

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 397

Short Title: Revise Approval of Student/Employee ID/Voting. (Public)

Sponsors: Representatives Hawkins and Russell (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Elections and Ethics Law, if favorable, Rules, Calendar, and Operations of the House

March 21, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE APPROVAL PROCESS AND CERTAIN IMPLEMENTATION
3 DATES FOR STUDENT AND EMPLOYEE IDENTIFICATION CARDS TO BE USED
4 FOR VOTING IDENTIFICATION PURPOSES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Notwithstanding Section 1(b) of S.L. 2019-4, G.S. 163A-1145.2(a), as
7 enacted in Section 1.2(b) of S.L. 2018-144, reads as rewritten:

8 "**§ 163A-1145.2. Approval of student identification cards for voting identification.**

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

13 (1) The chancellor, president, or registrar of the university or college submits a
14 signed letter to the Executive Director of the State Board under penalty of
15 perjury attesting that the following have been met and are true: true statements
16 that will not knowingly be violated with regard to student identification cards
17 issued after September 15, 2019:

18 a. The identification cards that are issued by the university or college
19 contain photographs of students taken-obtained by the university or
20 college or its agents or ~~contractors~~-contractors, provided the
21 photograph obtained (i) is a frontal image that includes the student's
22 face and (ii) represents a clear, accurate likeness of the student to
23 whom the identification card is issued.

24 b. The identification cards are issued after an enrollment or other process
25 that includes one or more methods of confirming the identity of the
26 student that may include, but are not limited to, the social security
27 number, citizenship status, and birthdate of the student.

28 c. ~~The Access to the~~ equipment for producing the identification cards is
29 kept in a secure location, restricted through security measures.

30 d. Misuse of the equipment for producing the identification cards would
31 be grounds for student discipline or termination of an employee.

32 e. University or college officials would report any misuse of student
33 identification card equipment they have knowledge of to law
34 enforcement if G.S. 163A-1389(19) was potentially violated.



- 1 f. The cards issued by the university or college on or after January 1,
2 2021, will contain a date of expiration, effective January 1,
3 2021-expiration.
- 4 g. The university or college ~~provides~~ will provide copies of ~~standard~~
5 student identification cards to the State Board to assist with training
6 purposes.
- 7 h. The college or university will provide an electronic link or a copy to
8 students, when issuing students who are issued the student
9 identification ~~card, of the documentation card~~ a document developed
10 by the State Board ~~on that details~~ the requirements related to
11 identification for voting; the requirements to vote absentee, early, or
12 on election day; a description of voting by provisional ballot; and the
13 availability of a free North Carolina voter photo identification card
14 pursuant to G.S. 163A-869.1 to rural, military, veteran, elderly,
15 underserved, minority, or other communities as determined by local
16 needs; and the requirements of North Carolina residency to vote,
17 including applicable intent requirements of North Carolina law, and
18 the penalty for voting in multiple states.
- 19 (2) ~~The university or college complies with~~ Upon notification of any other
20 reasonable security measures determined by the State Board to be necessary
21 for the protection and security of the student identification process-process,
22 the university or college informs the State Board whether it will comply with
23 the requirement or not seek approval of its student identification cards.

24"

25 **SECTION 2.** Notwithstanding Section 1(b) of S.L. 2019-4, G.S. 163A-1145.3(a), as
26 enacted in Section 1.2(c) of S.L. 2018-144, reads as rewritten:

27 **"§ 163A-1145.3. Approval of employee identification cards for voting identification.**

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

- 31 (1) The head elected official or lead human resources employee of the state or
32 local government entity or charter school submits a signed letter to the
33 Executive Director of the State Board under penalty of perjury attesting that
34 the following have been met and are true>true statements that will not
35 knowingly be violated with regard to employee identification cards issued
36 after September 15, 2019:
- 37 a. The identification cards that are issued by the state or local government
38 entity contain photographs of the employees ~~taken~~ obtained by the
39 employing entity or its agents or contractors.
- 40 b. The identification cards are issued after an employment application or
41 other process that includes methods of confirming the identity of the
42 employee using data that include, but are not limited to, the social
43 security number, citizenship status, and birthdate of the employee.
- 44 c. ~~The Access to the equipment for producing the identification cards is~~
45 kept in a secure location,restricted through security measures.
- 46 d. Misuse of the equipment for producing the identification cards would
47 be grounds for termination of an employee.
- 48 e. State or local officials would report any misuse of identification card
49 equipment they have knowledge of to law enforcement if
50 G.S. 163A-1389(19) was potentially violated.

1 f. The cards issued by the state or local government entity on or after
 2 January 1, 2021, will contain a date of ~~expiration, effective January 1,~~
 3 2021-expiration.

4 g. The state or local government entity ~~provides~~ will provide copies of
 5 ~~standard-employee~~ identification cards to the State Board to assist with
 6 training purposes.

7 (2) ~~The state or local government entity complies with~~ Upon notification of any
 8 other reasonable security measures determined by the State Board to be
 9 necessary for the protection and security of the employee identification
 10 ~~process-process,~~ the state or local government entity informs the State Board
 11 whether it will comply with the requirement or not seek approval of its
 12 employee identification cards.

13"

14 **SECTION 3.** Notwithstanding Section 1(b) of S.L. 2019-4, Section 1.2(f) of S.L.
 15 2018-144 reads as rewritten:

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

31 **SECTION 4.** Notwithstanding Section 1(b) of S.L. 2019-4, Section 1.2(i) of S.L.
 32 2018-144 reads as rewritten:

33 "**SECTION 1.2.(i)** ~~The State Board of Elections and Ethics Enforcement~~ shall develop
 34 temporary rules in accordance with G.S. 163A-1309, as amended by this section, no later than
 35 July 1, 2019, and permanent rules no later than January 1, 2020. In the development of these
 36 rules, the State Board shall consult with Disability Rights North Carolina to develop forms and
 37 instructions that are accessible to the disabled community. At least 14 days prior to adoption of
 38 the temporary and permanent rules, the State Board shall report to the Joint Legislative Elections
 39 Oversight Committee on the content of the proposed rules. In addition, the State Board shall
 40 report to the Joint Legislative Elections Oversight Committee no later than ~~March~~ May 1, 2019,
 41 on the following:

42 (1) Any other recommendations to secure the absentee voting by mail process,
 43 including, but not limited, to the following:

- 44 a. Increasing the potential criminal penalty for violations of that process.
 45 b. Increasing training and education for absentee voters by mail.
 46 c. Improved technological or administrative methods to ensure the
 47 proper chain of custody of absentee voting by mail.

48 (2) Any recommended statutory changes related to security of absentee voting by
 49 mail, including legislation recommended for implementation of subsections
 50 (d) and (e) of this section."

51 **SECTION 5.** This act is effective when it becomes law.