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PROPOSED SENATE COMMITTEE SUBSTITUTE H589-PCS30606-LB-110

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Sponsors:

Referred to:

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. SHORT TITLE

SECTION 1.1. This act shall be known and cited as the Voter Information
Verification Act.

PART II. PHOTO IDENTIFICATION

SECTION 2.1. Article 14A of Chapter 163 of the General Statutes is amended by
adding a new section to read:

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

(a) Every qualified voter voting in person in accordance with this Article,
G.S. 163-82.6A, 163-166.7, 163-166.9, 163-227.2, or 163-182.1A shall present photo
identification bearing any reasonable resemblance to that voter to a local election official at the
voting place before voting, except as follows:

- (1) For a registered voter voting curbside, that voter shall present identification
under G.S. 163-166.9.
- (2) For a registered voter who has a sincerely held religious objection to being
photographed and has filed a declaration in accordance with G.S. 163-82.7A
at least 25 days before the election in which that voter is voting in person,
that voter shall not be required to provide photo identification.
- (3) For a registered voter who is a victim of a natural disaster occurring within
60 days before election day that resulted in a disaster declaration by the
President of the United States or the Governor of this State who declares the



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1 lack of photo identification due to the natural disaster on a form provided by
2 the State Board, that voter shall not be required to provide photo
3 identification in any county subject to such declaration. The form shall be
4 available from the State Board of Elections, from each county board of
5 elections in a county subject to the disaster declaration, and at each polling
6 place and one-stop early voting site in that county. The voter shall submit the
7 completed form at the time of voting.

8 (b) Any voter who complies with subsection (a) of this section shall be permitted to
9 vote.

10 (c) Any voter who does not comply with subsection (a) of this section shall be
11 permitted to vote a provisional official ballot which shall be counted in accordance with
12 G.S. 163-182.1A.

13 (d) The local election official to whom the photo identification is presented shall
14 determine if the photo identification bears any reasonable resemblance to the voter presenting
15 the photo identification. If it is determined that the photo identification does not bear any
16 reasonable resemblance to the voter, the local election official shall comply with
17 G.S. 163-166.14.

18 (e) As used in this section, "photo identification" means any one of the following that
19 contains a photograph of the registered voter. In addition, the photo identification shall have a
20 printed expiration date and has not expired, provided that any voter having attained the age of
21 70 years at the time of presentation at the voting place shall be permitted to present an expired
22 form of any of the following that was unexpired on the voter's 70th birthday. Notwithstanding
23 the previous sentence, in the case of identification under subdivisions (4) through (6) of this
24 subsection, if it does not contain a printed expiration date, it shall be acceptable if it has a
25 printed issuance date that is not more than eight years before it is presented for voting:

26 (1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the
27 General Statutes, including a learner's permit or a provisional license.

28 (2) A special identification card for nonoperators issued under G.S. 20-37.7.

29 (3) A United States passport.

30 (4) A United States military identification card.

31 (5) A Veterans Identification Card issued by the United States Department of
32 Veterans Affairs for use at Veterans Administration medical facilities.

33 (6) A tribal enrollment card issued by a federally recognized tribe or a tribe
34 recognized by this State under Chapter 71A of the General Statutes.

35 (7) A drivers license or nonoperators identification card issued by another state,
36 the District of Columbia, or a territory or commonwealth of the United
37 States, but only if the voter's voter registration was within 90 days of the
38 election."

39 **SECTION 2.2.** Article 14A of Chapter 163 of the General Statutes is amended by
40 adding a new section to read:

41 **"§ 163-166.14. Evaluation of determination of nonreasonable resemblance of photo**
42 **identification.**

43 (a) Any local election official that determines the photo identification presented by a
44 voter in accordance with G.S. 163-166.13 does not bear any reasonable resemblance to that
45 voter shall notify the judges of election of the determination.

46 (b) When notified under subsection (a) of this section, the judges of election present
47 shall review the photo identification presented and the voter to determine if the photo
48 identification bears any reasonable resemblance to that voter. The judges of election present
49 may consider information presented by the voter in addition to the photo identification and
50 shall construe all evidence presented in a light most favorable to the voter.

1 (c) A voter subject to subsections (a) and (b) of this section shall be permitted to vote
2 unless the judges of election present unanimously agree that the photo identification presented
3 does not bear any reasonable resemblance to that voter. The failure of the judges of election
4 present to unanimously agree that photo identification presented by a voter does not bear any
5 reasonable resemblance to that voter shall be dispositive of any challenges that may otherwise
6 be made under G.S. 163-85(c)(10).

7 (d) A voter subject to subsections (a) and (b) of this section shall be permitted to vote a
8 provisional ballot in accordance with G.S. 163-88.1 if the judges of election present
9 unanimously agree that the photo identification presented does not bear any reasonable
10 resemblance to that voter.

11 (e) At any time a voter presents photo identification to a local election official other
12 than on election day, the county board of elections shall have available to the local election
13 official judges of election for the review required under subsection (b) of this section,
14 appointed in the manner as is in Article 5 of this Chapter, except that the individuals (i) may
15 reside anywhere in the county or (ii) be an employee of the county or the State. Neither the
16 local election official nor the judges of election may be a county board member. The county
17 board is not required to have the same judges of election available throughout the time period a
18 voter may present photo identification other than on election day but shall have at least two
19 judges, who are not of the same political party affiliation, available at all times during that
20 period.

21 (f) Any local or State employee appointed to serve as a judge of election may hold that
22 office in addition to the number permitted by G.S. 128-1.1.

23 (g) The county board of elections shall cause to be made a record of all voters subject to
24 subsection (c) of this section. The record shall include all of the following:

25 (1) The name and address of the voter.

26 (2) The name of the local election official under subsection (a) of this section.

27 (3) The names and a record of how each judge of election voted under
28 subsection (b) of this section.

29 (4) The date of the determinations under subsections (a) and (b) of this section.

30 (5) A brief description of the photo identification presented by the voter.

31 (h) For purposes of this section, the term "judges of election" shall have the following
32 meanings:

33 (1) On election day, the chief judge and judges of election as appointed under
34 Article 5 of this Chapter.

35 (2) Any time other than on election day, the individuals appointed under
36 subsection (e) of this section.

37 (i) The State Board shall adopt rules for the administration of this section."

38 **SECTION 2.3.** Article 7A of Chapter 163 of the General Statutes is amended by
39 adding a new section to read:

40 **"§ 163-82.7A. Declaration of religious objection to photograph.**

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

44 (b) At any time after the voter has registered to vote that the voter has determined the
45 voter has a sincerely held religious objection to being photographed, that voter may execute a
46 declaration before an election official to be incorporated as part of the official record of that
47 voter's voter registration.

48 (c) At any time after a voter has executed a declaration before an election official under
49 this section and that voter no longer has a sincerely held religious objection to being
50 photographed, that voter may request the cancellation of the declaration in writing to the county
51 board.

1 (d) All declarations under subsections (a) and (b) of this section shall include a
2 statement by the voter that the voter has a sincerely held religious objection to being
3 photographed and a requirement for the signature of the voter, which includes a notice that a
4 false or fraudulent declaration is a Class I felony pursuant to G.S. 163-275(13).

5 (e) The State Board shall adopt rules to establish a standard form for the administration
6 of this section."

7 **SECTION 2.4.** G.S. 163-82.6A(b) reads as rewritten:

8 "(b) Both Attestation and Proof of Residence Required. – To vote under this section, a
9 voter shall present photo identification in accordance with G.S. 163-166.13. This requirement is
10 separate from the requirement to provide proof of residence under subdivision (2) of this
11 subsection. To register and vote under this section, the person shall do both of the following:

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

23 **SECTION 2.5.** G.S. 163-166.7(a) reads as rewritten:

24 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
25 through the appropriate entrance. A precinct official assigned to check registration shall at once
26 ask the voter to state current name and residence address. The voter shall answer by stating
27 current name and residence ~~address.~~ address and presenting photo identification in accordance
28 with G.S. 163-166.13. In a primary election, that voter shall also be asked to state, and shall
29 state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing
30 party in which the voter wishes to vote. After examination, that official shall state whether that
31 voter is duly registered to vote in that precinct and shall direct that voter to the voting
32 equipment or to the official assigned to distribute official ballots. If a precinct official states
33 that the person is duly registered, the person shall sign the pollbook, other voting record, or
34 voter authorization document in accordance with subsection (c) of this section before voting."

35 **SECTION 2.6.** G.S. 163-166.9 reads as rewritten:

36 **"§ 163-166.9. Curbside voting.**

37 (a) In any election or referendum, if any qualified voter is able to travel to the voting
38 place, but because of age or physical disability and physical barriers encountered at the voting
39 place is unable to enter the voting enclosure to vote in person without physical assistance, that
40 voter shall be allowed to vote either in the vehicle conveying that voter or in the immediate
41 proximity of the voting place.

42 (b) Any qualified voter voting under this section shall comply with G.S. 163-166.13(a)
43 by one of the following means:

- 44 (1) Presenting photo identification in accordance with G.S. 163-166.13(a).
45 (2) Presenting a copy of a document listed in G.S. 163-166.12(a)(2).

46 (c) The State Board of Elections shall ~~promulgate~~ adopt rules for the administration of
47 this section."

48 **SECTION 2.7.** G.S. 163-227.2(b) reads as rewritten:

49 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
50 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
51 before that election, the voter shall appear in person only at the office of the county board of

1 elections, except as provided in subsection (g) of this section. A county board of elections shall
2 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may
3 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the
4 board office through the appropriate entrance and shall at once state his or her name and place
5 of residence to an authorized member or employee of the ~~board.~~ board and present photo
6 identification in accordance with G.S. 163-166.13. In a primary election, the voter shall also
7 state the political party with which the voter affiliates and in whose primary the voter desires to
8 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party
9 under G.S. 163-119, the voter shall state the name of the authorizing political party in whose
10 primary he wishes to vote. The board member or employee to whom the voter gives this
11 information shall announce the name and residence of the voter in a distinct tone of voice.
12 After examining the registration records, an employee of the board shall state whether the
13 person seeking to vote is duly registered. If the voter is found to be registered that voter may
14 request that the authorized member or employee of the board furnish the voter with an
15 application form as specified in G.S. 163-227. The voter shall complete the application in the
16 presence of the authorized member or employee of the board, and shall deliver the application
17 to that person."

18 **SECTION 2.8.** Article 15A of Chapter 163 of the General Statutes is amended by
19 adding a new section to read:

20 **"§ 163-182.1A. Counting of provisional official ballots cast due to failure to provide photo**
21 **identification when voting in person.**

22 (a) Unless disqualified for some other reason provided by law, the county board of
23 elections shall find that a voter's provisional official ballot cast wholly or partly as a result of
24 failing to present photo identification when voting in person in accordance with
25 G.S. 163-166.13 is valid and direct that the provisional ballot be opened and counted in
26 accordance with this Chapter if the voter complies with this section.

27 (b) A voter who casts a provisional official ballot wholly or partly as a result of failing
28 to present photo identification when voting in person in accordance with G.S. 163-166.13 may
29 comply with this section by appearing in person at the county board of elections and doing one
30 of the following:

31 (1) Presenting photo identification as defined in G.S. 163-166.13(e) that bears
32 any reasonable resemblance to the voter. The local election official to whom
33 the photo identification is presented shall determine if the photo
34 identification bears any reasonable resemblance to that voter. If not, that
35 local election official shall comply with G.S. 163-166.14.

36 (2) Presenting any of the documents listed in G.S. 163-166.12(a)(2) and
37 declaring that the voter has a sincerely held religious objection to being
38 photographed. That voter shall also be offered an opportunity to execute a
39 declaration under G.S. 163-82.7A for future elections.

40 (c) All identification under subsection (b) of this section shall be presented to the
41 county board of elections not later than 12:00 noon the day prior to the time set for the
42 convening of the election canvass pursuant to G.S. 163-182.5.

43 (d) If the county board of elections determines that a voter has also cast a provisional
44 official ballot for a cause other than the voter's failure to provide photo identification in
45 accordance with G.S. 163-166.13, the county board shall do all of the following:

46 (1) Note on the envelope containing the provisional official ballot that the voter
47 has complied with the proof of identification requirement.

48 (2) Proceed to determine any other reasons for which the provisional official
49 ballot was cast provisionally before ruling on the validity of the voter's
50 provisional official ballot."

51 **SECTION 2.9.** G.S. 163-87 reads as rewritten:

1 **"§ 163-87. Challenges allowed on day of primary or election.**

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

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

- 8 (1) One or more of the reasons listed in G.S. 163-85(c).
- 9 (2) That the person has already voted in that primary or election.
- 10 (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.
- 11 (4) If the challenge is made with respect to voting in a partisan primary, that the
12 person is a registered voter of another political party.
- 13 (5) The voter does not present photo identification in accordance with
14 G.S. 163-166.13.

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

18 If a person is challenged under this subsection, and the challenge is sustained under
19 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if
20 eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if
21 the transfer is made. A person who has transferred his registration under G.S. 163-82.15(e) may
22 be challenged at the precinct to which the registration is being transferred."
23

24 **PART III. IMPLEMENTATION**

25 **SECTION 3.1.** G.S. 20-37.7(d) reads as rewritten:

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

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

- 33 (1) ~~who~~The applicant is legally ~~blind, blind,~~
- 34 (2) The applicant is at least 70 years ~~old, old.~~
- 35 (3) The applicant ~~is homeless,~~ has been issued a drivers license but the drivers
36 license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and
37 (g), as a result of a physical or mental disability or disease.
- 38 (4) The applicant is homeless. To obtain a special identification card without
39 paying a fee, a homeless person must present a letter to the Division from
40 the director of a facility that provides care or shelter to homeless persons
41 verifying that the person is homeless.
- 42 (5) The applicant is registered to vote in this State and does not have photo
43 identification acceptable under G.S. 163-166.13. To obtain a special
44 identification card without paying a fee, a registered voter shall sign a
45 declaration stating the registered voter is registered and does not have other
46 photo identification acceptable under G.S. 163-166.13. The Division shall
47 verify that voter registration prior to issuing the special identification card.
48 Any declaration shall prominently include the penalty under
49 G.S. 163-275(13) for falsely making the declaration.
- 50 (6) The applicant is appearing before the Division for the purpose of registering
51 to vote in accordance with G.S. 163-82.19 and does not have other photo

1 identification acceptable under G.S. 163-166.13. To obtain a special
2 identification card without paying a fee, that applicant shall sign a
3 declaration stating that applicant is registering to vote and does not have
4 other photo identification acceptable under G.S. 163-166.13. Any
5 declaration shall prominently include the penalty under G.S. 163-275(13) for
6 falsely making the declaration."

7 **SECTION 3.2.** G.S. 130A-93.1 is amended by adding a new subsection to read:

8 "(c) Upon verification of voter registration, the State Registrar shall not charge any fee
9 under subsection (a) of this section to a registered voter who signs a declaration stating the
10 registered voter is registered to vote in this State and does not have a certified copy of that
11 registered voter's birth certificate or marriage license necessary to obtain photo identification
12 acceptable under G.S. 163-166.13. Any declaration shall prominently include the penalty under
13 G.S. 163-275(13) for falsely or fraudulently making the declaration."

14 **SECTION 3.3.** G.S. 161-10(a)(8) reads as rewritten:

15 "(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. –
16 For furnishing a certified copy of a death or birth certificate or marriage
17 license ten dollars (\$10.00). Provided however, a ~~Register of Deeds~~ register
18 of deeds, in accordance with G.S. 130A-93, may issue without charge a
19 certified ~~Birth Certificate~~ birth certificate to any person over the age of 62
20 years. Provided, however, upon verification of voter registration, a register
21 of deeds, in accordance with G.S. 130A-93, shall issue without charge a
22 certified copy of a birth certificate or a certified copy of a marriage license to
23 any registered voter who declares the registered voter is registered to vote in
24 this State and does not have a certified copy of that registered voter's birth
25 certificate or marriage license necessary to obtain photo identification
26 acceptable under G.S. 163-166.13. Any declaration shall prominently
27 include the penalty under G.S. 163-275(13) for falsely or fraudulently
28 making the declaration."

29 **SECTION 3.4.** G.S. 163-275(13) reads as rewritten:

30 "(13) For any person falsely to make or present any certificate or other paper to
31 qualify any person fraudulently as a voter, or to attempt thereby to secure to
32 any person the privilege of ~~voting~~; voting, including declarations made under
33 this Chapter, G.S. 20-37.7(d)(5), 130A-93.1(c), and 161-10(a)(8);"
34

35 **PART IV. ABSENTEE VOTING**

36 **SECTION 4.1.** G.S. 163-229(b) reads as rewritten:

37 "(b) Application on Container-Return Envelope. – In time for use not later than 60 days
38 before a statewide general election in an even-numbered year, and not later than 50 days before
39 a statewide primary, other general election or county bond election, the county board of
40 elections shall print a sufficient number of envelopes in which persons casting absentee ballots
41 may transmit their marked ballots to the county board of elections. However, in the case of
42 municipal elections, sufficient container-return envelopes shall be made available no later than
43 30 days before an election. Each container-return envelope shall have printed on it an
44 application which shall be designed and prescribed by the State Board of Elections, providing
45 for all of the following:

- 46 (1) ~~the~~ The voter's certification of eligibility to vote the enclosed ballot and of
47 having voted the enclosed ballot in accordance with this ~~Article~~, Article.
- 48 (2) ~~a~~ A space for identification of the envelope with the ~~voter~~, voter and the
49 voter's signature.

- 1 (3) ~~and a~~ A space for the identification of the two persons witnessing the casting
 2 of the absentee ballot in accordance with G.S. 163-231, those persons'
 3 signatures, and those persons' addresses.
 4 (4) A space for the name and address of any near relative or verifiable legal
 5 guardian who assisted the voter if the voter is unable to complete and sign
 6 the certification and that individual's signature.
 7 (5) A space for approval by the county board of elections.
 8 (6) ~~The envelope shall~~ A space to allow reporting of a change of name as
 9 provided by G.S. 163-82.16.
 10 (7) A prominent display of the unlawful acts under G.S. 163-226.3 and
 11 G.S. 163-275, except if there is not room on the envelope, the State Board of
 12 Elections may provide for that disclosure to be made on a separate piece of
 13 paper to be included along with the container-return envelope.

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

16 **SECTION 4.2.** G.S. 163-230.1 reads as rewritten:

17 **"§ 163-230.1. Simultaneous issuance of absentee ballots with application.**

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

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

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

38 (a1) **Absence for Sickness or Physical Disability.** – Notwithstanding the provisions of
 39 subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in
 40 person on election day because of that voter's sickness or other physical disability, that voter or
 41 that voter's near relative or verifiable legal guardian may make ~~written the request under~~
 42 subsection (a) of this section in person for absentee ballots to the board of elections of the
 43 county in which the voter is registered after 5:00 p.m. on the Tuesday before the election but
 44 not later than 5:00 p.m. on the day before the election. The county board of elections shall treat
 45 that completed request form in the same manner as a request under subsection (a) of this
 46 section but may personally deliver the application and ballots, enter in the register of absentee
 47 requests, applications, and ballots issued the information required in G.S. 163-228 as soon as
 48 each item of that information becomes available. The county board of elections shall personally
 49 deliver to the requester in a single package:

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

1 (2) ~~A container-return envelope for the ballots, printed in accordance with~~
2 ~~G.S. 163-229; and~~
3 (3) ~~An instruction sheet.~~
4 (a2) Delivery of Absentee Ballots and Container-Return Envelope to Applicant. – When
5 the county board of elections receives a completed request form for applications and absentee
6 ballots, the board shall promptly issue and transmit them to the voter in accordance with the
7 following instructions:

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

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

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

49 (c) At its next official meeting after return of the completed container-return envelope
50 with the voter's ballots, the county board of elections shall determine whether the
51 container-return envelope has been properly executed. If the board determines that the

1 container-return envelope has been properly executed, it shall approve the application and
2 deposit the container-return envelope with other container-return envelopes for the envelope to
3 be opened and the ballots counted at the same time as all other container-return envelopes and
4 absentee ballots.

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

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

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

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

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

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

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

30 **SECTION 4.3.** G.S. 163-230.2 reads as rewritten:

31 "**§ 163-230.2. Method of requesting absentee ballots.**

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

44 (1) The name and address of the residence of the voter.

45 (2) The name and address of the voter's near relative or verifiable legal guardian
46 if that individual is making the request.

47 (3) The address of the voter to which the application and absentee ballots are to
48 be mailed if different from the residence address of the voter.

49 (4) One or more of the following in the order of preference:

- 1 a. The number of the voter's North Carolina drivers license issued under
2 Article 2 of Chapter 20 of the General Statutes, including a learner's
3 permit or a provisional license.
- 4 b. The number of the voter's special identification card for nonoperators
5 issued under G.S. 20-37.7.
- 6 c. The last four digits of the applicant's social security number.
- 7 (5) The voter's date of birth.
- 8 (6) The signature of the voter or of the voter's near relative or verifiable legal
9 guardian if that individual is making the request.
- 10 (a1) A completed request form for an absentee ballot shall be deemed a request to update
11 the official record of voter registration for that voter and shall be confirmed in writing in
12 accordance with G.S. 163-82.14(d).
- 13 (a2) The completed request form for an absentee ballot shall be delivered to the county
14 board of elections. If the voter does not include the information requested in subdivision (a)(4)
15 of this section, a copy of a document listed in G.S. 163-166.12(a)(2) shall accompany the
16 completed request form.
- 17 (a3) Upon receiving a completed request form for an absentee ballot, the county board
18 shall verify the voter registration. If verified, the absentee ballots and certification form shall be
19 mailed to the voter, unless personally delivered to the requester in accordance with
20 G.S. 163-230(a1). If the voter's official record of voter registration conflicts with the completed
21 request form for an absentee ballot or cannot be verified, the voter shall be so notified. If the
22 county board cannot resolve the differences, no application or absentee ballots shall be issued.
- 23 (b) Invalid Types of Written Requests. – A request is not valid if it does not comply
24 with subsection (a) of this section. If a county board of elections receives a request for an
25 absentee ballot that does not comply with subsection (a) of this section, the board shall not
26 issue an application and ballot under G.S. 163-230.1.
- 27 (c) Rules by State Board. – The State Board of Elections shall adopt rules for the
28 enforcement of this section."

29 **SECTION 4.4.** G.S. 163-231 reads as rewritten:

30 **"§ 163-231. Voting absentee ballots and transmitting them to the county board of**
31 **elections.**

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

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

47 The ~~person~~persons in whose presence the ballot is marked shall at all times respect the
48 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests ~~the person's~~
49 assistance and ~~the~~that person is otherwise authorized by law to give assistance. ~~The person in~~
50 ~~whose presence the ballot was marked shall sign the application and certificate as a witness and~~
51 ~~shall indicate that person's address.~~ When thus executed, the sealed container-return envelope,

1 with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection
2 (b) of this section to the county board of elections which issued the ballots.

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

4 (b) Transmitting Executed Absentee Ballots to County Board of Elections. – The sealed
5 container-return envelope in which executed absentee ballots have been placed shall be
6 transmitted to the county board of elections who issued them as follows: All ballots issued
7 under the provisions of ~~Articles 20~~this Article and Article 21A of this Chapter shall be
8 transmitted by mail or by commercial courier service, at the voter's expense, or delivered in
9 person, or by the voter's near relative or verifiable legal guardian not later than 5:00 p.m. on the
10 day before the statewide primary or general election or county bond election. Ballots issued
11 under the provisions of Article 21A of this Chapter may also be electronically transmitted. If
12 ballots are received later than that hour, ~~they~~those absentee ballots shall not be accepted unless
13 (i) federal law so requires, (ii) if ~~ballots~~ballots issued under Article 20 of this Chapter Article, the
14 absentee ballots are postmarked by the day of the statewide primary or general election or
15 county bond election and are received by the county board of elections not later than three days
16 after the election by 5:00 p.m., or (iii) if ~~ballots~~ballots issued under Article 21A of this Chapter
17 Chapter, the absentee ballots are received by the county board of elections not later than the
18 end of business on the business day before the canvass conducted by the county board of
19 elections held pursuant to G.S. 163-182.5. Ballots issued under ~~Article 20 of this Chapter~~
20 Article not postmarked by the day of the election shall not be accepted by the county board of
21 elections."

22 **SECTION 4.5.** G.S. 163-226 is amended by adding a new subsection to read:

23 "(d) The Term "Verifiable Legal Guardian." – An individual appointed guardian under
24 Chapter 35A of the General Statutes. For a corporation appointed as a guardian under that
25 Chapter, the corporation may submit a list of 10 named individuals to the State Board of
26 Elections who may act for that corporation under this Article."

27 **SECTION 4.6.(a)** G.S. 163-226.3(a)(4) reads as rewritten:

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

31 ...

32 (4) For any owner, manager, director, employee, or other person, other than the
33 voter's near relative or verifiable legal guardian, to (i) make a written request
34 pursuant to G.S. 163-230.1 or (ii) sign an application and certificate as a
35 witness, on behalf of a registered voter voter, who is a patient in any
36 hospital, clinic, nursing home or rest home in this State or for any owner,
37 manager, director, employee, or other person other than the voter's near
38 relative or verifiable legal guardian, to mark the voter's absentee ballot or
39 assist such a voter in marking an absentee ballot. This subdivision does not
40 apply to members, employees, or volunteers of the county board of elections,
41 if those members, employees, or volunteers are working as part of a
42 multipartisan team trained and authorized by the county board of elections to
43 assist voters with absentee ballots. Each county board of elections shall train
44 and authorize such teams, pursuant to procedures which shall be adopted by
45 the State Board of Elections. If neither the voter's near relative nor a
46 verifiable legal guardian is available to assist the voter, and a multipartisan
47 team is not available to assist the voter within 15 days of a telephonic
48 request to the county board of elections, the voter may obtain such assistance
49 from any person other than (i) an owner, manager, director, employee of the
50 hospital, clinic, nursing home, or rest home in which the voter is a patient or
51 resident; (ii) an individual who holds any elective office under the United

1 States, this State, or any political subdivision of this State; (iii) an individual
2 who is a candidate for nomination or election to such office; or (iv) an
3 individual who holds any office in a State, congressional district, county, or
4 precinct political party or organization, or who is a campaign manager or
5 treasurer for any candidate or political party; provided that a delegate to a
6 convention shall not be considered a party office. None of the persons listed
7 in (i) through (iv) of this subdivision may sign the application and certificate
8 as a witness for the patient.

9 "

10 **SECTION 4.6(b).** The State Board of Elections shall adopt rules prior to October
11 1, 2013, concerning the multipartisan teams authorized by G.S. 163-226.3(a)(4), as amended by
12 subsection (a) of this section, to ensure that each county has no later than the day absentee
13 voting begins for each primary and election trained teams to promptly assist patients and
14 residents of any hospital, clinic, nursing home, or rest home in that county in casting absentee
15 ballots as provided by law. Such rules shall be initially established as temporary rules in
16 accordance with Chapter 150B of the General Statutes.

17 18 **PART V. REGISTRATION AND EDUCATION**

19 **SECTION 5.1.** G.S. 163-82.20 is amended by adding a new subsection to read:

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

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

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

26 **SECTION 5.2** The State Board of Elections shall disseminate information about
27 photo identification requirements for voting, provide information on how to obtain photo
28 identification appropriate for voting, and assist any registered voter without photo identification
29 appropriate for voting with obtaining such photo identification. Information may be distributed
30 through public service announcements, print, radio, television, online, and social media. The
31 State Board shall work with public agencies, private partners, and nonprofits to identify voters
32 without photo identification appropriate for voting and assist those voters in securing the photo
33 identification appropriate for voting. All outreach efforts to notify voters of the photo
34 identification requirements shall be accessible to the elderly and persons with disabilities. The
35 State Board of Elections shall work with county boards of elections in those counties where
36 there is no Division of Motor Vehicles drivers license office open five days a week to (i)
37 widely communicate information about the availability and schedules of Division of Motor
38 Vehicles mobile units and (ii) provide volunteers to assist voters with obtaining photo
39 identification through mobile units or through any local government that makes photo
40 identification available.

41 **SECTION 5.3.** Education and Publicity Requirements. – The public shall be
42 educated about the photo identification to vote requirements of this act as follows:

43 (1) As counties use their regular processes to notify voters of assignments and
44 reassignments to districts for election to the United States House of
45 Representatives, State Senate, State House of Representatives, or local
46 office, by including information about the provisions of this act.

47 (2) As counties send new voter registration cards to voters as a result of new
48 registration, changes of address, or other reasons, by including information
49 about the provisions of this act.

50 (3) Counties that maintain a board of elections Web site shall include
51 information about the provisions of this act.

- 1 (4) Notices of elections published by county boards of elections under
2 G.S. 163-22(8) for the 2014 primary and 2014 general election shall include
3 a brief statement that photo identification will be required to vote in person
4 beginning in 2016.
- 5 (5) The State Board of Elections shall include on its Web site information about
6 the provisions of this act.
- 7 (6) Counties shall post at the polls and at early voting sites beginning with the
8 2014 primary elections information about the provisions of this act.
- 9 (7) The State Board of Elections shall distribute information about the photo
10 identification requirements to groups and organizations serving persons with
11 disabilities or the elderly.
- 12 (8) The State Board of Elections, the Division of Motor Vehicles, and county
13 boards of elections in counties where there is no Division of Motor Vehicles
14 drivers license office open five days a week shall include information about
15 mobile unit schedules on existing Web sites, shall distribute information
16 about these schedules to registered voters identified without photo
17 identification, and shall publicize information about the mobile unit
18 schedules through other available means.
- 19 (9) The State Board of Elections and county boards of elections shall direct
20 volunteers to assist registered voters and shall publicize available assistance
21 in obtaining photo identification where available through local governments
22 in counties where there is no Division of Motor Vehicles drivers license
23 office open five days a week.

24 **SECTION 5.4.** The State Board of Elections shall include in all forms prepared by
25 the Board a prominent statement that submitting fraudulently or falsely completed declarations
26 is a Class I felony under Chapter 163 of the General Statutes.

27 **SECTION 5.5.** By April 1, 2014, the State Board of Elections shall review and
28 make recommendations to the Joint Legislative Elections Oversight Committee on the steps
29 recommended by the Board to implement the use of electronic and digital information in all
30 polling places statewide. The review shall address all of the following:

- 31 (1) Obtaining digital photographs of registered voters and verifying identity of
32 those voters.
- 33 (2) Maintaining information stored electronically in a secure fashion.
- 34 (3) Utilizing electronically stored information, including digital photographs and
35 electronic signatures, to create electronic pollbooks.
- 36 (4) Using electronic pollbooks to assist in identifying individuals attempting to
37 vote more than once in an election.
- 38 (5) A proposed plan for a pilot project to implement electronic pollbooks,
39 including the taking of digital photographs at the polling place to supplement
40 the electronic pollbooks.
- 41 (6) Any other related matter identified by the State Board impacting the use of
42 digital and electronic information in the voting place.
- 43

44 **PART VI. SEVERABILITY AND EFFECTIVE DATE**

45 **SECTION 6.1.** If any provision of this act or its application is held invalid, the
46 invalidity does not affect other provisions or applications of this act that can be given effect
47 without the invalid provisions or application, and to this end the provisions of this act are
48 severable.

49 **SECTION 6.2.** This act becomes effective as follows:

- 50 (1) Parts I and VI of this act are effective when this act becomes law.

- 1 (2) Part II of this act becomes effective January 1, 2016, and applies to
2 primaries and elections conducted on or after that date.
- 3 (3) Part III of this act becomes effective January 1, 2014.
- 4 (4) Part IV of this act becomes effective January 1, 2014, and applies to
5 primaries and elections held on or after that date, except that Section 4.6(b)
6 is effective when it becomes law.
- 7 (5) Part V of this act becomes effective October 1, 2013.
- 8 (6) At any primary and election between May 1, 2014, and January 1, 2016, any
9 registered voter may present that voter's photo identification to the elections
10 officials at the voting place but may not be required to do so. At each
11 primary and election between May 1, 2014, and January 1, 2016, each voter
12 presenting in person shall be notified that photo identification will be needed
13 to vote beginning in 2016 and be asked if that voter has one of the forms of
14 photo identification appropriate for voting. If that voter indicates he or she
15 does not have one or more of the types of photo identification appropriate
16 for voting, that voter shall be asked to sign an acknowledgment of the photo
17 identification requirement and be given a list of types of photo identification
18 appropriate for voting and information on how to obtain those types of photo
19 identification. The list of names of those voters who signed an
20 acknowledgment is a public record.