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SESSION 2019

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HOUSE BILL 646
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PROPOSED SENATE COMMITTEE SUBSTITUTE H646-PCS30459-ST-37

Short Title: ID Approval/Flex Muni One-Stop.

(Public)

Sponsors:

Referred to:

April 9, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE APPROVAL PROCESS FOR STUDENT AND EMPLOYEE
3 IDENTIFICATION CARDS FOR VOTING PURPOSES; TO PROVIDE AN
4 ADDITIONAL WINDOW FOR APPROVAL OF STUDENT AND EMPLOYEE
5 IDENTIFICATION CARDS FOR THE 2020 ELECTIONS; AND TO PROVIDE
6 FLEXIBILITY IN THE NUMBER OF HOURS OF EARLY ONE-STOP VOTING IN
7 ODD-NUMBERED YEAR ELECTIONS.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 163A-1145.1(a)(1)e. is recodified as G.S. 163A-1145.1(a)(2)c.

10 **SECTION 2.** G.S. 163A-1145.2, as amended by S.L. 2019-4, reads as rewritten:

11 "**§ 163A-1145.2. Approval of student identification cards for voting identification.**

12 (a) The State Board shall approve the use of student identification cards issued by a
13 constituent institution of The University of North Carolina, a community college, as defined in
14 G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3) for
15 voting identification under G.S. 163A-1145.1 if the following criteria are met:

16 (1) The chancellor, president, or registrar of the university or college submits a
17 signed letter to the Executive Director of documentation satisfactory to the
18 State Board under penalty of perjury that the following are true: have been met
19 and will not knowingly be violated with regard to student identification cards
20 issued during the approval period:

21 a. The identification cards that are issued by the university or college
22 contain photographs of students taken-obtained by the university or
23 college or its agents or contractors-contractors, provided the
24 photograph obtained (i) is a frontal image that includes the student's
25 face and (ii) represents a clear, accurate likeness of the student to
26 whom the identification card is issued. If the photograph is one not
27 produced by the university or college or its agents, the university or
28 college shall certify in detail the process used by the university or
29 college to ensure the photograph is that of the student to whom the
30 identification card is issued and shall certify that the process is
31 designed to confirm the identity of the student to whom the
32 identification card is issued.

33 b. The identification cards are issued after an enrollment or other process
34 that includes one or more methods of confirming the identity of the



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- 1 student using information that may include, but are not limited to, the
2 social security number, citizenship status, and birthdate of the student.
- 3 c. ~~The Access to the equipment for producing the identification cards is~~
4 ~~kept in a secure location restricted through security measures.~~
- 5 d. Misuse of the equipment for producing the identification cards would
6 be grounds for student discipline or termination of an employee.
- 7 e. University or college officials would report any misuse of student
8 identification card equipment they have knowledge of to law
9 enforcement if G.S. 163A-1389(19) was potentially violated.
- 10 f. The cards issued by the university or college on or after January 1,
11 2021, contain a date of expiration, effective January 1,
12 2021 expiration.
- 13 g. The university or college ~~provides~~ will provide copies of ~~standard~~
14 student identification cards to the State Board to assist with training
15 purposes.
- 16 h. The college or university will provide ~~a copy to students, when issuing~~
17 students who are issued the student identification card, of the
18 documentation card a copy of, or an electronic link to, a document
19 developed by the State Board on that details the requirements related
20 to identification for voting; the requirements to vote absentee, early,
21 or on election day; a description of voting by provisional ballot; and
22 the availability of a free North Carolina voter photo identification card
23 pursuant to G.S. 163A-869.1 to rural, military, veteran, elderly,
24 underserved, minority, or other communities as determined by local
25 needs; and the requirements of North Carolina residency to vote,
26 including applicable intent requirements of North Carolina law, and
27 the penalty for voting in multiple states.
- 28 (2) The university or college complies with any other reasonable security
29 measures determined by the State Board to be necessary for the protection and
30 security of the student identification process.
- 31 (b) ~~The~~ The State Board shall establish a schedule for such submissions and approvals.
32 The State Board shall permit a university or college with no changes to the prior election cycle's
33 approval to submit a statement indicating no changes have been made by the university or
34 college. When the State Board shall approve the approves for use of the student identification
35 cards issued by a constituent institution of The University of North Carolina, a community
36 college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in
37 G.S. 116-280(3) every four years. G.S. 116-280(3), for voting identification purposes under
38 G.S. 163A-1145.1, such approval shall be valid for the period from January 1 of an
39 odd-numbered year through December 31 of the next even-numbered year.
- 40 (c) The State Board shall produce a list of participating universities and colleges every
41 ~~four~~ two years. The list shall be published on the State Board's Web site and distributed to every
42 county board of elections. The State Board shall publish sample student identification cards for
43 each participating university and college.
- 44 (d) If a participating college or university with a student identification card approved for
45 use by the State Board as provided in subsection (b) of this section changes the design of the
46 student identification card, that college or university shall provide copies of the new design of
47 the student identification cards to the State Board to assist with training purposes."
- 48 **SECTION 3.** G.S. 163A-1145.3, as amended by S.L. 2019-4, reads as rewritten:
49 **"§ 163A-1145.3. Approval of employee identification cards for voting identification.**

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

4 (1) The head elected official or lead human resources employee of the state or
5 local government entity or charter school submits ~~a signed letter to the~~
6 ~~Executive Director of~~ documentation satisfactory to the State Board under
7 penalty of perjury that the following ~~are~~ have been met and will not knowingly
8 be violated with regard to employee identification cards issued during the
9 approval period:

- 10 a. The identification cards that are issued by the ~~university or college~~
11 ~~state or local government entity or charter school~~ contain photographs
12 ~~of students taken~~ employees obtained by the university or college state
13 or local government entity or charter school or its agents or
14 ~~contractors~~ contractors, provided the photograph obtained (i) is a
15 frontal image that includes the employee's face and (ii) represents a
16 clear, accurate likeness of the employee to whom the identification
17 card is issued. If the photograph is one not produced by the state or
18 local government entity or charter school, the state or local
19 government entity or charter school shall certify in detail the process
20 used by the state or local government entity or charter school to ensure
21 the photograph is that of the employee to whom the identification card
22 is issued and shall certify that the process is designed to confirm the
23 identity of the employee to whom the identification card is issued.
- 24 b. The identification cards are issued after an employment application or
25 other process that includes one or more methods of confirming the
26 identity of the employee using information that include, but are not
27 limited to, the social security number, citizenship status, and birthdate
28 of the employee.
- 29 c. ~~The Access to the~~ equipment for producing the identification cards is
30 ~~kept in a secure location~~ restricted through security measures.
- 31 d. Misuse of the equipment for producing the identification cards would
32 be grounds for termination of an employee.
- 33 e. State or local or charter school officials would report any misuse of
34 identification card equipment they have knowledge of to law
35 enforcement if G.S. 163A-1389(19) was potentially violated.
- 36 f. The cards issued by the state or local government entity or charter
37 school on or after January 1, 2021, contain a date of expiration,
38 effective January 1, 2021. ~~expiration.~~
- 39 g. The state or local government entity ~~provides~~ or charter school will
40 provide copies of standard employee identification cards to the State
41 Board to assist with training purposes.

42 (2) The state or local government entity complies with any other reasonable
43 security measures determined by the State Board to be necessary for the
44 protection and security of the employee identification process.

45 (b) ~~The~~ The State Board shall establish a schedule for such submissions and approvals.
46 The State Board shall permit a State or local government entity or charter school with no changes
47 to the prior election cycle's approval to submit a statement indicating no changes have been made
48 by the State or local government entity or charter school. When the State Board shall approve the
49 approves for use of the employee identification cards issued by a state or local government entity,
50 including a charter school, for voting identification under ~~G.S. 163A-1145.1 every four~~

1 ~~years.~~G.S. 163A-1145.1, such approval shall be valid for the period from January 1 of an
2 odd-numbered year through December 31 of the next even-numbered year.

3 (c) ~~The State Board shall produce a list of participating employing entities every four-two~~
4 ~~years. The list shall be published on the State Board's Web site and distributed to every county~~
5 ~~board of elections. The State Board shall publish sample employee identification cards for each~~
6 ~~participating State or local government entity or charter school."~~

7 **SECTION 4.** Section 1.2(f) of S.L. 2018-144, as amended by S.L. 2019-4, reads as
8 rewritten:

9 "**SECTION 1.2.(f)** Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3,
10 the State Board shall approve (i) tribal enrollment cards issued by a tribe recognized by this State
11 under Chapter 71A of the General Statutes; (ii) student identification cards issued by a constituent
12 institution of The University of North Carolina, a community college, as defined in
13 G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3); and
14 (iii) employee identification cards issued by a state or local government entity, including a charter
15 school, for use as voting identification under G.S. 163A-1145.1 no later than ~~March 15, 2019,~~
16 ~~November 1, 2019, for use in primaries and elections held in 2019 and 2020, and again no later~~
17 ~~than May 15, 2021, for elections held on or after that date. 2020.~~ The State Board shall adopt
18 temporary rules on reasonable security measures for use of student or employee identification
19 cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than ~~February~~
20 ~~1, 2019. September 15, 2019.~~ The State Board shall adopt permanent rules on reasonable security
21 measures for use of student or employee identification cards for voting identification in
22 G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than May 15, 2021. The State Board shall
23 produce the ~~initial~~ list of participating institutions and employing entities ~~no later than April 1,~~
24 ~~2019 for use in primaries and elections held in 2020."~~

25 **SECTION 5.** Section 1.2(g) of S.L. 2018-144, as amended by S.L. 2019-4, reads as
26 rewritten:

27 "**SECTION 1.2.(g)** ~~Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3,~~
28 ~~For elections held in 2020 only,~~ a student identification card issued by a constituent institution
29 of The University of North Carolina, a community ~~college,~~ college as defined in G.S. 115D-2(2),
30 or eligible private postsecondary institution as defined in G.S. 116-280(3) or an employee
31 identification card issued by state or local government entity ~~that does not contain an entity,~~
32 ~~including a charter school, may not be denied approval under G.S. 163A-1145.2 or~~
33 ~~G.S. 163A-1145.3 solely due to a lack of a printed expiration date date. Notwithstanding~~
34 ~~G.S. 163A-1145.1, an approved student identification card or employee identification card~~
35 ~~without a printed expiration date shall be eligible for use in any election held before January 1,~~
36 ~~2021."~~

37 **SECTION 6.(a)** Any student identification card issued by a constituent institution
38 of The University of North Carolina, a community college as defined in G.S. 115D-2(2), or
39 eligible private postsecondary institution as defined in G.S. 116-280(3), or an employee
40 identification card issued by a State or local government entity or charter school approved by the
41 State Board of Elections on or before March 15, 2019, for use in elections held on or after January
42 1, 2019, until December 31, 2022, shall continue to be eligible for use in an election prior to
43 December 31, 2022, without further submission by the constituent institution of The University
44 of North Carolina, community college as defined in G.S. 115D-2(2), or eligible private
45 postsecondary institution as defined in G.S. 116-280(3), or State or local government entity or
46 charter school.

47 **SECTION 6.(b)** Any constituent institution of The University of North Carolina, a
48 community college as defined in G.S. 115D-2(2), or eligible private postsecondary institution as
49 defined in G.S. 116-280(3), or State or local government entity or charter school denied approval
50 by the State Board of Elections on or before March 15, 2019, shall be granted until November
51 15, 2019, to submit a revised application for approval. The State Board shall approve the

1 identification cards for use as voting identification under G.S. 163A-1145.1 no later than
2 December 1, 2019, for use in primaries and elections held in 2020.

3 **SECTION 7.** G.S. 163A-1303 is amended by adding a new subsection to read:

4 "(e) Notwithstanding G.S. 163A-1300 and subdivisions (c)(2) and (c)(3) of this section, a
5 county board of elections by unanimous vote of all its members may propose a Plan for
6 Implementation providing for sites in that county for absentee ballots to be applied for and cast
7 in elections conducted in odd-numbered years. The proposed Plan for Implementation shall
8 specify the hours of operation for the county board of elections for an election conducted in that
9 county for that odd-numbered year. If the county board of elections is unable to reach unanimity
10 in favor of a Plan for Implementation for that odd-numbered year, a member or members of the
11 county board of elections may petition the State Board to adopt a Plan for Implementation for
12 the county, and the State Board may adopt a Plan for Implementation for that county. However,
13 throughout the period required by G.S. 163A-1300(b), any Plan of Implementation approved
14 under this subsection shall provide for a minimum of regular business hours consistent with daily
15 hours presently observed by the county board of elections for the county board of elections, or
16 its alternate, and for uniform locations, days, and hours for all other additional one-stop sites in
17 that county."

18 **SECTION 7.5.(a)** G.S. 163A-1303(d)(1), (2), (3), and (4) are recodified as
19 G.S. 163A-1303(d)(1)a., b., c., and d.

20 **SECTION 7.5.(b)** G.S. 163A-1303(d), as amended by this section, reads as
21 rewritten:

22 "(d) Notwithstanding subsection (c) of this section, a county board of elections by
23 unanimous vote of all its members may propose a Plan for Implementation providing for ~~a site~~
24 the number of sites set out below in that county for absentee ballots to be applied for and cast
25 with days and hours that vary from the county board of elections, or its alternate, and other
26 additional one-stop sites in that county. If the county board of elections is unable to reach
27 unanimity in favor of a Plan for Implementation, a member or members of the county board of
28 elections may petition the State Board to adopt a plan for the county and the State Board may
29 adopt a Plan for Implementation for that county. However, any Plan of Implementation approved
30 under this subsection shall provide for uniform location, days, and hours for that one site
31 throughout the period required by ~~subsection (a) of this section.~~ G.S. 163A-1300(b). This
32 subsection applies only to a county ~~which includes a barrier island that meets any of the following~~
33 conditions: following:

34 (1) One site in a county that includes a barrier island, which barrier island meets
35 all of the following conditions:

- 36 a. It has permanent inhabitation of residents residing in an
37 unincorporated area.
38 b. It is bounded on the east by the Atlantic Ocean and on the west by a
39 coastal sound.
40 c. It contains either a National Wildlife Refuge or a portion of a National
41 Seashore.
42 d. It has no bridge access to the mainland of the county and is only
43 accessible by marine vessel.

44 (2) Up to two sites in a county that is bounded by the largest sound on the East
45 Coast and the county seat is located at the intersection of two rivers, which
46 divide the county."

47 **SECTION 8.** This act is effective when it becomes law.