

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 589

Short Title: VIVA. (Public)

Sponsors: Representatives Warren, Murry, T. Moore, and Samuelson (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Elections.

April 8, 2013

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.



- 1 (8) Reach out to State and local governmental agencies, political parties
2 established under Article 9 of Chapter 163 of the General Statutes, and
3 nonprofit organizations operating in this State to help identify registered
4 voters without photo identification appropriate for voting and assist those
5 voters in obtaining photo identification appropriate for voting.

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

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

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

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

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

27 **PART II. PHOTO IDENTIFICATION**

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

30 **"§ 163-166.13. Photo identification requirement for voting in person.**

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

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

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

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

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

47 b. A special identification card for nonoperators issued under
48 G.S. 20-37.7.

49 c. A United States passport.

50 d. An employee identification.

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

8 (2) A tribal identification card.

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

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

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

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

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

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

33 "**§ 163-82.7A. Declaration religious objection to photograph.**

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

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

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

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

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

51 **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~~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

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

5 (1) ~~The official ballots the voter is entitled to vote;~~

6 (2) ~~A container return envelope for the ballots, printed in accordance with~~
7 ~~G.S. 163-229; and~~

8 (3) ~~An instruction sheet.~~

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

13 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
14 member, officer, or employee of the board of elections shall write or type the
15 words "Absentee Ballot No. ____" or an abbreviation approved by the State
16 Board of Elections and insert in the blank space the number assigned the
17 applicant's application in the register of absentee requests, applications, and
18 ballots issued. That person shall not write, type, or print any other matter
19 upon the ballots transmitted to the absentee voter. Alternatively, the board of
20 elections may cause to be barcoded on the ballot the voter's application
21 number, if that barcoding system is approved by the State Board of
22 Elections.

23 (2) The chair, member, officer, or employee of the board of elections shall fold
24 and place the ballots (identified in accordance with the preceding
25 instruction) in a container-return envelope and write or type in the
26 appropriate blanks thereon, in accordance with the terms of G.S. 163-229(b),
27 the absentee voter's name, the absentee voter's application number, and the
28 designation of the precinct in which the voter is registered. If the ballot is
29 barcoded under this section, the envelope may be barcoded rather than
30 having the actual number appear. The person placing the ballots in the
31 envelopes shall leave the container-return envelope holding the ballots
32 unsealed.

33 (3) The chair, member, officer, or employee of the board of elections shall then
34 place the unsealed container-return envelope holding the ballots together
35 with printed instructions for voting and returning the ballots, in an envelope
36 addressed to the voter at the post office address stated in the request, seal the
37 envelope, and mail it at the expense of the county board of elections:
38 Provided, that in case of a request received after 5:00 p.m. on the Tuesday
39 before the election under the provisions of subsection (a1) of this section, in
40 lieu of transmitting the ballots to the voter in person or by mail, the chair,
41 member, officer, or employee of the board of elections may deliver the
42 sealed envelope containing the instruction sheet and the container-return
43 envelope holding the ballots to a near relative or verifiable legal guardian of
44 the voter.

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