

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 646
Committee Substitute Favorable 4/10/19

Short Title: ID Approval/Flex Muni One-Stop.

(Public)

Sponsors:

Referred to:

April 9, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE APPROVAL PROCESS FOR STUDENT AND EMPLOYEE
3 IDENTIFICATION CARDS FOR VOTING PURPOSES; TO PROVIDE AN
4 ADDITIONAL WINDOW FOR APPROVAL OF STUDENT AND EMPLOYEE
5 IDENTIFICATION CARDS FOR THE 2020 ELECTIONS; AND TO PROVIDE
6 FLEXIBILITY IN THE NUMBER OF HOURS OF EARLY ONE-STOP VOTING IN
7 ODD-NUMBERED YEAR ELECTIONS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 163A-1145.1(a)(1)e. is recodified as G.S. 163A-1145.1(a)(2)c.

10 SECTION 2. G.S. 163A-1145.2, as amended by S.L. 2019-4, reads as rewritten:

11 "§ 163A-1145.2. Approval of student identification cards for voting identification.

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

16 (1) ~~The chancellor, president, or registrar of the university or college submits a~~
17 ~~signed letter to the Executive Director of~~ documentation satisfactory to the
18 ~~State Board under penalty of perjury that the following are true: have been met~~
19 ~~and will not knowingly be violated with regard to student identification cards~~
20 ~~issued during the approval period:~~

21 a. The identification cards that are issued by the university or college
22 contain photographs of students taken-obtained by the university or
23 college or its agents or ~~contractors~~ contractors, provided the
24 photograph obtained (i) is a frontal image that includes the student's
25 face and (ii) represents a clear, accurate likeness of the student to
26 whom the identification card is issued. If the photograph is one not
27 produced by the university or college or its agents, the university or
28 college shall explain in detail the process used by the university or
29 college to ensure the photograph is that of the student to whom the
30 identification card is issued.

31 b. The identification cards are issued after an enrollment or other process
32 that includes one or more methods of confirming the identity of the
33 student using data that may include, but are not limited to, the social
34 security number, citizenship status, and birthdate of the student.

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



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- 1 d. Misuse of the equipment for producing the identification cards would
2 be grounds for student discipline or termination of an employee.
- 3 e. University or college officials would report any misuse of student
4 identification card equipment they have knowledge of to law
5 enforcement if G.S. 163A-1389(19) was potentially violated.
- 6 f. The cards issued by the university or college on or after January 1,
7 2021, contain a date of ~~expiration,~~ effective January 1,
8 2021.~~expiration.~~
- 9 g. The university or college ~~provides~~ will provide copies of ~~standard~~
10 student identification cards to the State Board to assist with training
11 purposes.
- 12 h. The college or university will provide ~~a copy to students, when issuing~~
13 students who are issued the student identification ~~card,~~ of the
14 ~~documentation~~ card a copy of, or an electronic link to, a document
15 developed by the State Board ~~on~~ that details the requirements related
16 to identification for voting; the requirements to vote absentee, early,
17 or on election day; a description of voting by provisional ballot; and
18 the availability of a free North Carolina voter photo identification card
19 pursuant to G.S. 163A-869.1 to rural, military, veteran, elderly,
20 underserved, minority, or other communities as determined by local
21 needs; and the requirements of North Carolina residency to vote,
22 including applicable intent requirements of North Carolina law, and
23 the penalty for voting in multiple states.

- 24 (2) The university or college complies with any other reasonable security
25 measures determined by the State Board to be necessary for the protection and
26 security of the student identification process.

27 (b) ~~The~~ The State Board shall establish a schedule for such submissions and approvals.
28 The State Board shall permit a university or college with no changes to the prior election cycle's
29 approval to submit a statement indicating no changes have been made by the university or
30 college. When the State Board shall approve the approves for use of the student identification
31 cards issued by a constituent institution of The University of North Carolina, a community
32 college, as defined in G.S. 115D-2(2), or eligible private postsecondary institution as defined in
33 ~~G.S. 116-280(3) every four years.~~ G.S. 116-280(3), for voting identification purposes under
34 G.S. 163A-1145.1, such approval shall be valid for the period from January 1 of an
35 odd-numbered year through December 31 of the next even-numbered year.

36 (c) The State Board shall produce a list of participating universities and colleges every
37 ~~four~~ two years. The list shall be published on the State Board's Web site and distributed to every
38 county board of elections.

39 (d) If a participating college or university with a student identification card approved for
40 use by the State Board as provided in subsection (b) of this section changes the design of the
41 student identification card, that college or university shall provide copies of the new design of
42 the student identification cards to the State Board to assist with training purposes."

43 **SECTION 3.** G.S. 163A-1145.3, as amended by S.L. 2019-4, reads as rewritten:

44 "**§ 163A-1145.3. Approval of employee identification cards for voting identification.**

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

- 48 (1) The ~~head elected official or lead human resources employee of the state or~~
49 ~~local government entity or charter school submits a signed letter to the~~
50 ~~Executive Director of~~ documentation satisfactory to the State Board under
51 penalty of perjury that the following ~~are~~ have been met and will not knowingly

1 be violated with regard to employee identification cards issued during the
 2 approval period:

- 3 a. The identification cards that are issued by the ~~university or college~~
 4 state or local government entity or charter school contain photographs
 5 of ~~students taken~~ employees obtained by the ~~university or college~~ state
 6 or local government entity or charter school or its agents or
 7 ~~contractors~~ contractors, provided the photograph obtained (i) is a
 8 frontal image that includes the employee's face and (ii) represents a
 9 clear, accurate likeness of the employee to whom the identification
 10 card is issued. If the photograph is one not produced by the state or
 11 local government entity or charter school, the state or local
 12 government entity or charter school shall explain in detail the process
 13 used by the state or local government entity or charter school to ensure
 14 the photograph is that of the employee to whom the identification card
 15 is issued.
- 16 b. The identification cards are issued after an employment application or
 17 other process that includes one or more methods of confirming the
 18 identity of the employee using data that include, but are not limited to,
 19 the social security number, citizenship status, and birthdate of the
 20 employee.
- 21 c. The Access to the equipment for producing the identification cards is
 22 kept in a secure location, restricted through security measures.
- 23 d. Misuse of the equipment for producing the identification cards would
 24 be grounds for termination of an employee.
- 25 e. State or local or charter school officials would report any misuse of
 26 identification card equipment they have knowledge of to law
 27 enforcement if G.S. 163A-1389(19) was potentially violated.
- 28 f. The cards issued by the state or local government entity or charter
 29 school on or after January 1, 2021, contain a date of expiration,
 30 effective January 1, 2021, expiration.
- 31 g. The state or local government entity provides or charter school will
 32 provide copies of ~~standard~~ employee identification cards to the State
 33 Board to assist with training purposes.

- 34 (2) The state or local government entity complies with any other reasonable
 35 security measures determined by the State Board to be necessary for the
 36 protection and security of the employee identification process.

37 (b) The State Board shall establish a schedule for such submissions and approvals.
 38 The State Board shall permit a State or local government entity or charter school with no changes
 39 to the prior election cycle's approval to submit a statement indicating no changes have been made
 40 by the State or local government entity or charter school. When the State Board shall approve the
 41 approves for use of the employee identification cards issued by a state or local government entity,
 42 including a charter school, for voting identification under G.S. 163A-1145.1 every four
 43 years. G.S. 163A-1145.1, such approval shall be valid for the period from January 1 of an
 44 odd-numbered year through December 31 of the next even-numbered year.

45 (c) The State Board shall produce a list of participating employing entities every ~~four~~ two
 46 years. The list shall be published on the State Board's Web site and distributed to every county
 47 board of elections."

48 **SECTION 4.** Section 1.2(f) of S.L. 2018-144, as amended by S.L. 2019-4, reads as
 49 rewritten:

50 **"SECTION 1.2.(f)** Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3,
 51 the State Board shall approve (i) tribal enrollment cards issued by a tribe recognized by this State

1 under Chapter 71A of the General Statutes; (ii) student identification cards issued by a constituent
2 institution of The University of North Carolina, a community college, as defined in
3 G.S. 115D-2(2), or eligible private postsecondary institution as defined in G.S. 116-280(3); and
4 (iii) employee identification cards issued by a state or local government entity, including a charter
5 school, for use as voting identification under G.S. 163A-1145.1 no later than ~~March 15, 2019,~~
6 November 1, 2019, for use in primaries and elections held in ~~2019 and 2020, and again no later~~
7 ~~than May 15, 2021, for elections held on or after that date.~~ 2020. The State Board shall adopt
8 temporary rules on reasonable security measures for use of student or employee identification
9 cards for voting identification in G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than ~~February~~
10 ~~1, 2019.~~ September 15, 2019. The State Board shall adopt permanent rules on reasonable security
11 measures for use of student or employee identification cards for voting identification in
12 G.S. 163A-1145.2 and G.S. 163A-1145.3 no later than May 15, 2021. The State Board shall
13 produce the ~~initial~~ list of participating institutions and employing entities ~~no later than April 1,~~
14 ~~2019 for use in primaries and elections held in 2020.~~"

15 **SECTION 5.** Section 1.2(g) of S.L. 2018-144, as amended by S.L. 2019-4, reads as
16 rewritten:

17 "**SECTION 1.2.(g)** ~~Notwithstanding G.S. 163A-1145.1, 163A-1145.2, and 163A-1145.3,~~
18 For elections held in 2020 only, a student identification card issued by a constituent institution
19 of The University of North Carolina, a community ~~college,~~ college as defined in G.S. 115D-2(2),
20 or eligible private postsecondary institution as defined in G.S. 116-280(3) or an employee
21 identification card issued by state or local government ~~entity that does not contain an entity,~~
22 including a charter school, may not be denied approval under G.S. 163A-1145.2 or
23 G.S.163A-1145.3 solely due to a lack of a printed expiration date. ~~Notwithstanding~~
24 G.S. 163A-1145.1, an approved student identification card or employee identification card
25 without a printed expiration date shall be eligible for use in any election held before January 1,
26 2021."

27 **SECTION 6.(a)** Any student identification card issued by a constituent institution
28 of The University of North Carolina, a community college as defined in G.S. 115D-2(2), or
29 eligible private postsecondary institution as defined in G.S. 116-280(3), or an employee
30 identification card issued by a State or local government entity or charter school approved by the
31 State Board of Elections on or before March 15, 2019, for use in elections held on or after January
32 1, 2019, until December 31, 2022, shall continue to be eligible for use in an election prior to
33 December 31, 2022, without further submission by the constituent institution of The University
34 of North Carolina, community college as defined in G.S. 115D-2(2), or eligible private
35 postsecondary institution as defined in G.S. 116-280(3), or State or local government entity or
36 charter school.

37 **SECTION 6.(b)** Any constituent institution of The University of North Carolina, a
38 community college as defined in G.S. 115D-2(2), or eligible private postsecondary institution as
39 defined in G.S. 116-280(3), or State or local government entity or charter school denied approval
40 by the State Board of Elections on or before March 15, 2019, shall be granted until November
41 15, 2019, to submit a revised application for approval. The State Board shall approve the
42 identification cards for use as voting identification under G.S. 163A-1145.1 no later than
43 December 1, 2019, for use in primaries and elections held in 2020.

44 **SECTION 7.** G.S. 163A-1303 is amended by adding a new subsection to read:

45 "(e) Notwithstanding G.S. 163A-1300 and subdivision (c)(3) of this section, a county
46 board of elections by unanimous vote of all its members may propose a Plan for Implementation
47 providing for sites in that county for absentee ballots to be applied for and cast in elections
48 conducted in odd-numbered years. The proposed Plan for Implementation shall specify the hours
49 of operation for the county board of elections for all elections conducted in that county for that
50 odd-numbered year. If the county board of elections is unable to reach unanimity in favor of a
51 Plan for Implementation for that odd-numbered year, a member or members of the county board

1 of elections may petition the State Board to adopt a Plan for Implementation for the county, and
2 the State Board may adopt a Plan for Implementation for that county. However, any Plan of
3 Implementation approved under this subsection shall provide for uniform location, days, and
4 hours for all sites throughout the period required by subsection (a) of this section."

5 **SECTION 7.5.(a)** G.S. 163A-1303(d)(1), (2), (3), and (4) are recodified as
6 G.S. 163A-1303(d)(1)a., b., c., and d.

7 **SECTION 7.5.(b)** G.S. 163A-1303(d), as amended by this section, reads as
8 rewritten:

9 "(d) Notwithstanding subsection (c) of this section, a county board of elections by
10 unanimous vote of all its members may propose a Plan for Implementation providing for ~~a site~~
11 the number of sites set out below in that county for absentee ballots to be applied for and cast
12 with days and hours that vary from the county board of elections, or its alternate, and other
13 additional one-stop sites in that county. If the county board of elections is unable to reach
14 unanimity in favor of a Plan for Implementation, a member or members of the county board of
15 elections may petition the State Board to adopt a plan for the county and the State Board may
16 adopt a Plan for Implementation for that county. However, any Plan of Implementation approved
17 under this subsection shall provide for uniform location, days, and hours for that one site
18 throughout the period required by subsection (a) of this section. This subsection applies only to
19 a county ~~which includes a barrier island~~ that meets any of the following conditions:following:

20 (1) One site in a county that includes a barrier island, which barrier island meets
21 all of the following conditions:

- 22 a. It has permanent inhabitation of residents residing in an
23 unincorporated area.
24 b. It is bounded on the east by the Atlantic Ocean and on the west by a
25 coastal sound.
26 c. It contains either a National Wildlife Refuge or a portion of a National
27 Seashore.
28 d. It has no bridge access to the mainland of the county and is only
29 accessible by marine vessel.

30 (2) Up to two sites in a county that is bounded by the largest sound on the East
31 Coast and the county seat is located at the intersection of two rivers, which
32 divide the county."

33 **SECTION 8.** This act is effective when it becomes law.