

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

D

BILL DRAFT 2017-BK-23 [v.1]

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)
11/20/2018 03:44:55 PM

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

Sponsors: Representative Lewis.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT REQUIRING
3 PHOTOGRAPHIC IDENTIFICATION TO VOTE.

4 The General Assembly of North Carolina enacts:

5
6 **PART I: IMPLEMENTATION OF THE CONSTITUTIONAL REQUIREMENT**
7 **REQUIRING PHOTOGRAPHIC IDENTIFICATION TO VOTE**

8 **SECTION 1.1(a)** Article 17 of Chapter 163A of the General Statutes is amended by
9 adding a new section to read:

10 **"§ 163A-869.1. Voter photo identification cards.**

11 (a) The county board of elections shall, in accordance with this section, issue without
12 charge voter photo identification cards upon request to registered voters. The voter photo
13 identification cards shall contain a photograph of the voter and the registration number for that
14 voter. The voter photo identification card shall be used for voting purposes only, and shall expire
15 eight years from the date of issuance.

16 (b) The State Board shall make available to county board of elections the equipment
17 necessary to print voter photo identification cards. The county board of elections shall operate
18 and maintain the equipment necessary to print voter photo identification cards.

19 (c) The State Board shall adopt rules to ensure at a minimum, but not limited to, the
20 following:

- 21 (1) A registered voter seeking to obtain a voter photo identification card shall
22 provide the voter's date of birth and the last four digits of the voter's social
23 security number.
- 24 (2) Voter photo identification cards shall be issued at any time, except during the
25 time period between the end of the voter registration deadline for a primary or
26 election as provided in G.S. 163A-865 and election day for each primary and
27 election.
- 28 (3) If the registered voter loses or defaces the voter's photo identification card, the
29 voter may obtain a duplicate card without charge from his or her county board
30 of registration upon request in person, or by telephone, or mail."

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



1 SECTION 1.2 Article 20 of Chapter 163A of the General Statutes is amended by
2 adding a new section to read:

3 **"§ 163A-1145.1. Requirement for photo identification to vote in person.**

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

7 (1) Any of the following that is valid and unexpired:

8 a. A North Carolina drivers license.

9 b. A special identification card for nonoperators issued under
10 G.S. 20-37.7 or other form of non-temporary identification issued by
11 the Division of Motor Vehicles of the Department of Transportation.

12 c. A United States passport.

13 d. A North Carolina voter photo identification card of the voter issued
14 pursuant to G.S. 163A-869.1.

15 e. A valid and current tribal enrollment card issued by a federally
16 recognized tribe.

17 f. A valid and current tribal enrollment card issued by a tribe recognized
18 by this State under Chapter 71A of the General Statutes, provided that
19 card meets all of the following criteria:

20 1. Is issued in accordance with a process approved by the State
21 Board that requires an application and proof of identity
22 equivalent to the requirements for issuance of a special
23 identification card by the Division of Motor Vehicles of the
24 Department of Transportation.

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

26 g. A student identification card issued by a constituent institution of the
27 University of North Carolina in accordance with a process approved
28 by the State Board that requires an application and proof of identity
29 equivalent to the requirements for issuance of a special identification
30 card by the Division of Motor Vehicles of the Department of
31 Transportation.

32 h. A drivers license or special identification card for nonoperators issued
33 by another state, the District of Columbia, or a territory or
34 commonwealth of the United States, but only if the voter's voter
35 registration was within 90 days of the election.

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

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

39 b. A Veterans Identification Card issued by the United States Department
40 of Veterans Affairs for use at Veterans Administration medical
41 facilities.

42 (3) Any expired form of identification allowed in this subsection presented by a
43 voter having attained the age of 70 years at the time of presentation at the
44 voting place, provided that the identification was unexpired on the voter's 70th
45 birthday.

46 (b) Verification of Photo Identification. – After presentation of the required identification
47 described in subsection (a) of this section, the precinct officials assigned to check registration
48 shall compare the photograph contained on the required identification with the person presenting
49 to vote. The precinct official shall verify that the photograph is that of the person seeking to vote.
50 If the precinct official disputes that the photograph contained on the required identification is the

1 person presenting to vote, a challenge shall be conducted in accordance with the procedures of
2 G.S. 163A-914.

3 (c) Provisional Ballot Required Without Photo Identification. – If the registered voter
4 cannot produce the identification as required in subsection (a) of this section, the voter may cast
5 a provisional ballot that is counted only if the voter brings a valid and current photo identification
6 to the county board of elections no later than the end of business on the business day prior to the
7 canvass by the county board of elections as provided in G.S. 163A-1172.

8 (d) Exceptions. – The following exceptions are provided for a voter who does not produce
9 a valid and current photograph identification as required in subsection (a):

10 (1) Religious Objection. – If a voter does not produce a valid and current
11 photograph identification due to a religious objection to being photographed,
12 the voter may complete an affidavit under penalty of perjury at the voting
13 place and affirm that the voter: (i) is the same individual who personally
14 appears at the voting place; (ii) will cast the provisional ballot while voting in
15 person; and (iii) has a religious objection to being photographed. Upon
16 completion of the affidavit, the voter may cast a provisional ballot.

17 (2) Reasonable Impediment. – If a voter does not produce a valid and current
18 photograph identification because the voter suffers from a reasonable
19 impediment that prevents the voter from obtaining photograph identification,
20 the voter may complete an affidavit under the penalty of perjury at the polling
21 place and affirm that the voter: (i) is the same individual who personally
22 appears at the polling place; (ii) will cast the provisional ballot while voting
23 in person; and (iii) suffers from a reasonable impediment that prevents the
24 voter from obtaining photograph identification. The voter also shall list the
25 impediment, unless otherwise prohibited by state or federal law. Upon
26 completion of the affidavit, the voter may cast a provisional ballot.

27 (e) County Board Review of Exceptions. – If the county board of elections determines
28 that the voter voted a provisional ballot only due to the inability to provide proof of identification
29 and the required affidavit required in subsection (d) of this section is submitted, the county board
30 of elections shall find that the provisional ballot is valid unless the county board has grounds to
31 believe the affidavit is false.

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

37 **SECTION 1.3** G.S. 20-37.7(d) reads as rewritten:

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

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

- 45 (1) The applicant is legally blind.
- 46 (2) The applicant is at least ~~70~~17 years old.
- 47 (3) The applicant or who has been issued a drivers license but the drivers license
48 is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a
49 result of a physical or mental disability or disease.
- 50 (4) The applicant is homeless. To obtain a special identification card without
51 paying a fee, a homeless person must present a letter to the Division from the

1 director of a facility that provides care or shelter to homeless persons verifying
2 that the person is homeless.

3 (5) ~~The applicant is registered to vote in this State and does not have photo~~
4 ~~identification acceptable under G.S. 163A-1145. To obtain a special~~
5 ~~identification card without paying a fee, a registered voter shall sign a~~
6 ~~declaration stating the registered voter is registered and does not have other~~
7 ~~photo identification acceptable under G.S. 163A-1145. The Division shall~~
8 ~~verify that voter registration prior to issuing the special identification card.~~
9 ~~Any declaration shall prominently include the penalty under~~
10 ~~G.S. 163A-1389(13) for falsely making the declaration.~~

11 (6) ~~The applicant is appearing before the Division for the purpose of registering~~
12 ~~to vote in accordance with G.S. 163A-883 and does not have other photo~~
13 ~~identification acceptable under G.S. 163A-1145. To obtain a special~~
14 ~~identification card without paying a fee, that applicant shall sign a declaration~~
15 ~~stating that applicant is registering to vote and does not have other photo~~
16 ~~identification acceptable under G.S. 163A-1145. Any declaration shall~~
17 ~~prominently include the penalty under G.S. 163A-1389(13) for falsely making~~
18 ~~the declaration.~~

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

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

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

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

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

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

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

- 6 (1) Post information concerning changes contained in this legislation in a
7 conspicuous location at each county board of elections, the State Board's
8 office, and their respective websites.
- 9 (2) Train precinct officials at training sessions required as provided in
10 G.S. 163A-889 to answer questions by voters concerning the changes in this
11 legislation.
- 12 (3) Require documentation describing the changes in this legislation to be
13 disseminated by precinct officials at every election held following the
14 effective date of this act.
- 15 (4) Coordinate with each county board of elections so that at least two seminars
16 are conducted in each county prior to September 1, 2019.
- 17 (5) Coordinate with local and service organizations to provide for additional
18 informational seminars at a local or statewide level.
- 19 (6) Coordinate with local media outlets, county boards of commissions, and
20 county boards of elections to disseminate information in a way that would
21 reasonably inform the public concerning the changes in this legislation.
- 22 (7) Notify each registered voter who does not have a North Carolina issued
23 driver's license or identification card a notice of the provisions of this act by
24 no later than September 1, 2019. This notice must include the requirements to
25 vote absentee, early, or on election day and a description of voting by
26 provisional ballot. It must also state the availability of a free North Carolina
27 voter photo identification card pursuant to G.S. 163A-869.1.
- 28 (8) In addition to the items above, the State Board may implement additional
29 educational programs in its discretion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 The chief judge, judge, or assistant appointed under G.S. 163A-815 or 163A-818 may enter
20 challenges under this section against voters in the precinct for which appointed regardless of the
21 place of residence of the chief judge, judge, or assistant.

22 If a person is challenged under this subsection, and the challenge is sustained under
23 G.S. 163A-911(c)(3), the voter may still transfer that voter's registration under G.S. 163A-878(e)
24 if eligible under that section, and the registration shall not be cancelled under G.S. 163A-919(a)
25 if the transfer is made. A person who has transferred that voter's registration under
26 G.S. 163A-911(c)(3) may be challenged at the precinct to which the registration is being
27 transferred."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **SECTION 3.3(a)** G.S. 163A-821 reads as rewritten:

12 **"§ 163A-821. Observers; appointment.**

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

33 (b) Individuals authorized to appoint observers must submit in writing to the chief judge
34 of each precinct a signed list of the observers appointed for that precinct, except that the list of
35 at-large observers authorized in subsection (a) of this section shall be submitted to the county
36 director of elections. Individuals authorized to appoint observers must, prior to 10:00 A.M. on
37 the fifth day prior to any primary or general election, submit in writing to the chair of the county
38 board of elections two signed copies of a list of observers appointed by them, designating the
39 precinct or at-large status for which each observer is appointed. Before the opening of the voting
40 place on the day of a primary or general election, the chair shall deliver one copy of the list to
41 the chief judge for each affected precinct, except that the list of at-large observers shall be
42 provided by the county director of elections to the chief judge. The chair shall retain the other
43 copy. The chair, or the chief judge and judges for each affected precinct, may for good cause
44 reject any appointee and require that another be appointed. The names of any persons appointed
45 in place of those persons rejected shall be furnished in writing to the chief judge of each affected
46 precinct no later than the time for opening the voting place on the day of any primary or general
47 election, either by the chair of the county board of elections or the person making the substitute
48 appointment.

49 If party chairs appoint observers at one-stop sites under G.S. 163A-1300, ~~163A-1301~~,
50 163A-1302, 163A-1303, and 163A-1304, those party chairs shall provide a list of the observers

1 appointed before 10:00 A.M. on the fifth day before the observer is to observe. At-large observers
2 may serve at any one-stop site.

3"

4 **SECTION 3.3(b)** G.S. 163A-867(g)(2) reads as rewritten:

5 "(2) If the Postal Service has returned as undeliverable a notice sent within 25 days
6 before the election to the applicant under subsection (c) of this section, then
7 the applicant may vote only in person in that first election and may not vote
8 by absentee ballot except in person under G.S. 163A-1300, ~~163A-1301~~,
9 163A-1302, 163A-1303, and 163A-1304. The county board of elections shall
10 establish a procedure at the voting site for:

- 11 a. Obtaining the correct address of any person described in this
12 subdivision who appears to vote in person; and
- 13 b. Assuring that the person votes in the proper place and in the proper
14 contests.

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

19 **SECTION 3.3(c)** G.S. 163A-1133(b) reads as rewritten:

20 "(b) Photographing Voters Prohibited. – No person shall photograph, videotape, or
21 otherwise record the image of any voter within the voting enclosure, except with the permission
22 of both the voter and the chief judge of the precinct. If the voter is a candidate, only the permission
23 of the voter is required. This subsection shall also apply to one-stop sites under G.S. 163A-1300,
24 ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304. This subsection does not apply to cameras
25 used as a regular part of the security of the facility that is a voting place or one-stop site."

26 **SECTION 3.3(d)** G.S. 163A-1134(e) reads as rewritten:

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

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

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

33 **SECTION 3.3(e)** G.S. 163-1298(a) reads as rewritten:

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

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

43 (2) For any person to assist a voter to vote an absentee ballot under the absentee
44 voting procedure authorized by G.S. 163A-1300, ~~163A-1301~~, 163A-1302,
45 163A-1303, and 163A-1304 except as provided in that section.

46 (3) For a voter who votes an absentee ballot under the procedures authorized by
47 G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 to
48 vote that voter's absentee ballot outside of the voting booth or private room
49 provided to the voter for that purpose in or adjacent to the office of the county
50 board of elections or at the additional site provided by G.S. 163A-1302, or to

1 receive assistance except as provided in G.S. 163A-1300, ~~163A-1301,~~
2 163A-1302, 163A-1303, and 163A-1304.

3"

4 **SECTION 3.3(f)** G.S. 163A-1300(a) reads as rewritten:

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

8 **SECTION 3.3(g)** G.S. 163A-1300(i) reads as rewritten:

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

18 **SECTION 3.3(h)** G.S. 163A-1303 reads as rewritten:

19 "**§ 163A-1303. Sites and hours for one-stop voting.**

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

42 (b) The State Board shall not approve, either in a Plan approved unanimously by a county
43 board of elections or in an alternative Plan proposed by a member or members of that board, a
44 one-stop site in a building that the county board of elections is not entitled under G.S. 163A-1046
45 to demand and use as an election-day voting place, unless the State Board finds that other equally
46 suitable sites were not available and that the use of the sites chosen will not unfairly advantage
47 or disadvantage geographic, demographic, or partisan interests of that county. In providing the
48 site or sites for one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~ 163A-1302, this
49 section, and G.S. 163A-1304, the county board of elections shall make a request to the State,
50 county, city, local school board, or other entity in control of the building that is supported or
51 maintained, in whole or in part, by or through tax revenues at least 90 days prior to the start of

1 one-stop absentee voting under these sections. The request shall clearly identify the building, or
 2 any specific portion thereof, requested the dates and times for which that building or specific
 3 portion thereof is requested and the requirement of an area for election related activity. If the
 4 State, local governing board, or other entity in control of the building does not respond to the
 5 request within 20 days, the building or specific portion thereof may be used for one-stop absentee
 6 voting as stated in the request. If the State, local governing board, or other entity in control of the
 7 building or specific portion thereof responds negatively to the request within 20 days, that entity
 8 and the county board of elections shall, in good faith, work to identify a building or specific
 9 portion thereof in which to conduct one-stop absentee voting under G.S. 163A-1300, ~~163A-1301,~~
 10 163A-1302, this section, and G.S. 163A-1304. If no building or specific portion thereof has been
 11 agreed upon within 45 days from the date the county board of elections received a response to
 12 the request, the matter shall be resolved by the State Board.

13"

14 **SECTION 3.3(i)** G.S. 163A-1306 reads as rewritten:

15 "**§ 163A-1306. Register of absentee requests, applications, and ballots issued; a public**
 16 **record.**

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

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

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

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

40 **SECTION 3.3(j)** G.S. 163A-1308(c) reads as rewritten:

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

- 45 (1) On the top margin of each ballot the applicant is entitled to vote, the chair, a
 46 member, officer, or employee of the board of elections shall write or type the
 47 words "Absentee Ballot No. ____ " or an abbreviation approved by the State
 48 Board and insert in the blank space the number assigned the applicant's
 49 application in the register of absentee requests, applications, and ballots
 50 issued. That person shall not write, type, or print any other matter upon the
 51 ballots transmitted to the absentee voter. Alternatively, the board of elections

1 may cause to be barcoded on the ballot the voter's application number, if that
2 barcoding system is approved by the State Board.

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

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

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

29 **SECTION 3.3(h)** G.S. 163A-1310(c) reads as rewritten:

30 "(c) For purposes of this section, "Delivered in person" includes delivering the ballot to
31 an election official at a one-stop voting site under G.S. 163A-1300, ~~163A-1301~~, 163A-1302,
32 163A-1303, and 163A-1304 during any time that site is open for voting. The ballots shall be kept
33 securely and delivered by election officials at that site to the county board of elections office for
34 processing."

35 **SECTION 3.3(i) G.S. 163A-1315 reads as rewritten:**

36 **"§ 163A-1315. Counting absentee ballots by county board of elections.**

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

40 ...

41 (6) As each ballot envelope is opened, the board shall cause to be entered into a
42 pollbook designated "Pollbook of Absentee Voters" the name of the absentee
43 voter, or if the pollbook is computer-generated, the board shall check off the
44 name. Preserving secrecy, the ballots shall be placed in the appropriate ballot
45 boxes, at least one of which shall be provided for each type of ballot. The
46 "Pollbook of Absentee Voters" shall also contain the names of all persons who
47 voted under G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and
48 163A-1304, but those names may be printed by computer for inclusion in the
49 pollbook.

50 After all ballots have been placed in the boxes, the counting process shall
51 begin.

1 If one-stop ballots under G.S. 163A-1300, ~~163A-1301~~, 163A-1302,
2 163A-1303, and 163A-1304 are counted electronically, that count shall
3 commence at the time the polls close. If one-stop ballots are paper ballots
4 counted manually, that count shall commence at the same time as other
5 absentee ballots are counted.

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

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

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

22"

23 **SECTION 3.3(j)** G.S. 163A-1368 reads as rewritten:

24 "**§ 163A-1368. Absentee voting at office of board of elections.**

25 Notwithstanding any other provisions of this Subchapter, any covered voter under this Part
26 shall be permitted to vote an absentee ballot pursuant to G.S. 163A-1300, ~~163A-1301~~,
27 163A-1302, 163A-1303, and 163A-1304 if the covered voter has not already voted an absentee
28 ballot which has been returned to the board of elections, and if the covered voter will not be in
29 the county on the day of the primary or election.

30 In the event an absentee application or ballot has already been mailed to the covered voter
31 applying to vote pursuant to G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and
32 163A-1304, the board of elections shall void the application and ballot unless the voted absentee
33 ballot has been received by the board of elections. The covered voter shall be eligible to vote
34 pursuant to G.S. 163A-1300, ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 no later than
35 5:00 P.M. on the day next preceding the primary, second primary or election."

36 **SECTION 3.3(k)** G.S. 163A-1411(41) reads as rewritten:

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

- 40 a. Refers to a clearly identified candidate for elected office.
41 b. In the case of the general election in November of the even-numbered
42 year is aired or transmitted after September 7 of that year, and in the
43 case of any other election is aired or transmitted within 60 days of the
44 time set for absentee voting to begin pursuant to G.S. 163A-1300,
45 ~~163A-1301~~, 163A-1302, 163A-1303, and 163A-1304 in an election
46 for that office.
47 c. May be received by either:
48 1. 50,000 or more individuals in the State in an election for
49 statewide office or 7,500 or more individuals in any other
50 election if in the form of broadcast, cable, or satellite
51 communication.

