

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE DRH30314-ST-1 (07/19)

Short Title: VIVA.

(Public)

Sponsors: Representatives Warren, Murry, T. Moore, and Samuelson (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

**PART I. VIVA**

**SECTION 1.** There is established a Voter Information Verification Advisory board with at least three, but no more than five, members who are registered voters of the State and appointed by the State Board of Elections. Appointments to the board shall include members of more than one party affiliation and of no party affiliation. The State Board may not appoint members in a manner that results in one political party affiliation having a majority on the board. The Voter Information Verification Advisory board shall do all of the following:

- (1) Promote voter registration.
- (2) Assist in voter registration drives.
- (3) Assist in recruiting poll workers for election day.
- (4) Provide education to the public about voter registration and casting a ballot, in accordance with Chapter 163 of the General Statutes. Education shall include information about any identification requirements of voting, voting by mail-in absentee ballot, and voting by early one-stop ballot.
- (5) Assist, as requested, in other matters related to voter registration, voting, counting of ballots, and candidacy for elected office. Assistance shall include helping individuals registered to vote without photo identification to obtain photo identification appropriate for voting.
- (6) Develop a system of identifying and training volunteers in the counties in the State to assist with its duties and responsibilities under this section.
- (7) Attend training for county board of elections members under G.S. 163-82.24.
- (8) Reach out to State and local governmental agencies, political parties established under Article 9 of Chapter 163 of the General Statutes, and



1 nonprofit organizations operating in this State to help identify registered  
2 voters without photo identification appropriate for voting and assist those  
3 voters in obtaining photo identification appropriate for voting.

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

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

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

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

11 **SECTION 3.** The State Board of Elections may hire up to 14 persons to assist the  
12 Voter Information Verification Advisory Board established under this part, upon the instruction  
13 of the Executive Director. The State Board shall utilize the staff to disseminate information  
14 about photo identification requirements for voting, provide information on how to obtain photo  
15 identification appropriate for voting, and assist any registered voter without photo identification  
16 appropriate for voting with obtaining such photo identification. Information may be distributed  
17 through public service announcements, print, radio, television, online, and social media. The  
18 State Board, through its staff and the public records available to the State Board, shall work  
19 with public agencies, private partners, and nonprofits to identify voters without photo  
20 identification appropriate for voting and assist those voters in securing the photo identification  
21 appropriate for voting. All outreach efforts to notify voters of the photo identification  
22 requirements shall be accessible to the elderly and handicapped. All individuals shall be State  
23 employees, shall answer to the Executive Director, and the positions shall be time-limited and  
24 expire on December 31, 2016.

## 25 **PART II. PHOTO IDENTIFICATION**

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

28 **"§ 163-166.13. Photo identification requirement for voting in person.**

29 (a) Except as provided in this section, every individual voting in person shall present  
30 photo identification bearing any reasonable resemblance to that voter to a local election official  
31 at the voting place before voting.

32 (b) Notwithstanding subsection (a) of this section, any voter without photo  
33 identification shall be permitted to vote a provisional official ballot in accordance with  
34 G.S. 163-182.1A.

35 (c) As used in this section, "photo identification" means any of the following that  
36 contain a photograph of the registered voter:

37 (1) An identification card that bears either a date of expiration or a date of  
38 issuance and that is not more than 10 years beyond the date of expiration or  
39 issuance, whichever is later, issued by a branch, department, agency, or  
40 entity of the United States, this State, or any other state, such as any of the  
41 following:

42 a. A North Carolina drivers license issued under Article 2 of Chapter 20  
43 of the General Statutes, including a learner's permit or a provisional  
44 license.

45 b. A special identification card for nonoperators issued under  
46 G.S. 20-37.7.

47 c. A United States passport.

48 d. An employee identification.

49 e. A United States military identification card.

- 1           f.     An identification card issued by The University of North Carolina  
2                 and its constituent institutions.  
3           g.     An identification card issued by a North Carolina community  
4                 college.  
5           h.     An identification card issued to a fireman, EMS, hospital employee,  
6                 or law enforcement officer.

7           (2)    A tribal identification card.

8           (3)    An identification card that bears a date of expiration and was not expired on  
9                 the day the voter reached the age of 70 issued by a branch, department,  
10                agency, or entity of the United States, this State, or any other state.

11        (d)    If the local election official determines that the voter's photo identification does not  
12         bear any reasonable resemblance to the voter, the local election official shall request the chief  
13         judge and judges of election to rule on the matter. In making a determination under this  
14         subsection, the chief judge and judges of election shall construe the evidence in the light most  
15         favorable to the voter. If the chief judge and judges of election do not unanimously agree that  
16         the voter's photo identification does not bear any reasonable resemblance to the voter, that voter  
17         shall be permitted to vote in accordance with subsection (a) of this section. Such a  
18         determination is dispositive of any challenge that may be entered in accordance with  
19         G.S. 163-85(c)(10). If the chief judge and judges of election unanimously agree that the voter's  
20         photo identification does not bear any reasonable resemblance to that voter, that voter may vote  
21         in accordance with G.S. 163-88.1.

22        (e)    This section shall not apply to any of the following individuals voting in person:

23           (1)    A registered voter who has filed an affidavit in accordance with  
24                 G.S. 63-82.7A.

25           (2)    A registered voter who has a permanent physical or mental disability  
26                 recognized by a State or federal agency that makes such determinations for  
27                 the purposes of determining eligibility for State or federal assistance under  
28                 existing law. The State Board shall adopt rules for implementation of this  
29                 subdivision."

30        **SECTION 5.** Article 7A of Chapter 163 of the General Statutes is amended by  
31 adding a new section to read:

32        **"§ 163-82.7A. Declaration religious objection to photograph.**

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

36           (b)    At any time after the voter has registered to vote that the voter has determined the  
37                 voter holds a sincerely held religious objection to being photographed, that voter may execute a  
38                 declaration before an elections official to be incorporated as part of the official record of that  
39                 voter's voter registration.

40           (c)    At any time after a voter has executed a declaration before an elections official  
41                 under this section and that voter no longer holds a sincerely held religious objection to being  
42                 photographed, that voter may request the cancellation of the sworn affidavit in writing to the  
43                 county board.

44           (d)    All declarations under subsections (a) and (b) of this section shall include an  
45                 attestation that the voter holds the sincerely held religious objection to being photographed and  
46                 a requirement for the signature of the voter, under penalty of a Class I felony under  
47                 G.S. 163-275(13).

48           (e)    The State Board shall adopt rules to establish a standard form for implementation of  
49                 this section."

50        **SECTION 6.** G.S. 163-82.6A(b) reads as rewritten:

1       "(b) Both Attestation and Proof of Residence Required. – To vote under this section, a  
2 voter must present photo identification as required by G.S. 163-166.13. This requirement is  
3 separate from the requirement to provide proof of residence under subdivision (2) of this  
4 subsection. If an individual does not present the required photo identification, that individual  
5 may vote a provisional official ballot. To register ~~and vote~~ under this section, the person shall  
6 do both of the following:

- 7           (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including  
8 the attestation requirement of G.S. 163-82.4(b) that the person meets each  
9 eligibility requirement. Such attestation is signed under penalty of a Class I  
10 felony under G.S. 163-275(13); and
- 11           (2) Provide proof of residence by presenting any of the following valid  
12 documents that show the person's current name and current residence  
13 address: a North Carolina drivers license, a photo identification from a  
14 government agency, or any of the documents listed in G.S. 163-166.12(a)(2).  
15 The State Board of Elections may designate additional documents or  
16 methods that suffice and shall prescribe procedures for establishing proof of  
17 residence."

18       **SECTION 7.** G.S. 163-166.7(a) reads as rewritten:

19       "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure  
20 through the appropriate entrance. A precinct official assigned to check registration shall at once  
21 ask the voter to state current name and residence address. The voter shall answer by stating  
22 current name and residence ~~address.~~ address and presenting photo identification in accordance  
23 with G.S. 163-166.13. If an individual does not present the required identification, that  
24 individual may vote a provisional official ballot. In a primary election, that voter shall also be  
25 asked to state, and shall state, the political party with which the voter is affiliated or, if  
26 unaffiliated, the authorizing party in which the voter wishes to vote. After examination, that  
27 official shall state whether that voter is duly registered to vote in that precinct and shall direct  
28 that voter to the voting equipment or to the official assigned to distribute official ballots. If a  
29 precinct official states that the person is duly registered, the person shall sign the pollbook,  
30 other voting record, or voter authorization document in accordance with subsection (c) of this  
31 section before voting."

32       **SECTION 8.** G.S. 163-227.2(b) reads as rewritten:

33       "(b) Not earlier than the third Thursday before an election, in which absentee ballots are  
34 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday  
35 before that election, the voter shall appear in person only at the office of the county board of  
36 elections, except as provided in subsection (g) of this section. A county board of elections shall  
37 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may  
38 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the  
39 board office through the appropriate entrance and shall at once state his or her name and place  
40 of residence to an authorized member or employee of the ~~board.~~ board and present photo  
41 identification in accordance with G.S. 163-166.13. If an individual does not present the  
42 required identification, that individual may vote a provisional official ballot. In a primary  
43 election, the voter shall also state the political party with which the voter affiliates and in whose  
44 primary the voter desires to vote, or if the voter is an unaffiliated voter permitted to vote in the  
45 primary of a particular party under G.S. 163-119, the voter shall state the name of the  
46 authorizing political party in whose primary he wishes to vote. The board member or employee  
47 to whom the voter gives this information shall announce the name and residence of the voter in  
48 a distinct tone of voice. After examining the registration records, an employee of the board  
49 shall state whether the person seeking to vote is duly registered. If the voter is found to be  
50 registered that voter may request that the authorized member or employee of the board furnish  
51 the voter with an application form as specified in G.S. 163-227. The voter shall complete the

1 application in the presence of the authorized member or employee of the board, and shall  
2 deliver the application to that person."

3 **SECTION 9.** Article 15A of Chapter 163 of the General Statutes is amended by  
4 adding a new section to read:

5 **"§ 163-182.1A. Counting of provisional official ballots cast because of failure to provide**  
6 **valid photo identification at the polls.**

7 (a) A voter who cast a provisional official ballot wholly or partly as a result of the  
8 voter's inability or declination to provide photo identification shall, in person, provide the photo  
9 identification that bears any reasonable resemblance to the voter to the county board of  
10 elections not later than the time set for convening the election canvass pursuant to  
11 G.S. 163-182.5 in order to seek the counting of that voter's provisional official ballot as  
12 provided in subsection (b), (c), or (d) of this section.

13 (b) Unless the vote is disqualified for some other reason provided by law, the county  
14 board of elections shall find that the voter's provisional ballot is valid and direct that the  
15 provisional ballot be opened and counted in accordance with this Chapter if the voter provides  
16 valid photo identification to the county board of elections under the same standards set forth in  
17 G.S. 163-166.13(d).

18 (c) In lieu of providing valid photo identification under subsection (b) of this section, a  
19 voter who cast a provisional official ballot wholly or partly as a result of the voter's inability or  
20 declination to provide photo identification due to loss of the photo identification as a result of a  
21 natural disaster within the previous 60 days may execute an affidavit stating the voter does not  
22 possess proof of identification due to a natural disaster as declared by the President of the  
23 United States or the Governor of this State.

24 (d) In lieu of providing valid photo identification under subsection (b) of this section, a  
25 voter who cast a provisional ballot wholly or partly as a result of the voter's sincerely held  
26 religious objection to being photographed may bring any of the documents listed in  
27 G.S. 163-166.12(a). That voter shall be offered an opportunity to execute an affidavit under  
28 G.S. 163-82.7A.

29 (e) If the county board of elections determines that a voter described in subsections (b)  
30 through (d) of this section has also cast a provisional official ballot for a cause other than the  
31 voter's inability or declination to provide valid photo identification, the board shall do all of the  
32 following:

- 33 (1) Note on the envelope containing the provisional official ballot that the voter  
34 has complied with the proof of valid photo identification requirement.
- 35 (2) Proceed to determine any other reasons for which the ballot was cast  
36 provisionally before ruling on the validity of the voter's provisional ballot."

37 **SECTION 10.** G.S. 163-87 reads as rewritten:

38 **"§ 163-87. Challenges allowed on day of primary or election.**

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

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

- 45 (1) One or more of the reasons listed in G.S. 163-85(c).
- 46 (2) That the person has already voted in that primary or election.
- 47 (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
- 48 (4) If the challenge is made with respect to voting in a partisan primary, that the  
49 person is a registered voter of another political party.
- 50 (5) The voter does not present proof of identification as required by  
51 G.S. 163-166.13.

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

4 If a person is challenged under this subsection, and the challenge is sustained under  
5 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if  
6 eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if  
7 the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may  
8 be challenged at the precinct to which the registration is being transferred."  
9

### 10 PART III. IMPLEMENTATION

11 SECTION 11. G.S. 20-37.7(d) reads as rewritten:

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

16 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a  
17 duplicate license. The fee does not apply to a special identification card issued to a resident of  
18 this State who (i) is legally blind, (ii) is at least 70 years old, (iii) is registered to vote in this  
19 State and does not have photo identification acceptable under G.S. 163-166.13, (iv) is  
20 homeless, or (v) ~~who~~ has been issued a drivers license but the drivers license is cancelled under  
21 G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental  
22 disability or disease. To obtain a special identification card without paying a fee, a homeless  
23 person must present a letter to the Division from the director of a facility that provides care or  
24 shelter to homeless persons verifying that the person is homeless. To obtain a special  
25 identification card without paying a fee, a registered voter shall sign a sworn statement under  
26 penalty of perjury stating the registered voter is registered, does not have other photo  
27 identification acceptable under G.S. 163-166.13, and paying the fee would present a financial  
28 hardship to that registered voter."

29 SECTION 12.(a) G.S. 130A-93.1 is amended by adding a new subsection to read:

30 "(c) The State Registrar shall not charge any fee under subsection (a) of this section to a  
31 registered voter who signs a sworn statement under penalty of perjury stating the registered  
32 voter is registered to vote in this State, does not have a certified copy of that registered voter's  
33 birth certificate necessary to obtain photo identification acceptable under G.S. 163-166.13, and  
34 paying the fee would present a financial hardship to that registered voter."

35 SECTION 12.(b) G.S. 161-10(a)(8) reads as rewritten:

36 "(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. –  
37 For furnishing a certified copy of a death or birth certificate or marriage  
38 license ten dollars (\$10.00). Provided however, a ~~Register of Deeds~~ register  
39 of deeds may issue without charge a certified ~~Birth Certificate~~ birth  
40 certificate to any person over the age of 62 years. Provided however, a  
41 register of deeds shall issue without charge a certified birth certificate or  
42 marriage license to any registered voter who signs a sworn statement under  
43 penalty of perjury stating the registered voter is registered to vote in this  
44 State, does not have a certified copy of that registered voter's birth certificate  
45 or marriage license necessary to obtain photo identification acceptable under  
46 G.S. 163-166.13, and paying the fee would present a financial hardship to  
47 that registered voter."

48 SECTION 13.(a) G.S. 163-229(b) reads as rewritten:

49 "(b) Application on Container-Return Envelope. – In time for use not later than 60 days  
50 before a statewide general election in an even-numbered year, and not later than 50 days before  
51 a statewide primary, other general election or county bond election, the county board of

elections shall print a sufficient number of envelopes in which persons casting absentee ballots may transmit their marked ballots to the county board of elections. However, in the case of municipal elections, sufficient container-return envelopes shall be made available no later than 30 days before an election. Each container-return envelope shall have printed on it an application which shall be designed and prescribed by the State Board of Elections, providing for all of the following:

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

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

**SECTION 13.(b)** G.S. 163-230.1 reads as rewritten:

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

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

- (1) The official ballots ~~the~~that voter is entitled to ~~vote;~~vote.
- (2) A container-return envelope for the ballots, printed in accordance with ~~G.S. 163-229; and~~G.S. 163-299.
- (3) Repealed by Session Laws 1999-455, s. 10.
- (4) An instruction sheet.

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

(a1) Absence for Sickness or Physical Disability. – Notwithstanding the provisions of subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in person on election day because of that voter's sickness or other physical disability, that voter or that voter's near relative or verifiable legal guardian may make ~~written the request under subsection (a) of this section~~ in person ~~for absentee ballots~~ to the board of elections of the county in which the voter is registered after 5:00 p.m. on the Tuesday before the election but not later than 5:00 p.m. on the day before the election. The county board of elections shall treat that completed request in the same manner as a request under subsection (a) of this

~~section enter in the register of absentee requests, applications, and ballots issued the information required in G.S. 163-228 as soon as each item of that information becomes available. The county board of elections shall personally deliver to the requester in a single package:~~

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

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

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

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



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

4 (c) At its next official meeting after return of the completed container-return envelope  
5 with the voter's ballots, the county board of elections shall determine whether the  
6 container-return envelope has been properly executed. If the board determines that the  
7 container-return envelope has been properly executed, it shall approve the application and  
8 deposit the container-return envelope with other container-return envelopes for the envelope to  
9 be opened and the ballots counted at the same time as all other container-return envelopes and  
10 absentee ballots.

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

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

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

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

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

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

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

36 **SECTION 13.(c)** G.S. 163-230.2 reads as rewritten:

37 **"§ 163-230.2. Method of requesting absentee ballots.**

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

50 (1) The name of the voter.

- 1           (2)    The name of the voter's near relative or verifiable legal guardian if that  
 2           individual is making the request.  
 3           (3)    The address of the voter.  
 4           (4)    One of the following in the order of preference:  
 5           a.     The number of the voter's North Carolina drivers license issued under  
 6           Article 2 of Chapter 20 of the General Statutes, including a learner's  
 7           permit or a provisional license.  
 8           b.     The number of the voter's special identification card for nonoperators  
 9           issued under G.S. 20-37.7.  
 10          c.     The last four digits of the applicant's social security number.  
 11          (5)    The voter's date of birth.  
 12          (6)    The signature of the voter or of the voter's near relative or verifiable legal  
 13          guardian if that individual is making the request.

14          (a1)   The completed request for an absentee ballot shall be delivered to the county board  
 15          of elections. If the voter does not include the information requested in subdivision (a)(4) of this  
 16          section, a copy of a document listed in G.S. 163-166.12(a)(2) shall accompany the completed  
 17          request form.

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

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

24                **SECTION 13.(d)** G.S. 163-231 reads as rewritten:

25        "**§ 163-231. Voting absentee ballots and transmitting them to the county board of**  
 26        **elections.**

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

- 30                (1)    Mark the voter's ballots, or cause them to be marked by that person in the  
 31                voter's presence according to the voter's ~~instruction;~~instruction.  
 32                (2)    Fold each ballot separately, or cause each of them to be folded in the voter's  
 33                ~~presence;~~presence.  
 34                (3)    Place the folded ballots in the container-return envelope and securely seal it,  
 35                or have this done in the voter's ~~presence;~~presence.  
 36                (4)    Make the application printed on the container-return envelope according to  
 37                the provisions of G.S. 163-229(b) and make the certificate printed on the  
 38                container-return envelope according to the provisions of G.S. 163-229(b).  
 39                (5)    Require those persons to sign the application and certificate as witnesses and  
 40                to indicate those persons' addresses.

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

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

49          (b)    Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed  
 50          container-return envelope in which executed absentee ballots have been placed shall be  
 51          transmitted to the county board of elections who issued them as follows: All ballots issued

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

16 **SECTION 14.** Education and Publicity Requirements. – The public shall be  
17 educated about the photo identification to vote requirements of this act as follows:

- 18 (1) As counties use their regular processes to notify voters of assignments and  
19 reassignments to districts for election to the United States House of  
20 Representatives, State Senate, State House of Representatives, or local  
21 office, by including information about the provisions of Part II of this act.
- 22 (2) As counties send new voter registration cards to voters as a result of new  
23 registration, changes of address, or other reasons, by including information  
24 about the provisions of Part II of this act.
- 25 (3) Counties that maintain a board of elections Web site shall include  
26 information about the provisions of Part II of this act.
- 27 (4) Notices of elections published by county boards of elections under  
28 G.S. 163-22(8) for the 2014 primary and 2014 general election shall include  
29 a brief statement that photo identification will be required to vote in person  
30 beginning in 2016.
- 31 (5) The State Board of Elections shall include on its Web site information about  
32 the provisions of Part II of this act.
- 33 (6) Counties shall post at the polls and at early voting sites beginning with the  
34 2014 primary elections information about the provisions of Part II of this act.
- 35 (7) The State Board of Elections shall include in the Judicial Voter Guide  
36 described in G.S. 163-278.69 information about the provisions of Part II of  
37 this act and shall also include the information in the Voter Guide under  
38 G.S. 163-278.99E if it is published separately.
- 39 (8) The Voter Information and Verification Advisory board, as required by Part  
40 I of this act, shall provide education and assistance to voters and newly  
41 registered voters information about the provisions of Part II of this act.

42 **SECTION 15.(a)** G.S. 163-278.69 is amended by adding a new subsection to read:

43 "(d) The Judicial Voter Guide published under this section shall also include information  
44 on the photo identification requirement for voting in person pursuant to G.S. 163-166.13."

45 **SECTION 15.(b)** Funds from the surcharge on attorney membership fees under  
46 G.S. 84-34 collected on or after July 1, 2013, may be used for the purpose of the Judicial Voter  
47 Guide as provided in G.S. 163-278.69, as amended by this act.

48 **SECTION 16.** The State Board of Elections shall study and report to the Joint  
49 Legislative Elections Oversight Committee, on or before April 1, 2014, on a secure and feasible  
50 method of creating and utilizing electronic pollbooks with digital photographs of registered  
51 voters. The study shall address all of the following:

- 1 (1) Obtaining digital photographs of registered voters and verifying identity of  
2 those voters.
- 3 (2) Maintaining information stored electronically in a secure fashion.
- 4 (3) Utilizing electronically stored information, including digital photographs and  
5 electronic signatures, to create electronic pollbooks.
- 6 (4) Using electronic pollbooks to assist in identifying individuals attempting to  
7 vote more than once in an election.
- 8 (5) Any other related matter identified by the State Board impacting the use of  
9 digital and electronic information in the voting place.

10 **SECTION 17.** If any provision of this act or its application is held invalid, the  
11 invalidity does not affect other provisions or applications of this act that can be given effect  
12 without the invalid provisions or application, and to this end the provisions of this act are  
13 severable.

14 **SECTION 18.** Part I of this act is effective when it becomes law and expires  
15 December 31, 2016. Part II of this act becomes effective January 1, 2016, and applies to  
16 primaries and elections conducted on or after that date. The remainder of this act is effective  
17 when it becomes law. At any election between August 1, 2013, and January 1, 2016, any  
18 registered voter may present that voter's photo identification to the elections officials at the  
19 voting place, but may not be required to do so. At each election between August 1, 2013, and  
20 January 1, 2016, each voter presenting in person shall be notified that photo identification will  
21 be needed to vote beginning in 2016 and be asked if that voter has one of the forms of photo  
22 identification appropriate for voting. If that voter indicates he or she does not have one or more  
23 of the types of photo identification appropriate for voting, that voter shall be asked to sign an  
24 acknowledgment of the photo identification requirement, be given a list of types of photo  
25 identification appropriate for voting and information on how to obtain those types of photo  
26 identification. The list of names of those voters who signed an acknowledgment is a public  
27 record.