

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

SESSION LAW 2019-22
HOUSE BILL 646

AN ACT TO CLARIFY THE APPROVAL PROCESS FOR STUDENT AND EMPLOYEE IDENTIFICATION CARDS FOR VOTING PURPOSES; TO PROVIDE AN ADDITIONAL WINDOW FOR APPROVAL OF STUDENT AND EMPLOYEE IDENTIFICATION CARDS FOR THE 2020 ELECTIONS; AND TO PROVIDE FLEXIBILITY IN THE NUMBER OF HOURS OF EARLY ONE-STOP VOTING IN ODD-NUMBERED YEAR ELECTIONS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

- a. The identification cards that are issued by the university or college contain photographs of students taken-obtained by the university or college or its agents or contractors, provided the photograph obtained (i) is a frontal image that includes the student's face and (ii) represents a clear, accurate likeness of the student to whom the identification card is issued. If the photograph is one not produced by the university or college or its agents, the university or college shall certify in detail the process used by the university or college to ensure the photograph is that of the student to whom the identification card is issued and shall certify that the process is designed to confirm the identity of the student to whom the identification card is issued.
- b. The identification cards are issued after an enrollment or other process that includes one or more methods of confirming the identity of the student using information that may include, but are not limited to, the social security number, citizenship status, and birthdate of the student.
- c. The Access to the equipment for producing the identification cards is kept in a secure location-restricted through security measures.
- d. Misuse of the equipment for producing the identification cards would be grounds for student discipline or termination of an employee.



- e. University or college officials would report any misuse of student identification card equipment they have knowledge of to law enforcement if G.S. 163A-1389(19) was potentially violated.
- f. The cards issued by the university or college on or after January 1, 2021, contain a date of expiration, effective January 1, 2021.~~expiration.~~
- g. The university or college ~~provides~~ will provide copies of ~~standard student~~ identification cards to the State Board to assist with training purposes.
- h. The college or university will provide ~~a copy to students, when issuing students who are issued the student identification card, of the documentation card~~ a copy of, or an electronic link to, a document developed by the State Board ~~on that details~~ the requirements related to identification for voting; the requirements to vote absentee, early, or on election day; a description of voting by provisional ballot; and the availability of a free North Carolina voter photo identification card pursuant to G.S. 163A-869.1 to rural, military, veteran, elderly, underserved, minority, or other communities as determined by local needs; and the requirements of North Carolina residency to vote, including applicable intent requirements of North Carolina law, and the penalty for voting in multiple states.

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

(b) ~~The~~ The State Board shall establish a schedule for such submissions and approvals. The State Board shall permit a university or college with no changes to the prior election cycle's approval to submit a statement indicating no changes have been made by the university or college. When the State Board shall approve the ~~approves for use of the~~ student identification cards issued by a constituent institution of The University of North Carolina, a community college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in ~~G.S. 116-280(3) every four years.~~ G.S. 116-280(3), for voting identification purposes under G.S. 163A-1145.1, such approval shall be valid for the period from January 1 of an odd-numbered year through December 31 of the next even-numbered year.

(c) The State Board shall produce a list of participating universities and colleges every ~~four~~ two years. The list shall be published on the State Board's Web site and distributed to every county board of elections. The State Board shall publish sample student identification cards for each participating university and college.

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

SECTION 3. G.S. 163A-1145.3, as amended by S.L. 2019-4, reads as rewritten:

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

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

- (1) The head elected official or lead human resources employee of the state or local government entity or charter school submits ~~a signed letter to the Executive Director of~~ documentation satisfactory to the State Board under penalty of perjury that the following ~~are~~ have been met and will not knowingly

be violated with regard to employee identification cards issued during the approval period:

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

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

(b) ~~The~~ The State Board shall establish a schedule for such submissions and approvals. The State Board shall permit a State or local government entity or charter school with no changes to the prior election cycle's approval to submit a statement indicating no changes have been made by the State or local government entity or charter school. When the State Board ~~shall approve the~~ approves for use of the employee identification cards issued by a state or local government entity, including a charter school, for voting identification under G.S. 163A-1145.1 every four years. G.S. 163A-1145.1, such approval shall be valid for the period from January 1 of an odd-numbered year through December 31 of the next even-numbered year.

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

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

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

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

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

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

SECTION 6.(b) Any constituent institution of The University of North Carolina, a community college as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3), or State or local government entity or charter school denied approval by the State Board of Elections on or before March 15, 2019, shall be granted until November 15, 2019, to submit a revised application for approval. The State Board shall approve the identification cards for use as voting identification under G.S. 163A-1145.1 no later than December 1, 2019, for use in primaries and elections held in 2020.

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

"(e) Notwithstanding G.S. 163A-1300 and subdivisions (c)(2) and (c)(3) of this section, a county board of elections by unanimous vote of all its members may propose a Plan for Implementation providing for sites in that county for absentee ballots to be applied for and cast in elections conducted in odd-numbered years. The proposed Plan for Implementation shall specify the hours of operation for the county board of elections for an election conducted in that

county for that odd-numbered year. If the county board of elections is unable to reach unanimity in favor of a Plan for Implementation for that odd-numbered year, a member or members of the county board of elections may petition the State Board to adopt a Plan for Implementation for the county, and the State Board may adopt a Plan for Implementation for that county. However, throughout the period required by G.S. 163A-1300(b), any Plan of Implementation approved under this subsection shall provide for a minimum of regular business hours consistent with daily hours presently observed by the county board of elections for the county board of elections, or its alternate, and for uniform locations, days, and hours for all other additional one-stop sites in that county."

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

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

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

- (1) One site in a county that includes a barrier island, which barrier island meets all of the following conditions:
 - a. It has permanent inhabitation of residents residing in an unincorporated area.
 - b. It is bounded on the east by the Atlantic Ocean and on the west by a coastal sound.
 - c. It contains either a National Wildlife Refuge or a portion of a National Seashore.
 - d. It has no bridge access to the mainland of the county and is only accessible by marine vessel.
- (2) Up to two sites in a county that is bounded by the largest sound on the East Coast and the county seat is located at the intersection of two rivers, which divide the county."

SECTION 8. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 28th day of May, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:30 a.m. this 3rd day of June, 2019