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A BILL TO BE ENTITLED

AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE
VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL
PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF
VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION
BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO
CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT
CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT
RESTRICTION.

The General Assembly of North Carolina enacts:

PART I. VIVA

SECTION 1. There is established within the State Board of Elections a Voter Information Verification Advisory board with at least three, but no more than five, members who are registered voters of the State and appointed by the State Board of Elections. Appointments to the board shall include members of more than one party affiliation and of no party affiliation. The State Board may not appoint members in a manner that results in one political party affiliation having a majority on the board. Members of the Voter Information Verification Advisory board shall attend training for county board of elections members under G.S. 163-82.24 and shall advise the State Board on the following:

- (1) Promotion of voter registration and voter registration drives.
- (2) Recruitment of poll workers for election day.
- (3) Initiatives to educate the public about voter registration and casting a ballot, in accordance with Chapter 163 of the General Statutes, including information about any identification requirements of voting, voting by mail-in absentee ballot, and voting by early one-stop ballot.
- (4) Other matters related to voter registration, voting, counting of ballots, and candidacy for elected office, including assisting registered voters without photo identification with obtaining photo identification appropriate for voting.
- (5) A system of identifying and training volunteers in the counties in the State to assist with its duties and responsibilities under this section.



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

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

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

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

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

13 **SECTION 3.(a)** The State Board of Elections shall disseminate information about
14 photo identification requirements for voting, provide information on how to obtain photo
15 identification appropriate for voting, and assist any registered voter without photo identification
16 appropriate for voting with obtaining such photo identification. Information may be distributed
17 through public service announcements, print, radio, television, online, and social media. The
18 State Board shall work with public agencies, private partners, and nonprofits to identify voters
19 without photo identification appropriate for voting and assist those voters in securing the photo
20 identification appropriate for voting. All outreach efforts to notify voters of the photo
21 identification requirements shall be accessible to the elderly and persons with disabilities. The
22 State Board of Elections shall work with county boards of elections in those counties where
23 there is no Division of Motor Vehicles driver license office open five days a week to (i) widely
24 communicate information about the availability and schedules of Division of Motor Vehicle
25 mobile units and (ii) provide volunteers to assist voters with obtaining photo identification
26 through mobile units or through any local government that makes photo identification
27 available.

28 **SECTION 3.(b)** The Executive Director of the State Board of Elections shall
29 assign staff to support the Voter Information Verification Advisory board to fulfill the duties
30 and responsibilities of this act.

31 32 **PART II. PHOTO IDENTIFICATION**

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

35 **"§ 163-166.13. Photo identification requirement for voting in person.**

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

40 (1) For a registered voter voting curbside, that voter shall present identification
41 under G.S. 163-166.9.

42 (2) For a registered voter who has a sincerely held religious objection to being
43 photographed and has filed a declaration in accordance with G.S. 163-82.7A
44 at least 25 days before the election in which that voter is voting in person,
45 that voter shall not be required to provide photo identification.

46 (3) For a registered voter who is a victim of a natural disaster occurring within
47 60 days before election day that resulted in a disaster declaration by the
48 President of the United States or the Governor of this State who declares the
49 lack of photo identification due to the natural disaster on a form provided by
50 the State Board, that voter shall not be required to provide photo
51 identification.

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

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

6 (d) The local election official to whom the photo identification is presented shall
7 determine if the photo identification bears any reasonable resemblance to the voter presenting
8 the photo identification. If it is determined that the photo identification does not bear any
9 reasonable resemblance to the voter, the local election official shall comply with
10 G.S. 163-166.14.

11 (e) As used in this section, "photo identification" means any of the following that
12 contain a photograph of the registered voter:

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

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

21 b. A special identification card for nonoperators issued under
22 G.S. 20-37.7.

23 c. A United States passport.

24 d. An employee identification card.

25 e. A United States military identification card.

26 f. An identification card issued by The University of North Carolina or
27 its constituent institutions.

28 g. An identification card issued by a North Carolina community
29 college.

30 h. An identification card issued to a fireman, EMS, hospital employee,
31 or law enforcement officer.

32 i. An identification card issued by a unit of local government, public
33 authority, or special district, all as defined in G.S. 159-7.

34 j. An identification card issued for a government program of public
35 assistance.

36 (2) A Veterans Identification Card issued by the United States Department of
37 Veterans Affairs for use at Veterans Administration medical facilities.

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

41 (4) A tribal enrollment card issued by a federally recognized tribe that bears
42 either a date of expiration or a date of issuance and that is not more than 10
43 years beyond the date of expiration or issuance, whichever is later.

44 (5) A tribal enrollment card that meets all of the following criteria:

45 a. Is issued by a federally recognized tribe or a tribe recognized by this
46 State under Chapter 71A of the General Statutes.

47 b. Is issued in accordance with a process approved by the State Board
48 of Elections that requires an application and proof of identity
49 equivalent to the requirements for issuance of a special identification
50 card by the Division of Motor Vehicles under G.S. 20-7 and
51 G.S. 20-37.7.

- 1 c. Is signed by an elected official of the tribe.
2 d. Bears either a date of expiration or a date of issuance.
3 e. Is either:
4 i. Not more than 10 years beyond the date of expiration or
5 issuance, whichever is later; or
6 ii. Not expired on the day the voter reached the age of 70."

7 **SECTION 5.** Article 14A of Chapter 163 of the General Statutes is amended by
8 adding a new section to read:

9 "**§ 163-166.14. Evaluation of determination of nonreasonable resemblance of photo**
10 **identification.**

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

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

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

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

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

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

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

- 43 (1) The name and address of the voter.
44 (2) The name of the local election official under subsection (a) of this section.
45 (3) The names and a record of how each judge of election voted under
46 subsection (b) of this section.
47 (4) The date of the determinations under subsections (a) and (b) of this section.
48 (5) A brief description of the photo identification presented by the voter.

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

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

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

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

6 **SECTION 6.** Article 7A of Chapter 163 of the General Statutes is amended by
7 adding a new section to read:

8 **"§ 163-82.7A. Declaration of religious objection to photograph.**

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

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

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

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

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

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

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

31 (1) Complete a voter registration form as prescribed in G.S. 163-82.4, including
32 the attestation requirement of G.S. 163-82.4(b) that the person meets each
33 eligibility requirement. Such attestation is signed under penalty of a Class I
34 felony under G.S. 163-275(13); and

35 (2) Provide proof of residence by presenting any of the following valid
36 documents that show the person's current name and current residence
37 address: a North Carolina drivers license, a photo identification from a
38 government agency, or any of the documents listed in G.S. 163-166.12(a)(2).
39 The State Board of Elections may designate additional documents or
40 methods that suffice and shall prescribe procedures for establishing proof of
41 residence."

42 **SECTION 8.** G.S. 163-166.7(a) reads as rewritten:

43 "(a) Checking Registration. – A person seeking to vote shall enter the voting enclosure
44 through the appropriate entrance. A precinct official assigned to check registration shall at once
45 ask the voter to state current name and residence address. The voter shall answer by stating
46 current name and residence ~~address~~ address and presenting photo identification in accordance
47 with G.S. 163-166.13. In a primary election, that voter shall also be asked to state, and shall
48 state, the political party with which the voter is affiliated or, if unaffiliated, the authorizing
49 party in which the voter wishes to vote. After examination, that official shall state whether that
50 voter is duly registered to vote in that precinct and shall direct that voter to the voting
51 equipment or to the official assigned to distribute official ballots. If a precinct official states

1 that the person is duly registered, the person shall sign the pollbook, other voting record, or
2 voter authorization document in accordance with subsection (c) of this section before voting."

3 **SECTION 9.** G.S. 163-166.9 reads as rewritten:

4 "**§ 163-166.9. Curbside voting.**

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

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

12 (1) Presenting photo identification in accordance with G.S. 163-166.13(a).

13 (2) Presenting a copy of a document listed in G.S. 163-166.12(a)(2).

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

16 **SECTION 10.** G.S. 163-227.2(b) reads as rewritten:

17 "(b) Not earlier than the third Thursday before an election, in which absentee ballots are
18 authorized, in which a voter seeks to vote and not later than 1:00 P.M. on the last Saturday
19 before that election, the voter shall appear in person only at the office of the county board of
20 elections, except as provided in subsection (g) of this section. A county board of elections shall
21 conduct one-stop voting on the last Saturday before the election until 1:00 P.M. and may
22 conduct it until 5:00 P.M. on that Saturday. That voter shall enter the voting enclosure at the
23 board office through the appropriate entrance and shall at once state his or her name and place
24 of residence to an authorized member or employee of the ~~board.~~ board and present photo
25 identification in accordance with G.S. 163-166.13. In a primary election, the voter shall also
26 state the political party with which the voter affiliates and in whose primary the voter desires to
27 vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a particular party
28 under G.S. 163-119, the voter shall state the name of the authorizing political party in whose
29 primary he wishes to vote. The board member or employee to whom the voter gives this
30 information shall announce the name and residence of the voter in a distinct tone of voice.
31 After examining the registration records, an employee of the board shall state whether the
32 person seeking to vote is duly registered. If the voter is found to be registered that voter may
33 request that the authorized member or employee of the board furnish the voter with an
34 application form as specified in G.S. 163-227. The voter shall complete the application in the
35 presence of the authorized member or employee of the board, and shall deliver the application
36 to that person."

37 **SECTION 11.** Article 15A of Chapter 163 of the General Statutes is amended by
38 adding a new section to read:

39 "**§ 163-182.1A. Counting of provisional official ballots cast due to failure to provide photo**
40 **identification when voting in person.**

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

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

50 (1) Presenting photo identification as defined in G.S. 163-166.13(e) that bears
51 any reasonable resemblance to the voter. The local election official to whom

1 the photo identification is presented shall determine if the photo
2 identification bears any reasonable resemblance to that voter. If not, that
3 local election official shall comply with G.S. 163-166.14.

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

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

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

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

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

19 **SECTION 12.** G.S. 163-87 reads as rewritten:

20 "**§ 163-87. Challenges allowed on day of primary or election.**

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

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

27 (1) One or more of the reasons listed in G.S. 163-85(c).

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

29 (3) Repealed by Session Laws 2009-541, s. 16.1(b), effective August 28, 2009.

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

32 (5) The voter does not present photo identification in accordance with
33 G.S. 163-166.13.

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

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

42 43 **PART III. IMPLEMENTATION**

44 **SECTION 13.** G.S. 20-37.7(d) reads as rewritten:

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

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

- 1 (1) ~~who~~The applicant is legally blind,~~blind,~~blind.
- 2 (2) The applicant is at least 70 years old,old.
- 3 (3) ~~The applicant is homeless,~~has been issued a drivers license but the drivers
4 license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and
5 (g), as a result of a physical or mental disability or disease.
- 6 (4) The applicant is homeless. To obtain a special identification card without
7 paying a fee, a homeless person must present a letter to the Division from
8 the director of a facility that provides care or shelter to homeless persons
9 verifying that the person is homeless.
- 10 (5) The applicant is registered to vote in this State and does not have photo
11 identification acceptable under G.S. 163-166.13. To obtain a special
12 identification card without paying a fee, a registered voter shall sign a
13 declaration stating the registered voter is registered and does not have other
14 photo identification acceptable under G.S. 163-166.13. The Division shall
15 verify that voter registration prior to issuing the special identification card.
16 Any declaration shall prominently include the penalty under
17 G.S. 163-275(13) for falsely making the declaration.
- 18 (6) The applicant is appearing before the Division for the purpose of registering
19 to vote in accordance with G.S. 163-82.19 and does not have other photo
20 identification acceptable under G.S. 163-166.13. To obtain a special
21 identification card without paying a fee, that applicant shall sign a
22 declaration stating that applicant is registering to vote and does not have
23 other photo identification acceptable under G.S. 163-166.13. Any
24 declaration shall prominently include the penalty under G.S. 163-275(13) for
25 falsely making the declaration."

26 **SECTION 14.(a)** G.S. 130A-93.1 is amended by adding a new subsection to read:

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

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

34 "(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. –
35 For furnishing a certified copy of a death or birth certificate or marriage
36 license ten dollars (\$10.00). Provided however, a ~~Register of Deeds~~register
37 of deeds, in accordance with G.S. 130A-93, may issue without charge a
38 certified ~~Birth Certificate~~birth certificate to any person over the age of 62
39 years. Provided, however, upon verification of voter registration, a register
40 of deeds, in accordance with G.S. 130A-93, shall issue without charge a
41 certified copy of a birth certificate or a certified copy of a marriage license to
42 any registered voter who declares the registered voter is registered to vote in
43 this State and does not have a certified copy of that registered voter's birth
44 certificate or marriage license necessary to obtain photo identification
45 acceptable under G.S. 163-166.13. Any declaration shall prominently
46 include the penalty under G.S. 163-275(13) for falsely or fraudulently
47 making the declaration."

48 **SECTION 15.** G.S. 163-275(13) reads as rewritten:

49 "(13) For any person falsely to make or present any certificate or other paper to
50 qualify any person fraudulently as a voter, or to attempt thereby to secure to

any person the privilege of ~~voting~~;voting, including declarations made under this Chapter, G.S. 20-37.7(d)(5), 130A-93.1(c), and 161-10(a)(8);"

SECTION 16.(a) G.S. 163-229(b) reads as rewritten:

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

- (1) ~~the~~The voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this ~~Article~~,Article.
- (2) ~~a~~A space for identification of the envelope with the ~~voter~~,voter and the voter's signature.
- (3) ~~and a~~A space for the identification of the two persons witnessing the casting of the absentee ballot in accordance with G.S. 163-231, those persons' signatures, and those persons' addresses.
- (4) A space for the name and address of any near relative or verifiable legal guardian who assisted the voter if the voter is unable to complete and sign the certification and that individual's signature.
- (5) A space for approval by the county board of elections.
- (6) ~~The envelope shall~~A space to allow reporting of a change of name as provided by G.S. 163-82.16.
- (7) A prominent display of the unlawful acts under G.S. 163-226.3 and G.S. 163-275.

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

SECTION 16.(b) G.S. 163-230.1 reads as rewritten:

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

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

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

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

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

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

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

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

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

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

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

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

1 envelope holding the ballots to a near relative or verifiable legal guardian of
2 the voter.

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

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

12 (c) At its next official meeting after return of the completed container-return envelope
13 with the voter's ballots, the county board of elections shall determine whether the
14 container-return envelope has been properly executed. If the board determines that the
15 container-return envelope has been properly executed, it shall approve the application and
16 deposit the container-return envelope with other container-return envelopes for the envelope to
17 be opened and the ballots counted at the same time as all other container-return envelopes and
18 absentee ballots.

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

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

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

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

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

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

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

44 **SECTION 16.(c)** G.S. 163-230.2 reads as rewritten:

45 **"§ 163-230.2. Method of requesting absentee ballots.**

46 (a) Valid Types of Written Requests. – A completed written request form for an
47 absentee ballot as required by G.S. 163-230.1 is valid only if it is ~~written entirely by the~~
48 ~~requester personally, or is on a form generated created~~ by the county board of elections State
49 Board and signed by the ~~requester, voter requesting absentee ballots or that voter's near relative~~
50 or verifiable legal guardian. The county board of elections shall issue a request form only to the
51 ~~voter seeking to vote by absentee ballot or to a person authorized by G.S. 163-230.1 to make a~~

request for the voter. If a requester, due to disability or illiteracy, is unable to complete a written request, that requester may receive assistance in writing that request from an individual of that requester's choice. The State Board shall make the form available at its offices, online, and in each county board of elections office, and that form may be reproduced. A voter may make a request in person or by writing to the county board for the form to request an absentee ballot. The request form for an absentee ballot shall require at least the following information:

- (1) The name and address of the residence of the voter.
- (2) The name and address of the voter's near relative or verifiable legal guardian if that individual is making the request.
- (3) The address of the voter to which the application and absentee ballots are to be mailed, if different from the residence address of the voter.
- (4) One or more of the following in the order of preference:
 - a. The number of the voter's North Carolina drivers license issued under Article 2 of Chapter 20 of the General Statutes, including a learner's permit or a provisional license.
 - b. The number of the voter's special identification card for nonoperators issued under G.S. 20-37.7.
 - c. The last four digits of the applicant's social security number.
- (5) The voter's date of birth.
- (6) The signature of the voter or of the voter's near relative or verifiable legal guardian if that individual is making the request.

(a1) A completed request form for an absentee ballot shall be deemed a request to update the official record of voter registration for that voter and shall be confirmed in writing in accordance with G.S. 163-82.14(d).

(a2) The completed request form for an absentee ballot shall be delivered to the county board of elections. If the voter does not include the information requested in subdivision (a)(4) of this section, a copy of a document listed in G.S. 163-166.12(a)(2) shall accompany the completed request form.

(a3) Upon receiving a completed request form for an absentee ballot, the county board shall verify the voter registration. If verified, the absentee ballots and certification form shall be sent to the voter. If the voter's official record of voter registration conflicts with the completed request from for an absentee ballot or cannot be verified, the voter shall be so notified. If the county board cannot resolve the differences, no application or absentee ballots shall be issued.

(b) Invalid Types of Written Requests. – A request is not valid if it does not comply with subsection (a) of this section. If a county board of elections receives a request for an absentee ballot that does not comply with subsection (a) of this section, the board shall not issue an application and ballot under G.S. 163-230.1.

(c) Rules by State Board. – The State Board of Elections shall adopt rules for the enforcement of this section."

SECTION 16.(d) G.S. 163-231 reads as rewritten:

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

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

- (1) Mark the voter's ballots, or cause them to be marked by that person in the voter's presence according to the voter's ~~instruction~~instruction.
- (2) Fold each ballot separately, or cause each of them to be folded in the voter's ~~presence~~presence.
- (3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter's ~~presence~~presence.

- 1 (4) Make the application printed on the container-return envelope according to
2 the provisions of G.S. 163-229(b) and make the certificate printed on the
3 container-return envelope according to the provisions of G.S. 163-229(b).
4 (5) Require those two persons in whose presence the voter marked that voter's
5 ballots to sign the application and certificate as witnesses and to indicate
6 those persons' addresses.

7 The ~~person~~~~persons~~ in whose presence the ballot is marked shall at all times respect the
8 secrecy of the ballot and the privacy of the absentee voter, unless the voter requests ~~the person's~~
9 assistance and ~~the~~~~that~~ person is otherwise authorized by law to give assistance. ~~The person in~~
10 ~~whose presence the ballot was marked shall sign the application and certificate as a witness and~~
11 ~~shall indicate that person's address.~~ When thus executed, the sealed container-return envelope,
12 with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection
13 (b) of this section to the county board of elections which issued the ballots.

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

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

33 **SECTION 16.(e)** G.S. 163-226 is amended by adding a new subsection to read:

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

38 **SECTION 17.** Education and Publicity Requirements. – The public shall be
39 educated about the photo identification to vote requirements of this act as follows:

- 40 (1) As counties use their regular processes to notify voters of assignments and
41 reassignments to districts for election to the United States House of
42 Representatives, State Senate, State House of Representatives, or local
43 office, by including information about the provisions of Part II of this act.
44 (2) As counties send new voter registration cards to voters as a result of new
45 registration, changes of address, or other reasons, by including information
46 about the provisions of Part II of this act.
47 (3) Counties that maintain a board of elections Web site shall include
48 information about the provisions of Part II of this act.
49 (4) Notices of elections published by county boards of elections under
50 G.S. 163-22(8) for the 2014 primary and 2014 general election shall include

1 a brief statement that photo identification will be required to vote in person
2 beginning in 2016.

3 (5) The State Board of Elections shall include on its Web site information about
4 the provisions of Part II of this act.

5 (6) Counties shall post at the polls and at early voting sites beginning with the
6 2014 primary elections information about the provisions of Part II of this act.

7 (7) The Voter Information and Verification Advisory board, as required by Part
8 I of this act, shall provide education and assistance to voters and newly
9 registered voters information about the provisions of Part II of this act.

10 (8) The State Board of Elections shall distribute information about the photo
11 identification to groups and organizations serving persons with disabilities or
12 the elderly.

13 (9) The State Board of Elections may publish a Voter Guide that includes the
14 voter identification procedures and requirements set forth in the provisions
15 of Part II of this act in an easily readable and understandable form. The
16 Board may distribute the Guide to as many registered voters in the State as
17 practical through a mailing to all residences of registered voters at least 30
18 days before the one-stop voting period provided in G.S. 163-227.2 for the
19 primary and at least 30 days before the one-stop voting period provided in
20 G.S. 163-227.2 for the general election. If the State Board decides to publish
21 a Voter Guide, the State Board shall incur the costs of production and
22 mailing of the Voter Guide and shall adopt rules for the administration of
23 this subdivision.

24 (10) The State Board of Elections, the Division of Motor Vehicles, and county
25 boards of elections in counties where there is no Division of Motor Vehicles
26 driver license office open five days a week shall include information about
27 mobile unit schedules on existing Web sites, shall distribute information
28 about these schedules to registered voters identified without photo
29 identification, and shall publicize information about the mobile unit
30 schedules through other available means.

31 (11) The State Board of Elections and county boards of elections shall direct
32 volunteers to assist registered voters and shall publicize available assistance
33 in obtaining photo identification where available through local governments
34 in counties where there is no Division of Motor Vehicles driver license
35 office open five days a week.

36 **SECTION 18.** The State Board of Elections shall reimburse the Division of Motor
37 Vehicles, the State Registrar, and the county registers of deeds for direct costs incurred in
38 administering the fee waivers authorized in Section 13 and Section 14 of this act.

39 **SECTION 18.5.** The State Board of Elections shall reimburse any local
40 government, as defined in G.S. 159-7, for direct costs incurred in issuing photo identification if
41 the local government meets all of the following requirements:

42 (1) Is located in a county where there is no Division of Motor Vehicles driver
43 license office open five days a week.

44 (2) Requires that in order to qualify for issuance of photo identification, the
45 individual seeking an identification card must complete an application and
46 provide proof of identity equivalent to the requirement for a special
47 identification card issued by the Division of Motor Vehicles, as provided in
48 G.S. 20-7 and G.S. 20-37.7.

49 (3) Requires an individual seeking identification to sign a declaration that the
50 individual is a registered voter and does not have other identification

1 acceptable under G.S. 163-166.13 and includes a prominent statement on the
2 form that a false declaration is a Class I felony under G.S. 163-275(13).

3 (4) Verifies the individual's voter registration prior to issuing the photo
4 identification.

5 (5) Provides documentation of compliance with these requirements to the State
6 Board of Elections when seeking reimbursement.

7 **SECTION 19.** The State Board of Elections shall include in all forms prepared by
8 the Board a prominent statement that submitting fraudulently or falsely completed declarations
9 is a Class I felony under Chapter 163 of the General Statutes.

10 **SECTION 20.** By April 1, 2014, the State Board of Elections shall review and
11 make recommendations to the Joint Legislative Elections Oversight Committee on the steps
12 recommended by the Board to implement the use of electronic and digital information in all
13 polling places statewide. The review shall address all of the following:

14 (1) Obtaining digital photographs of registered voters and verifying identity of
15 those voters.

16 (2) Maintaining information stored electronically in a secure fashion.

17 (3) Utilizing electronically stored information, including digital photographs and
18 electronic signatures, to create electronic pollbooks.

19 (4) Using electronic pollbooks to assist in identifying individuals attempting to
20 vote more than once in an election.

21 (5) A proposed plan for a pilot project to implement electronic pollbooks,
22 including the taking of digital photographs at the polling place to supplement
23 the electronic pollbooks.

24 (6) Any other related matter identified by the State Board impacting the use of
25 digital and electronic information in the voting place.

26 **SECTION 21.** If any provision of this act or its application is held invalid, the
27 invalidity does not affect other provisions or applications of this act that can be given effect
28 without the invalid provisions or application, and to this end the provisions of this act are
29 severable.

30 **SECTION 22.** This act shall become effective and applies as follows:

31 (1) Part I of this act becomes effective July 1, 2013, and expires December 31,
32 2016.

33 (2) Part II of this act becomes effective October 1, 2013, and applies to
34 primaries and elections conducted on or after that date. Notwithstanding
35 G.S. 163-166.13 or G.S. 163-87(5), as enacted by this act, at any primary or
36 election between October 1, 2013, and January 1, 2016, any registered voter
37 who does not present identification or whose photo identification does not
38 bear any reasonable resemblance to the voter (i) shall be permitted to vote
39 and shall not be required to vote a provisional or a challenged ballot and (ii)
40 shall not be challenged for failure to present photo identification.

41 (3) Sections 13 and 14 of this act become effective October 1, 2013.

42 (4) Section 16 becomes effective January 1, 2014, and applies to primaries and
43 elections held on or after that date.

44 (5) At any election between October 1, 2013, and January 1, 2016, any
45 registered voter may present that voter's photo identification to the elections
46 officials at the voting place but may not be required to do so. At each
47 election between October 1, 2013, and January 1, 2016, each voter
48 presenting in person shall be notified that photo identification will be needed
49 to vote beginning in 2016 and be asked if that voter has one of the forms of
50 photo identification appropriate for voting. If that voter indicates he or she
51 does not have one or more of the types of photo identification appropriate

- 1 for voting, that voter shall be asked to sign an acknowledgment of the photo
2 identification requirement and be given a list of types of photo identification
3 appropriate for voting and information on how to obtain those types of photo
4 identification. The list of names of those voters who signed an
5 acknowledgment is a public record.
- 6 (6) The remainder of this act is effective when it becomes law.
- 7 (7) This act is effective only if the General Assembly appropriates funds in the
8 Current Operations Appropriations Act of 2013 to implement it.