his or her voter
33 registration to reflect the new name, the registered voter may request and
34 obtain a replacement card from the registered voter's county board of elections



1 by providing the registered voter's date of birth and the last four digits of the
2 registered voter's social security number in person, by telephone, or by mail.

3 (e) Ninety days prior to expiration, the county board of elections shall notify any
4 registered voter issued a voter photographic identification card under this section of the
5 impending expiration of the voter photographic identification card."

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

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

12 **"§ 163A-1145.1. Requirement for photo identification to vote in person.**

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

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

18 a. A North Carolina drivers license.

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

22 c. A United States passport.

23 d. A North Carolina voter photo identification card of the registered voter
24 issued pursuant to G.S. 163A-869.1.

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

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

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

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

34 g. A student identification card issued by a constituent institution of The
35 University of North Carolina, a community college, as defined in
36 G.S. 115D-2(2), or eligible private postsecondary institution as
37 defined in G.S. 116-280(3), provided that card is issued in accordance
38 with G.S. 163A-1145.2.

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

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

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

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

49 b. A Veterans Identification Card issued by the United States Department
50 of Veterans Affairs for use at Veterans Administration medical
51 facilities.

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

5 (b) Verification of Photo Identification. – After presentation of the required identification
6 described in subsection (a) of this section, the precinct officials assigned to check registration
7 shall compare the photograph contained on the required identification with the person presenting
8 to vote. The precinct official shall verify that the photograph is that of the person seeking to vote.
9 If the precinct official disputes that the photograph contained on the required identification is the
10 person presenting to vote, a challenge shall be conducted in accordance with the procedures of
11 G.S. 163A-914. A voter shall be permitted to vote unless the judges of election present
12 unanimously agree that the photo identification presented does not bear any reasonable
13 resemblance to that voter.

14 (c) Provisional Ballot Required Without Photo Identification. – If the registered voter
15 cannot produce the identification as required in subsection (a) of this section, the registered voter
16 may cast a provisional ballot that is counted only if the registered voter brings an acceptable form
17 of photograph identification listed in subsection (a) of this section to the county board of elections
18 no later than the end of business on the business day prior to the canvass by the county board of
19 elections as provided in G.S. 163A-1172. The State Board shall provide the registered voter
20 casting a provisional ballot due to failure to provide photo identification an information sheet on
21 the deadline to return to the county board of elections to present photo identification, and what
22 forms of photo identification are acceptable, in order for the voter's provisional ballot to be
23 counted.

24 (d) Exceptions. – The following exceptions are provided for a registered voter who does
25 not produce an acceptable form of identification as required in subsection (a):

26 (1) Religious Objection. – If a registered voter does not produce an acceptable
27 form of photograph identification due to a religious objection to being
28 photographed, the registered voter may complete an affidavit under penalty of
29 perjury at the voting place and affirm that the registered voter: (i) is the same
30 individual who personally appears at the voting place; (ii) will cast the
31 provisional ballot while voting in person; and (iii) has a religious objection to
32 being photographed. Upon completion of the affidavit, the registered voter
33 may cast a provisional ballot.

34 (2) Reasonable Impediment. – If a registered voter does not produce an acceptable
35 form of photograph identification because the registered voter suffers from a
36 reasonable impediment that prevents the registered voter from presenting
37 photograph identification, the registered voter may complete an affidavit
38 under the penalty of perjury at the voting place and affirm that the registered
39 voter: (i) is the same individual who personally appears at the voting place;
40 (ii) will cast the provisional ballot while voting in person; and (iii) suffers
41 from a reasonable impediment that prevents the registered voter from
42 presenting photograph identification. The registered voter also shall complete
43 a reasonable impediment declaration form provided in subsection (d1) of this
44 section, unless otherwise prohibited by state or federal law. Upon completion
45 of the affidavit, the registered voter may cast a provisional ballot.

46 (3) Natural Disaster. – If a registered voter does not produce an acceptable form
47 of photograph identification due to being a victim of a natural disaster
48 occurring within 100 days before election day that resulted in a disaster
49 declaration by the President of the United States and the Governor of this
50 State, the registered voter may complete an affidavit under penalty of perjury
51 at the voting place and affirm that the registered voter: (i) is the same

1 individual who personally appears at the voting place; (ii) will cast the
2 provisional ballot while voting in person; and (iii) was a victim of a natural
3 disaster occurring within 100 days before election day that resulted in a
4 disaster declaration by the President of the United States and the Governor of
5 this State. Upon completion of the affidavit, the registered voter may cast a
6 provisional ballot.

7 (4) Witness Verification. – If a voter does not produce an acceptable form of
8 photograph identification, the voter may cast a provisional ballot in the
9 presence of two persons, complete a witness verification form as provided in
10 subsection (d2) of this section, and require those two persons in whose
11 presence the voter marked that voter's provisional ballot to sign the witness
12 verification form as witnesses and to indicate those persons' addresses. The
13 persons in whose presence the ballot is marked shall at all times respect the
14 secrecy of the ballot and the privacy of the voter, unless the voter requests
15 assistance and that person is otherwise authorized by law to give assistance.

16 (d1) Reasonable Impediment Declaration Form. – The State Board shall adopt a
17 reasonable impediment declaration form that, at a minimum, includes the following as separate
18 boxes that a registered voter may check to identify the registered voter's reasonable impediment:

19 (1) Inability to obtain photo identification due to:

20 a. Lack of transportation.

21 b. Disability or illness.

22 c. Lack of birth certificate or other underlying documents required.

23 d. Work schedule.

24 e. Family responsibilities.

25 (2) Lost or stolen photo identification.

26 (3) Photo identification applied for but not yet received by the registered voter
27 voting in person.

28 (4) Other reasonable impediment. If the registered voter checks the "other
29 reasonable impediment" box, a further brief written identification of the
30 reasonable impediment shall be required, including the option to indicate that
31 State or federal law prohibits listing the impediment.

32 (d2) Witness Verification Form. – The State Board shall adopt a witness verification form
33 that contains a space for the identification of the two persons witnessing the casting of the ballot,
34 those persons' signatures, and those persons' addresses. Failure to list a ZIP code does not
35 invalidate the witness verification form.

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

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

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

48 **"§ 163A-1145.2. Approval of student identification cards for voting identification.**

49 (a) The State Board shall approve the use of student identification cards issued by a
50 constituent institution of The University of North Carolina, a community college, as defined in

1 G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) for
2 voting identification under G.S. 163A-1145.1 if the following criteria are met:

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

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

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

13 c. The equipment for producing the identification cards is kept in a secure
14 location.

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

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

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

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

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

27 (b) The State Board shall approve the use of student identification cards issued by a
28 constituent institution of The University of North Carolina, a community college, as defined in
29 G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) every
30 four years.

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

34 (d) If a participating college or university with a student identification card approved for
35 use by the State Board as provided in subsection (b) of this section changes the design of the
36 student identification card, that college or university shall provide copies of the new design of
37 the student identification cards to the State Board to assist with training purposes."

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

40 **"§ 163A-1145.3. Approval of employee identification cards for voting identification.**

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

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

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

- 1 b. The identification cards are issued after an employment application
2 process that includes methods of confirming the identity of the
3 employee that include, but are not limited to, the social security
4 number, citizenship status, and birthdate of the employee.
5 c. The equipment for producing the identification cards is kept in a secure
6 location.
7 d. Misuse of the equipment for producing the identification cards would
8 be grounds for termination of an employee.
9 e. State or local officials would report any misuse of identification card
10 equipment to law enforcement if G.S. 163A-1389(19) was potentially
11 violated.
12 f. The cards issued by the state or local government entity contain a date
13 of expiration, effective January 1, 2021.
14 g. The state or local government entity provides copies of standard
15 identification cards to the State Board to assist with training purposes.
16 (2) The state or local government entity complies with any other reasonable
17 security measures determined by the State Board to be necessary for the
18 protection and security of the employee identification process.
19 (b) The State Board shall approve the use of employee identification cards issued by a
20 state or local government entity, including a charter school, for voting identification under
21 G.S. 163A-1145.1 every four years.
22 (c) The State Board shall produce a list of participating employing entities every four
23 years. The list shall be published on the State Board's Web site and distributed to every county
24 board of elections."

25 **SECTION 1.2(d)** G.S. 163A-1307(b) reads as rewritten:

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

- 34 (1) The voter's certification of eligibility to vote the enclosed ballot and of having
35 voted the enclosed ballot in accordance with this Part.
36 (2) A space for identification of the envelope with the voter and the voter's
37 signature.
38 (3) A space for the identification of the two persons witnessing the casting of the
39 absentee ballot in accordance with G.S. 163A-1310, those persons' signatures,
40 and those persons' addresses.
41 (4) A space for the name and address of any person who, as permitted under
42 G.S. 163A-1298(a), assisted the voter if the voter is unable to complete and
43 sign the certification and that individual's signature.
44 (5) A space for approval by the county board of elections.
45 (6) A space to allow reporting of a change of name as provided by G.S. 163A-880.
46 (7) A prominent display of the unlawful acts under G.S. 163A-1298 and
47 G.S. 163A-1389, except if there is not room on the envelope, the State Board
48 may provide for that disclosure to be made on a separate piece of paper to be
49 included along with the container-return envelope.
50 (8) Instructions to include a readable photocopy of the voter's photo identification
51 listed as acceptable voting identification under G.S. 163A-1145.1(a), or to

1 bring the required photo identification to the county board of elections no later
2 than the end of business on the business day prior to the canvass by the county
3 board of elections as provided in G.S. 163A-1172, or to provide a completed
4 affidavit in accordance with G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3).

5 The container-return envelope shall be printed in accordance with the instructions of the State
6 Board."

7 **SECTION 1.2(e)** G.S. 163A-1310 reads as rewritten:

8 "**§ 163A-1310. Voting absentee ballots and transmitting them to the county board of**
9 **elections.**

10 (a) Procedure for Voting Absentee Ballots. – In the presence of two persons who are at
11 least 18 years of age, and who are not disqualified by G.S. 163A-1298(a)(4) or
12 G.S. 163A-1317(c), the voter shall do all of the following:

- 13 (1) Mark the voter's ballots, or cause them to be marked by that person in the
14 voter's presence according to the voter's instruction.
- 15 (2) Fold each ballot separately, or cause each of them to be folded in the voter's
16 presence.
- 17 (3) Place the folded ~~ballots~~ballots, along with a readable photocopy of the voter's
18 photo identification listed as acceptable voting identification under
19 G.S. 163A-1145.1(a) or the completed affidavit in accordance with
20 G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3), in the container-return envelope
21 and securely seal it, or have this done in the voter's presence.
- 22 (4) Make the application printed on the container-return envelope according to
23 the provisions of G.S. 163A-1307(b) and make the certificate printed on the
24 container-return envelope according to the provisions of G.S. 163A-1307(b).
- 25 (5) Require those two persons in whose presence the voter marked that voter's
26 ballots to sign the application and certificate as witnesses and to indicate those
27 persons' addresses. Failure to list a ZIP code does not invalidate the
28 application and certificate.

29 Alternatively to the prior paragraph of this subsection, any requirement for two witnesses
30 shall be satisfied if witnessed by one notary public, who shall comply with all the other
31 requirements of that paragraph. The notary shall affix a valid notarial seal to the envelope, and
32 include the word "Notary Public" below his or her signature.

33 The persons in whose presence the ballot is marked shall at all times respect the secrecy of
34 the ballot and the privacy of the absentee voter, unless the voter requests assistance and that
35 person is otherwise authorized by law to give assistance. When thus executed, the sealed
36 container-return envelope, with the ballots enclosed, shall be transmitted in accordance with the
37 provisions of subsection (b) of this section to the county board of elections which issued the
38 ballots.

39 ...

40 (d) If the registered voter does not include a completed affidavit in accordance with
41 G.S. 163A-1145.1(d)(1), (d)(2), or (d)(3) or a readable photocopy of the voter's photo
42 identification listed as acceptable voting identification under G.S. 163A-1145.1(a), the voter's
43 ballot is counted only if the voter brings a photo identification listed as acceptable voting
44 identification under G.S. 163A-1145.1(a) to the county board of elections no later than the end
45 of business on the business day prior to the canvass by the county board of elections as provided
46 in G.S. 163A-1172.

47 (e) Any readable photocopy of a registered voter's photo identification received by a
48 county board shall be treated as a voted ballot under G.S. 163A-1105. The county board shall
49 provide for secure storage of such personal identifying information."

50 **SECTION 1.2(f)** Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and
51 163A-1145.3, the State Board shall approve (i) tribal enrollment cards issued by a tribe

1 recognized by this State under Chapter 71A of the General Statutes; (ii) student identification
2 cards issued by a constituent institution of The University of North Carolina, a community
3 college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in
4 G.S. 116-280(3); and (iii) employee identification cards issued by a state or local government
5 entity, including a charter school, for use as voting identification under G.S. 163A-1145.1 no
6 later than March 15, 2019, for use in primaries and elections held in 2019 and 2020, and again
7 no later than May 15, 2021, for elections held on or after that date. The State Board shall adopt
8 temporary rules on reasonable security measures for use of student or employee identification
9 cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than February
10 1, 2019. The State Board shall adopt permanent rules on reasonable security measures for use of
11 student or employee identification cards for voting identification in G.S. 163A-1145.2 and
12 G.S. 163A-1145.3 no later than May 15, 2021. The State Board shall produce the initial list of
13 participating institutions and employing entities no later than April 1, 2019.

14 **SECTION 1.2(g)** Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and
15 163A-1145.3, a student identification card issued by a constituent institution of The University
16 of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private
17 postsecondary institution as defined in G.S. 116-280(3) or an employee identification card issued
18 by state or local government entity that does not contain an expiration date shall be eligible for
19 use in any election held before January 1, 2021.

20 **SECTION 1.2(h)** Notwithstanding G.S. 163A-1145.1(d)(2), for elections held in
21 2019, any voter who does not present a photograph identification listed as acceptable in
22 G.S. 163A-1145.1(a) when presenting to vote in person shall be allowed to complete a reasonable
23 impediment affidavit and cast a provisional ballot, listing as the impediment not being aware of
24 the requirement to present photograph identification when voting in person or failing to bring
25 photograph identification to the voting place.

26 **SECTION 1.3** G.S. 20-37.7 reads as rewritten:
27 **"§ 20-37.7. Special identification card.**

28 ...

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

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

- 36 (1) The applicant is legally blind.
- 37 (2) The applicant is at least ~~70~~17 years old.
- 38 (3) The applicant or who has been issued a drivers license but the drivers license
39 is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a
40 result of a physical or mental disability or disease.
- 41 (4) The applicant is homeless. To obtain a special identification card without
42 paying a fee, a homeless person must present a letter to the Division from the
43 director of a facility that provides care or shelter to homeless persons verifying
44 that the person is homeless.
- 45 ~~(5) The applicant is registered to vote in this State and does not have photo~~
46 ~~identification acceptable under G.S. 163A-1145. To obtain a special~~
47 ~~identification card without paying a fee, a registered voter shall sign a~~
48 ~~declaration stating the registered voter is registered and does not have other~~
49 ~~photo identification acceptable under G.S. 163A-1145. The Division shall~~
50 ~~verify that voter registration prior to issuing the special identification card.~~

1 Any declaration shall prominently include the penalty under
2 G.S. 163A-1389(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. 163A-883 and does not have other photo
5 identification acceptable under G.S. 163A-1145. To obtain a special
6 identification card without paying a fee, that applicant shall sign a declaration
7 stating that applicant is registering to vote and does not have other photo
8 identification acceptable under G.S. 163A-1145. Any declaration shall
9 prominently include the penalty under G.S. 163A-1389(13) for falsely making
10 the declaration.

11 (7) The applicant has a developmental disability. To obtain a special identification
12 card without paying a fee pursuant to this subdivision, an applicant must
13 present a letter from his or her primary care provider certifying that the
14 applicant has a developmental disability. For purposes of this subdivision, the
15 term "developmental disability" has the same meaning as in G.S. 122C-3.

16 ...

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

24"

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

26 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
27 through the appropriate entrance. A precinct official assigned to check registration shall at once
28 ask the voter to state current name and residence address. The voter shall answer by stating
29 current name and residence address and presenting photo identification in accordance with
30 ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. In a primary election, that voter shall also be asked to state,
31 and shall state, the political party with which the voter is affiliated or, if unaffiliated, the
32 authorizing party in which the voter wishes to vote. After examination, that official shall state
33 whether that voter is duly registered to vote in that precinct and shall direct that voter to the
34 voting equipment or to the official assigned to distribute official ballots. If a precinct official
35 states that the person is duly registered, the person shall sign the pollbook, other voting record,
36 or voter authorization document in accordance with subsection (c) of this section before voting."

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

38 "(b) Not earlier than the third Wednesday before an election, in which absentee ballots are
39 authorized, in which a voter seeks to vote and not later than 7:00 P.M. on the last Friday before
40 that election, the voter shall appear in person only at the office of the county board of elections,
41 except as provided in G.S. 163A-1303. That voter shall enter the voting enclosure at the board
42 office through the appropriate entrance and shall at once state his or her name and place of
43 residence to an authorized member or employee of the board and present photo identification in
44 accordance with ~~G.S. 163A-1145.~~ G.S. 163A-1145.1. In a primary election, the voter shall also
45 state the political party with which the voter affiliates and in whose primary the voter desires to
46 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party
47 under G.S. 163A-989, the voter shall state the name of the authorizing political party in whose
48 primary he wishes to vote. The board member or employee to whom the voter gives this
49 information shall announce the name and residence of the voter in a distinct tone of voice. After
50 examining the registration records, an employee of the board shall state whether the person
51 seeking to vote is duly registered. If the voter is found to be registered that voter may request that

1 the authorized member or employee of the board furnish the voter with an application form as
2 specified in G.S. 163A-1391. The voter shall complete the application in the presence of the
3 authorized member or employee of the board, and shall deliver the application to that person."

4 **SECTION 1.4A** G.S. 163A-741 is amended by adding a new subsection to read:

5 "(o1) The State Board shall include in all forms prepared by the Board a prominent
6 statement that submitting fraudulently or falsely completed declarations is a Class I felony under
7 Chapter 163A of the General Statutes."

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

- 11 (1) Post information concerning changes contained in this legislation in a
12 conspicuous location at each county board of elections, the State Board's
13 office, and their respective websites.
- 14 (2) Train precinct officials at training sessions required as provided in
15 G.S. 163A-889 to answer questions by voters concerning the changes in this
16 legislation.
- 17 (3) Require documentation describing the changes in this legislation to be
18 disseminated by precinct officials at every election held following the
19 effective date of this act.
- 20 (4) Coordinate with each county board of elections so that at least two seminars
21 are conducted in each county prior to September 1, 2019.
- 22 (5) Coordinate with local and service organizations to provide for additional
23 informational seminars at a local or statewide level.
- 24 (6) Coordinate with local media outlets, county boards of commissions, and
25 county boards of elections to disseminate information in a way that would
26 reasonably inform the public concerning the changes in this legislation. In
27 executing these duties, the Board shall ensure that it makes necessary efforts
28 to inform the public regarding the provisions of this act; the requirements to
29 vote absentee, early, or on election day; a description of voting by provisional
30 ballot; and the availability of a free North Carolina voter photo identification
31 card pursuant to G.S. 163A-869.1 to rural, military, veteran, elderly,
32 underserved, minority, or other communities as determined by local needs.
- 33 (7) In conducting the educational program under this section, the educational
34 program shall, when appropriate, inform the public regarding the requirements
35 of North Carolina residency to vote, including the requirement for intent to
36 remain in the State, and the penalty for voting in multiple states.
- 37 (8) Notify each registered voter who does not have a North Carolina issued
38 drivers license or identification card a notice of the provisions of this act by
39 no later than September 1, 2019. This notice must include the requirements to
40 vote absentee, early, or on election day and a description of voting by
41 provisional ballot. It must also state the availability of a free North Carolina
42 voter photo identification card pursuant to G.S. 163A-869.1.
- 43 (9) Mail information to all registered voters twice in 2019 and twice in 2020 that,
44 at a minimum, describes forms of acceptable photo identification when
45 presenting to vote in person, the options for provisional voting for registered
46 voters who do not present the required photo identification, and a description
47 of voting mail-in absentee.
- 48 (10) Prominently place the following statement in all voter education materials
49 mailed to citizens and on informational posters displayed at one-stop voting
50 sites and precincts on election day: "All registered voters will be allowed to
51 vote with or without a photo ID card. When voting in person, you will be

1 asked to present a valid photo identification card. If you do not have a valid
2 photo ID card, you may obtain one from your county board of elections prior
3 to the election, through the end of the early voting period. If you do not have
4 a valid photo ID card on election day, you may still vote and have your vote
5 counted by signing an affidavit of reasonable impediment as to why you have
6 not presented a valid photo ID."

- 7 (11) In addition to the items above, the State Board may implement additional
8 educational programs in its discretion.

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

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

22 **SECTION 1.5(d)** By September 1, 2019, the State Board of Elections and Ethics
23 Enforcement shall review, update, and make further recommendations to the Joint Legislative
24 Elections Oversight Committee on steps to implement the use of electronic and digital
25 information in all polling places statewide. The review shall address all of the following:

- 26 (1) Obtaining digital photographs of registered voters and verifying identity of
27 those voters, including transfer of digital photographs for registered voters
28 held by the Department of Transportation, Division of Motor Vehicles.
29 (2) Maintaining information stored electronically in a secure fashion.
30 (3) Utilizing electronically stored information, including digital photographs and
31 electronic signatures, to create electronic pollbooks.
32 (4) Using electronic pollbooks to assist in identifying individuals attempting to
33 vote more than once in an election.
34 (5) A proposed plan for a pilot project to implement electronic pollbooks,
35 including the taking of digital photographs at the polling place to supplement
36 the electronic pollbooks.
37 (6) Any other related matter identified by the State Board impacting the use of
38 digital and electronic information in the voting place.

39
40 **PART II: REPEAL OF UNCODIFIED SECTIONS OF THE VOTER INFORMATION**
41 **VERIFICATION ACT**

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

43 **SECTION 2.(b)** Section 5.3 of S.L. 2013-381, as amended by Section 8.(g) of S.L.
44 2015-103, is repealed.

45
46 **PART III: REPEAL OF CODIFIED SECTIONS OF THE VOTER INFORMATION**
47 **VERIFICATION ACT AND RELATED STATUTES**

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

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

50 "(e) Display of Card May Not Be Required to Vote. – No county board of elections may
51 require that a voter registration card be displayed in order to vote. ~~A county board of elections~~

1 may notify a voter that the voter's registration card may be used for the required identification in
2 conjunction with a reasonable impediment declaration in accordance with G.S. 163A-1147."

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

4 "**§ 163A-913. Challenges allowed on day of primary or election.**

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

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

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

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

13 (3) If the challenge is made with respect to voting in a partisan primary, that the
14 person is a registered voter of another political party.

15 (4) ~~Except as provided in G.S. 163A-1145(d) and G.S. 163A-1146, the voter does~~
16 ~~not present photo identification in accordance with G.S. 163A-1145.~~

17 (4a) The registered voter does not present photo identification in accordance with
18 G.S. 163A-1145.1.

19 The chief judge, judge, or assistant appointed under G.S. 163A-815 or 163A-818 may enter
20 challenges under this section against voters in the precinct for which appointed regardless of the
21 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. 163A-911(c)(3), the voter may still transfer that voter's registration under G.S. 163A-878(e)
24 if eligible under that section, and the registration shall not be cancelled under G.S. 163A-919(a)
25 if the transfer is made. A person who has transferred that voter's registration under
26 G.S. 163A-911(c)(3) may be challenged at the precinct to which the registration is being
27 transferred."

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

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

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

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

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

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

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

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

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

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

43 "(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For
44 furnishing a certified copy of a death or birth certificate or marriage license
45 ten dollars (\$10.00). Provided however, a register of deeds, in accordance with
46 G.S. 130A-93, may issue without charge a certified birth certificate to any
47 person over the age of 62 years. Provided, however, upon verification of voter
48 registration, a register of deeds, in accordance with G.S. 130A-93, shall issue
49 without charge a certified copy of a birth certificate or a certified copy of a
50 marriage license to any registered voter who declares the registered voter is
51 registered to vote in this State and does not have a certified copy of that

1 registered voter's birth certificate or marriage license necessary to obtain
2 photo identification acceptable under ~~G.S. 163A-1145.~~ G.S. 163A-1145.1.
3 Any declaration shall prominently include the penalty under
4 G.S. 163A-1389(13) for falsely or fraudulently making the declaration."

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

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

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

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

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

16 **"§ 163A-821. Observers; appointment.**

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

40 (b) Individuals authorized to appoint observers must submit in writing to the chief judge
41 of each precinct a signed list of the observers appointed for that precinct, except that the list of
42 at-large observers authorized in subsection (a) of this section shall be submitted to the county
43 director of elections. Individuals authorized to appoint observers must, prior to 10:00 A.M. on
44 the fifth day prior to any primary or general election, submit in writing to the chair of the county
45 board of elections two signed copies of a list of observers appointed by them, designating the
46 precinct or at-large status for which each observer is appointed. Before the opening of the voting
47 place on the day of a primary or general election, the chair shall deliver one copy of the list to
48 the chief judge for each affected precinct, except that the list of at-large observers shall be
49 provided by the county director of elections to the chief judge. The chair shall retain the other
50 copy. The chair, or the chief judge and judges for each affected precinct, may for good cause
51 reject any appointee and require that another be appointed. The names of any persons appointed

1 in place of those persons rejected shall be furnished in writing to the chief judge of each affected
2 precinct no later than the time for opening the voting place on the day of any primary or general
3 election, either by the chair of the county board of elections or the person making the substitute
4 appointment.

5 If party chairs appoint observers at one-stop sites under G.S. 163A-1300, ~~163A-1301,~~
6 163A-1302, 163A-1303, and 163A-1304, those party chairs shall provide a list of the observers
7 appointed before 10:00 A.M. on the fifth day before the observer is to observe. At-large observers
8 may serve at any one-stop site.

9"

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

11 "(2) If the Postal Service has returned as undeliverable a notice sent within 25 days
12 before the election to the applicant under subsection (c) of this section, then
13 the applicant may vote only in person in that first election and may not vote
14 by absentee ballot except in person under G.S. 163A-1300, ~~163A-1301,~~
15 163A-1302, 163A-1303, and 163A-1304. The county board of elections shall
16 establish a procedure at the voting site for:

- 17 a. Obtaining the correct address of any person described in this
18 subdivision who appears to vote in person; and
19 b. Assuring that the person votes in the proper place and in the proper
20 contests.

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

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

26 "(b) Photographing Voters Prohibited. – No person shall photograph, videotape, or
27 otherwise record the image of any voter within the voting enclosure, except with the permission
28 of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission
29 of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300,
30 ~~163A-1301,~~ 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras
31 used as a regular part of the security of the facility that is a voting place or one-stop site."

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

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

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

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

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

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

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

49 (2) For any person to assist a voter to vote an absentee ballot under the absentee
50 voting procedure authorized by G.S. 163A-1300, ~~163A-1301,~~ 163A-1302,
51 163A-1303, and 163A-1304 except as provided in that section.

1 (3) For a voter who votes an absentee ballot under the procedures authorized by
2 G.S. 163A-1300, ~~163A-1301~~, ~~163A-1302~~, 163A-1303, and 163A-1304 to
3 vote that voter's absentee ballot outside of the voting booth or private room
4 provided to the voter for that purpose in or adjacent to the office of the county
5 board of elections or at the additional site provided by G.S. 163A-1302, or to
6 receive assistance except as provided in G.S. 163A-1300, ~~163A-1301~~,
7 163A-1302, 163A-1303, and 163A-1304.

8"

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

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

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

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

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

24 "**§ 163A-1303. Sites and hours for one-stop voting.**

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

47 (b) The State Board shall not approve, either in a Plan approved unanimously by a county
48 board of elections or in an alternative Plan proposed by a member or members of that board, a
49 one-stop site in a building that the county board of elections is not entitled under G.S. 163A-1046
50 to demand and use as an election-day voting place, unless the State Board finds that other equally
51 suitable sites were not available and that the use of the sites chosen will not unfairly advantage

1 or disadvantage geographic, demographic, or partisan interests of that county. In providing the
2 site or sites for one-stop absentee voting under G.S. 163A-1300, ~~163A-1301~~, 163A-1302, this
3 section, and G.S. 163A-1304, the county board of elections shall make a request to the State,
4 county, city, local school board, or other entity in control of the building that is supported or
5 maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of
6 one-stop absentee voting under these sections. The request shall clearly identify the building, or
7 any specific portion thereof, requested the dates and times for which that building or specific
8 portion thereof is requested and the requirement of an area for election related activity. If the
9 State, local governing board, or other entity in control of the building does not respond to the
10 request within 20 days, the building or specific portion thereof may be used for one-stop absentee
11 voting as stated in the request. If the State, local governing board, or other entity in control of the
12 building or specific portion thereof responds negatively to the request within 20 days, that entity
13 and the county board of elections shall, in good faith, work to identify a building or specific
14 portion thereof in which to conduct one-stop absentee voting under G.S. 163A-1300, ~~163A-1301~~,
15 163A-1302, this section, and G.S. 163A-1304. If no building or specific portion thereof has been
16 agreed upon within 45 days from the date the county board of elections received a response to
17 the request, the matter shall be resolved by the State Board.

18"

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

20 "**§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public**
21 **record.**

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

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

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

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

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

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

- 50 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
51 member, officer, or employee of the board of elections shall write or type the

1 words "Absentee Ballot No. ____ " or an abbreviation approved by the State
2 Board and insert in the blank space the number assigned the applicant's
3 application in the register of absentee requests, applications, and ballots
4 issued. That person shall not write, type, or print any other matter upon the
5 ballots transmitted to the absentee voter. Alternatively, the board of elections
6 may cause to be barcoded on the ballot the voter's application number, if that
7 barcoding system is approved by the State Board.

8 (2) The chair, member, officer, or employee of the board of elections shall fold
9 and place the ballots (identified in accordance with the preceding instruction)
10 in a container-return envelope and write or type in the appropriate blanks
11 thereon, in accordance with the terms of G.S. 163A-1307(b), the absentee
12 voter's name, the absentee voter's application number, and the designation of
13 the precinct in which the voter is registered. If the ballot is barcoded under
14 this section, the envelope may be barcoded rather than having the actual
15 number appear. The person placing the ballots in the envelopes shall leave the
16 container-return envelope holding the ballots unsealed.

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

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

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

35 "(c) For purposes of this section, "Delivered in person" includes delivering the ballot to
36 an election official at a one-stop voting site under G.S. 163A-1300, ~~163A-1301~~, 163A-1302,
37 163A-1303, and 163A-1304 during any time that site is open for voting. The ballots shall be kept
38 securely and delivered by election officials at that site to the county board of elections office for
39 processing."

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

41 "**§ 163A-1315. Counting absentee ballots by county board of elections.**

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

45 ...

46 (6) As each ballot envelope is opened, the board shall cause to be entered into a
47 pollbook designated "Pollbook of Absentee Voters" the name of the absentee
48 voter, or if the pollbook is computer-generated, the board shall check off the
49 name. Preserving secrecy, the ballots shall be placed in the appropriate ballot
50 boxes, at least one of which shall be provided for each type of ballot. The
51 "Pollbook of Absentee Voters" shall also contain the names of all persons who

1 voted under G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and
2 163A-1304, but those names may be printed by computer for inclusion in the
3 pollbook.

4 After all ballots have been placed in the boxes, the counting process shall
5 begin.

6 If one-stop ballots under G.S. 163A-1300, ~~163A-1301~~, 163A-1302,
7 163A-1303, and 163A-1304 are counted electronically, that count shall
8 commence at the time the polls close. If one-stop ballots are paper ballots
9 counted manually, that count shall commence at the same time as other
10 absentee ballots are counted.

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

14 As soon as the absentee ballots have been counted and the names of the
15 absentee voters entered in the pollbook as required herein, the board members
16 and assistants employed to count the absentee ballots shall each sign the
17 pollbook immediately beneath the last absentee voter's name entered therein.
18 The county board of elections shall be responsible for the safekeeping of the
19 pollbook of absentee voters.

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

27"

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

29 **"§ 163A-1368. Absentee voting at office of board of elections.**

30 Notwithstanding any other provisions of this Subchapter, any covered voter under this Part
31 shall be permitted to vote an absentee ballot pursuant to G.S. 163A-1300, ~~163A-1301~~,
32 163A-1302, 163A-1303, and 163A-1304 if the covered voter has not already voted an absentee
33 ballot which has been returned to the board of elections, and if the covered voter will not be in
34 the county on the day of the primary or election.

35 In the event an absentee application or ballot has already been mailed to the covered voter
36 applying to vote pursuant to G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and
37 163A-1304, the board of elections shall void the application and ballot unless the voted absentee
38 ballot has been received by the board of elections. The covered voter shall be eligible to vote
39 pursuant to G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 no later than
40 5:00 P.M. on the day next preceding the primary, second primary or election."

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

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

- 45 a. Refers to a clearly identified candidate for elected office.
46 b. In the case of the general election in November of the even-numbered
47 year is aired or transmitted after September 7 of that year, and in the
48 case of any other election is aired or transmitted within 60 days of the
49 time set for absentee voting to begin pursuant to G.S. 163A-1300,
50 ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 in an election
51 for that office.

- 1 c. May be received by either:
2 1. 50,000 or more individuals in the State in an election for
3 statewide office or 7,500 or more individuals in any other
4 election if in the form of broadcast, cable, or satellite
5 communication.
6 2. 20,000 or more households, cumulative per election, in a
7 statewide election or 2,500 households, cumulative per
8 election, in any other election if in the form of mass mailing or
9 telephone bank."

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

11 "(a) Judicial Voter Guide. – The State Board shall publish a Judicial Voter Guide that
12 explains the functions of the appellate courts and the laws concerning the election of appellate
13 judges, the purpose and function of the Public Campaign Fund, and the laws concerning voter
14 registration. The State Board shall distribute the Guide to as many voting-age individuals in the
15 State as practical, through a mailing to all residences or other means it deems effective. The
16 distribution shall occur no more than 28 days nor fewer than seven days before the one-stop
17 voting period provided in G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304
18 for the primary and no more than 28 days nor fewer than seven days before the one-stop voting
19 period provided in G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 for
20 the general election."
21

22 **PART IV. APPROPRIATION**

23 **SECTION 4.(a)** There is appropriated from the General Fund to the State Board of
24 Elections and Ethics Enforcement the sum of two million two hundred fifty thousand dollars
25 (\$2,250,000) for the 2018-2019 fiscal year. Of the funds appropriated, the sum of seven hundred
26 fifty thousand dollars (\$750,000) shall be used to implement the provisions of this act and may
27 be used to create temporary positions at the State Board of Elections and Ethics Enforcement.
28 The State Board of Elections and Ethics Enforcement shall transfer to the Division of Motor
29 Vehicles, Department of Transportation, up to one million five hundred thousand dollars
30 (\$1,500,000) for the 2018-2019 fiscal year to address the loss of revenues resulting from
31 implementation of this act.

32 **SECTION 4.(b)** There is appropriated from the General Fund to the North Carolina
33 Public Campaign Fund the sum of eight hundred fifty thousand dollars (\$850,000) for the
34 2018-2019 fiscal year. Notwithstanding any other law to the contrary, the State Board of
35 Elections and Ethics Enforcement shall allocate these funds to county boards of elections for
36 maintenance grants for printing equipment.
37

38 **PART V. EFFECTIVE DATE**

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