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.
6. Outreach to State and local governmental agencies, political parties as defined by Article 9 of Chapter 163 of the General Statutes, and nonprofit organizations operating in this State to help identify registered voters
SECTION 2. G.S. 163-82.20 is amended by adding a new subsection to read:

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

(1) Senior centers or facilities operated by the county.
(2) Parks and recreation services operated by the county."

SECTION 3.(a) The State Board of Elections shall disseminate information about photo identification requirements for voting, provide information on how to obtain photo identification appropriate for voting, and assist any registered voter without photo identification appropriate for voting with obtaining such photo identification. Information may be distributed through public service announcements, print, radio, television, online, and social media. The State Board shall work with public agencies, private partners, and nonprofits to identify voters without photo identification appropriate for voting and assist those voters in securing the photo identification appropriate for voting. All outreach efforts to notify voters of the photo identification requirements shall be accessible to the elderly and persons with disabilities.

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

PART II. PHOTO IDENTIFICATION

SECTION 4. 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.

Every individual 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.

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

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

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

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

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

a. A 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. A special identification card for nonoperators issued under G.S. 20-37.7.

c. A United States passport.

d. An employee identification card.

e. A United States military identification card.

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

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

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

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

(2) A tribal identification card that bears either a date of expiration or a date of issuance and that is not more than 10 years beyond the date of expiration or issuance, whichever is later.

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

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

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


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

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

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

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

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

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

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

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

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

(1) On election day, the chief judge and judges of election as appointed under Article 5 of this Chapter.
(2) Any time other than on election day, the individuals appointed under subsection (e) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"§ 163-166.9. Curbside voting.

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

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

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

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

(3) Completing a declaration stating the identity of the qualified voter that contains all of the following:

a. The name of the qualified voter.

b. The signature of the voter.

c. The name of an individual accompanying the qualified voter to the voting place.

d. The signature of the individual accompanying the qualified voter to the voting place, declaring to personally knowing the qualified voter.

e. Acknowledgment by a judge of election that the individual accompanying the qualifying voter presented photo identification as defined in G.S. 163-166.13(e) bearing any reasonable resemblance to that individual.

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

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

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

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

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

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

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

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

(2) Declaring, on a form provided by the State Board, that the voter does not
possess proof of identification due to a natural disaster occurring within the
previous 60 days, as declared by the President of the United States or the
Governor of this State.

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

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

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

(1) Note on the envelope containing the provisional official ballot that the voter
has complied with the proof of identification requirement.
(2) Proceed to determine any other reasons for which the provisional official ballot was cast provisionally before ruling on the validity of the voter's provisional official ballot."

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

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

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

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

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

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

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

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

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

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

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

PART III. IMPLEMENTATION

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

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

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

(1) who the applicant is legally blind,

(2) The applicant is at least 70 years old,

(3) The applicant is homeless, has been issued a drivers license but the drivers license is cancelled under G.S. 20-15, in accordance with G.S. 20-9(e) and (g), as a result of a physical or mental disability or disease.

(4) The applicant is homeless. To obtain a special identification card without paying a fee, a homeless person must present a letter to the Division from the director of a facility that provides care or shelter to homeless persons verifying that the person is homeless.

(5) The applicant is registered to vote in this State and does not have photo identification acceptable under G.S. 163-166.13. To obtain a special identification card without paying a fee, a registered voter shall sign a declaration stating the registered voter is registered and does not have other photo identification acceptable under G.S. 163-166.13. The Division shall verify that voter registration prior to issuing the special identification card,
Any declaration shall prominently include the penalty under G.S. 163-275(13) for falsely making the declaration."

SECTION 14.(a) G.S. 130A-93.1 is amended by adding a new subsection to read:
"(c) Upon verification of voter registration, the State Registrar shall not charge any fee under subsection (a) of this section to a registered voter who signs a declaration stating the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under G.S. 163-166.13. Any declaration shall prominently include the penalty under G.S. 163-275(13) for falsely or fraudulently making the declaration."

SECTION 14.(b) G.S. 161-10(a)(8) reads as rewritten:
"(8) Certified Copies of Birth and Death Certificates and Marriage Licenses. – For furnishing a certified copy of a death or birth certificate or marriage license ten dollars ($10.00). Provided however, a Register of Deeds register of deeds, in accordance with G.S. 130A-93, may issue without charge a certified Birth Certificate出生 certificate to any person over the age of 62 years. Provided however, upon verification of voter registration, a register of deeds, in accordance with G.S. 130A-93, shall issue without charge a certified copy of a birth certificate or a certified copy of a marriage license to any registered voter who declares the registered voter is registered to vote in this State and does not have a certified copy of that registered voter's birth certificate or marriage license necessary to obtain photo identification acceptable under G.S. 163-166.13. Any declaration shall prominently include the penalty under G.S. 163-275(13) for falsely or fraudulently making the declaration."

SECTION 15. G.S. 163-275(13) reads as rewritten:
"(13) For any person falsely to make or present any certificate or other paper to qualify any person fraudulently as a voter, or to attempt thereby to secure to any person the privilege of 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 voter's certification of eligibility to vote the enclosed ballot and of having voted the enclosed ballot in accordance with this Article.
(2) A space for identification of the envelope with the voter and the voter's signature.
(3) 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.
The envelope shall have a space to allow reporting of a change of name as provided by G.S. 163-82.16.

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 in writing an application for absentee ballots, an absentee application and absentee ballots so that the county board of elections receives the 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 cause to be mailed to that voter in a single package:

1. The official ballots that voter is entitled to vote;
3. An instruction sheet.

(b) Absence for Sickness or Physical Disability. Notwithstanding the provisions of subsection (a) of this section, if a voter expects to be unable to go to the voting place to vote in person on election day because of that voter's sickness or other physical disability, that voter or that voter's near relative or verifiable legal guardian may make written the request under subsection (a) of this section in person for absentee ballots to the board of elections of the county in which the voter is registered after 5:00 p.m. on the Tuesday before the election but not later than 5:00 p.m. on the day before the election. The county board of elections shall treat that completed request form in the same manner as a request under subsection (a) of this section, but may personally deliver the application and ballots 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. The county board of elections shall personally deliver to the requester in a single package:

1. The official ballots the voter is entitled to vote;
2. A container-return envelope for the ballots, printed in accordance with G.S. 163-229; and
3. An instruction sheet.

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

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

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

(3) The chair, member, officer, or employee of the board of elections shall then place the unsealed container-return envelope holding the ballots together with printed instructions for voting and returning the ballots, in an envelope addressed to the voter at the post office address stated in the request, seal the envelope, and mail it at the expense of the county board of elections:

Provided, that in case of a request received after 5:00 p.m. on the Tuesday before the election under the provisions of subsection (a1) of this section, in lieu of transmitting the ballots to the voter in person or by mail, the chair, member, officer, or employee of the board of elections may deliver the sealed envelope containing the instruction sheet and the container-return envelope holding the ballots to a near relative or verifiable legal guardian of the voter.

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

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

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

(c1) Required Meeting of County Board of Elections. – During the period commencing on the third Tuesday before an election, in which absentee ballots are authorized, the county board of elections shall hold one or more public meetings each Tuesday at 5:00 p.m. for the purpose of action on applications for absentee ballots. At these meetings, the county board of elections shall pass upon applications for absentee ballots.
If the county board of elections changes the time of holding its meetings or provides for additional meetings in accordance with the terms of this subsection, notice of the change in hour and notice of the schedule of additional meetings, if any, shall be published in a newspaper circulated in the county at least 30 days prior to the election.

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

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

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

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

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

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


(a) Valid Types of Written Requests. – A completed written request form for an absentee ballot as required by G.S. 163-230.1 is valid only if it is written entirely by the requester personally, or is on a form generated-created by the county board of elections and signed by the requester, voter requesting absentee ballots or that voter's near relative or verifiable legal guardian. The county board of elections shall issue a request form only to the 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 name 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.
§ 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 are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or G.S. 163-237(b1), the voter 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.

(2) Fold each ballot separately, or cause each of them to be folded in the voter’s presence.

(3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in the voter’s presence.

(4) Make the application printed on the container-return envelope according to the provisions of G.S. 163-229(b) and make the certificate printed on the container-return envelope according to the provisions of G.S. 163-229(b).

(5) Require those two persons in whose presence the voter marked that voter’s ballots to sign the application and certificate as witnesses and to indicate those persons’ addresses.

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

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

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

SECTION 16. (e) G.S. 163-226 is amended by adding a new subsection to read: "(d) The Term "Verifiable Legal Guardian." – An individual appointed guardian under Chapter 35A of the General Statutes. For a corporation appointed as a guardian under that Chapter, the corporation may submit a list of three named individuals to the State Board of Elections who may act for that corporation under this Article."

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

1. As counties use their regular processes to notify voters of assignments and reassignments to districts for election to the United States House of Representatives, State Senate, State House of Representatives, or local office, by including information about the provisions of Part II of this act.
2. As counties send new voter registration cards to voters as a result of new registration, changes of address, or other reasons, by including information about the provisions of Part II of this act.
3. Counties that maintain a board of elections Web site shall include information about the provisions of Part II of this act.
4. Notices of elections published by county boards of elections under G.S. 163-22(8) for the 2014 primary and 2014 general election shall include a brief statement that photo identification will be required to vote in person beginning in 2016.
5. The State Board of Elections shall include on its Web site information about the provisions of Part II of this act.
6. Counties shall post at the polls and at early voting sites beginning with the 2014 primary elections information about the provisions of Part II of this act.
7. The Voter Information and Verification Advisory board, as required by Part I of this act, shall provide education and assistance to voters and newly registered voters information about the provisions of Part II of this act.
8. The State Board of Elections shall distribute information about the photo identification to groups and organizations serving persons with disabilities or the elderly.

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

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

SECTION 20. By April 1, 2014, the State Board of Elections shall review and make recommendations to the Joint Legislative Elections Oversight Committee on the steps recommended by the Board to implement the use of electronic and digital information in all polling places statewide. The review shall address all of the following:
(1) Obtaining digital photographs of registered voters and verifying identity of those voters.
(2) Maintaining information stored electronically in a secure fashion.
(3) Utilizing electronically stored information, including digital photographs and electronic signatures, to create electronic pollbooks.
(4) Using electronic pollbooks to assist in identifying individuals attempting to vote more than once in an election.
(5) A proposed plan for a pilot project to implement electronic pollbooks, including the taking of digital photographs at the polling place to supplement the electronic pollbooks.
(6) Any other related matter identified by the State Board impacting the use of digital and electronic information in the voting place.

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

SECTION 22. This act shall become effective and applies as follows:
(1) Part I of this act becomes effective July 1, 2013, and expires December 31, 2016.
(2) Part II of this act becomes effective January 1, 2016, and applies to primaries and elections conducted on or after that date.
(3) Sections 13 and 14 of this act become effective October 1, 2013.
(4) Section 16 becomes effective January 1, 2014, and applies to primaries and elections held on or after that date.
(5) At any election between October 1, 2013, and January 1, 2016, any registered voter may present that voter’s photo identification to the elections officials at the voting place but may not be required to do so. At each election between October 1, 2013, and January 1, 2016, each voter presenting in person shall be notified that photo identification will be needed to vote beginning in 2016 and be asked if that voter has one of the forms of photo identification appropriate for voting. If that voter indicates he or she does not have one or more of the types of photo identification appropriate for voting, that voter shall be asked to sign an acknowledgment of the photo identification requirement and be given a list of types of photo identification appropriate for voting and information on how to obtain those types of photo identification. The list of names of those voters who signed an acknowledgment is a public record.
(6) The remainder of this act is effective when it becomes law.
(7) This act is effective only if the General Assembly appropriates funds in the Current Operations Appropriations Act of 2013 to implement it.