

Multiple Documents

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2	Exhibit 1
3	Text of Proposed Order

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE
CONFERENCE OF THE NAACP, ET AL.,

Plaintiffs,

v.

PATRICK LLOYD MCCRORY, in his
official capacity as the Governor of North
Carolina, et al.,

Defendants.

**UNITED STATES' REQUEST
FOR A TELEPHONIC STATUS
CONFERENCE**

Civil Action No. 1:13-CV-658

LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA, ET AL.,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA, et
al.,

Defendants.

Civil Action No. 1:13-CV-660

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF NORTH CAROLINA, *et*
al.,

Defendants.

Civil Action No. 1:13-CV-861

The United States respectfully requests that the Court set a telephonic status conference to address the impact on the upcoming trial of changes made by the North Carolina legislature to the state's voter photo identification requirements this past week.¹ See Exhibit 1 (House Bill 836). On Thursday, June 18, 2015, without advance notice, the legislature passed House Bill 836, which modifies the voter photo identification requirements at issue in this case that will go into effect in January 2016. House Bill 836 did not modify the other provisions of House Bill 589 that are scheduled for trial on July 13, 2015. A status conference would allow the parties and the Court to discuss next steps and the timing of the trial on Defendants' photo ID procedures.

Because the trial brief and pretrial disclosures are due this Friday, June 26, 2015, and will directly address the question of the State's photo identification law, we ask that the Court expeditiously set a telephonic status conference to discuss this development.

Dated: June 22, 2015

Respectfully submitted,

/s/ Gill P. Beck

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¹ All parties, including Defendants, support this request for a status conference.

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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2015, I electronically filed the foregoing **Request for Status Conference**, using the CM/ECF system in case numbers 1:13- cv-658, 1:13- cv-660, and 1:13-cv-861, which will send notification of such filing to all counsel of record.

/s/ John A. Russ IV

JOHN A. RUSS IV

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Exhibit 1

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 836
Committee Substitute Favorable 4/27/15
Senate Rules and Operations of the Senate Committee Substitute Adopted 6/10/15
Fourth Edition Engrossed 6/11/15
Proposed Conference Committee Substitute H836-PCCS40475-ST-2

Short Title: Election Modifications.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE REGULATORY RELIEF FOR LOCAL GOVERNMENTS BY
3 AUTHORIZING CITIES TO RESERVE CERTAIN EASEMENTS WHEN
4 PERMANENTLY CLOSING STREETS AND ALLEYS; TO REPEAL THE
5 REQUIREMENT FOR LICENSING OF GOING OUT OF BUSINESS SALES BY
6 LOCAL GOVERNMENTS; TO AUTHORIZE ELECTRONIC SUBMISSION OF
7 ABSENTEE BALLOT LISTS BY COUNTY BOARDS OF ELECTIONS; TO
8 AUTHORIZE THE USE OF NEW TECHNOLOGY FOR PAPER BALLOTS; TO
9 EXTEND THE TIME FRAME TO IMPLEMENT THE REQUIREMENT FOR PAPER
10 BALLOTS FROM JANUARY 1, 2018 TO SEPTEMBER 1, 2019, FOR COUNTIES
11 THAT USE DIRECT RECORD ELECTRONIC VOTING MACHINES FOR CURRENT
12 VOTING REQUIREMENTS; TO AUTHORIZE CERTAIN MUNICIPALITIES TO
13 CONDUCT MALT BEVERAGE AND UNFORTIFIED WINE ELECTIONS; TO
14 REQUIRE COUNTY BOARDS OF ELECTIONS TO NOTIFY A REGISTERED VOTER
15 OF THE OPTION TO COMPLETE A WRITTEN REQUEST FOR AN ABSENTEE
16 BALLOT AT A ONE-STOP VOTING LOCATION WHEN THE VOTER PRESENTS
17 WITHOUT AN ELIGIBLE FORM OF PHOTO IDENTIFICATION; TO AUTHORIZE
18 VOTERS WHO SUFFER FROM A REASONABLE IMPEDIMENT PREVENTING THE
19 VOTER FROM OBTAINING PHOTO IDENTIFICATION TO COMPLETE
20 REASONABLE IMPEDIMENT DECLARATIONS WHEN VOTING; TO REMOVE
21 TERM LIMITS FOR SERVICE ON THE BOARD OF EDUCATION OF ALEXANDER
22 COUNTY; AND TO REQUIRE ELECTRONIC POLL BOOKS TO BE CERTIFIED BY
23 THE STATE BOARD OF ELECTIONS.

24 The General Assembly of North Carolina enacts:

25
26 **CLARIFY EASEMENT RESERVATION AUTHORITY FOR CITIES CLOSING**
27 **STREETS AND ALLEYS**

28 SECTION 1. G.S. 160A-299 reads as rewritten:

29 "§ 160A-299. Procedure for permanently closing streets and alleys.
30 ...



1 (f) A city may reserve its ~~a~~ right, title, and interest in any utility
 2 ~~improvement~~ improvements or ~~easement~~ easements within a street closed pursuant to this
 3 section. ~~Such~~ An easement under this subsection shall include utility, drainage, pedestrian,
 4 landscaping, conservation, or other easements considered by the city to be in the public interest.
 5 The reservation of an easement under this subsection shall be stated in the order of closing.
 6 ~~Such~~ The reservation also extends to utility improvements or easements owned by private
 7 utilities which at the time of the street closing have a utility agreement or franchise with the
 8 city.

9"

11 REPEAL LICENSING FOR GOING OUT OF BUSINESS/DISTRESS SALES

12 SECTION 2.(a) G.S. 66-77 is repealed.

13 SECTION 2.(b) G.S. 66-80 reads as rewritten:

14 "§ 66-80. Continuation of sale or business beyond termination date.

15 No person shall conduct a closing-out sale or a sale of goods, wares or merchandise
 16 damaged by fire, smoke, water or otherwise or a distress sale beyond the termination date
 17 specified for such sale, ~~except as otherwise provided for in subsection (b) of G.S. 66-77; sale;~~
 18 nor shall any person, upon conclusion of such sale, continue that business which had been
 19 represented as closing out or going out of business under the same name, or under a different
 20 name, at the same location, or elsewhere in the same city or town where the inventory for such
 21 sale was filed for a period of 12 months; nor shall any person, upon conclusion of such sale,
 22 continue business contrary to the designation of such sale. As used in this section, the term
 23 "person" includes individuals, partnerships, corporations, and other business entities. If a
 24 business entity that is prohibited from continuing a business under this section reformulates
 25 itself as a new entity or as an individual, whether by sale, merger, acquisition, bankruptcy,
 26 dissolution, or any other transaction, for the purpose of continuing the business, the successor
 27 entity or individual shall be considered the same person as the original entity for the purpose of
 28 this section. If an individual who is prohibited from continuing a business under this section
 29 forms a new business entity to continue the business, that entity shall be considered the same
 30 person as the individual for the purpose of this section."

31 SECTION 2.(c) This section becomes effective July 1, 2015.

33 ELECTRONIC REPORTING FOR COUNTY BOARDS OF ELECTIONS

34 SECTION 3.(a) G.S. 163-232 reads as rewritten:

35 "§ 163-232. Certified list of executed absentee ballots; distribution of list.

36 The county board of elections shall prepare, or cause to be prepared, a list in at least
 37 quadruplicate, of all absentee ballots returned to the county board of elections to be counted,
 38 which have been approved by the county board of elections, and which have been received as
 39 of 5:00 p.m. on the day before the election. At the end of the list, the ~~chairman~~ chair shall
 40 execute the following certificate under oath:

41 "State of North Carolina

42 County of _____

43 I, _____, ~~chairman~~ chair of the _____ County board of elections, do
 44 hereby certify that the foregoing is a list of all executed absentee ballots to be voted in the
 45 election to be conducted on the _____ day of _____, _____, which have
 46 been approved by the county board of elections and which have been returned no later than
 47 5:00 p.m. on the day before the election. I certify that the ~~chairman,~~ chair, member, officer, or
 48 employee of the board of elections has not delivered ballots for absentee voting to any person
 49 other than the voter, by mail or by commercial courier service or in person, except as provided
 50 by law, and have not mailed or delivered ballots when the request for the ballot was received
 51 after the deadline provided by law.

1 This the _____ day of _____,

2 _____
 3 (Signature of ~~chairman~~ chair of
 4 county board of elections)

5 Sworn to and subscribed before me this _____ day of _____.

6 Witness my hand and official seal.

7 _____
 8 (Signature of officer
 9 administering oath)

10 _____
 11 (Title of officer)"

12 No later than 10:00 a.m. on election day, the county board of elections shall cause one copy
 13 of the list of executed absentee ballots, which may be a continuing countywide list or a separate
 14 list for each precinct, to be immediately (i) submitted electronically in a manner approved by
 15 the State Board of Elections or (ii) deposited as "first-class" mail to the State Board of
 16 Elections. The board shall retain one copy in the board office for public inspection and the
 17 board shall cause two copies of the appropriate precinct list to be delivered to the chief judge of
 18 each precinct in the county. The county board of elections shall be authorized to call upon the
 19 sheriff of the county to distribute the list to the precincts. In addition the county board of
 20 elections shall, upon request, provide a copy of the complete list to the ~~chairman~~ chair of each
 21 political party, recognized under the provisions of G.S. 163-96, represented in the county.

22 The chief judge shall post one copy of the list immediately in a conspicuous location in the
 23 voting place and retain one copy until all challenges of absentee ballots have been heard by the
 24 county board of elections. Challenges shall be made to absentee ballots as provided in
 25 G.S. 163-89.

26 After receipt of the list of absentee voters required by this section the chief judge shall call
 27 the name of each person recorded on the list and enter an "A" in the appropriate voting square
 28 on the voter's permanent registration record, or a similar entry on the computer list used at the
 29 polls. If such person is already recorded as having voted in that election, the chief judge shall
 30 enter a challenge which shall be presented to the county board of elections for resolution by the
 31 board of elections prior to certification of results by the board.

32 All lists required by this section shall be retained by the county board of elections for a
 33 period of 22 months after which they may then be destroyed."

34 **SECTION 3.(b)** G.S. 163-232.1(c) reads as rewritten:

35 "(c) The board shall post one copy of the most current version of each list in the board
 36 office in a conspicuous location for public inspection and shall retain one copy until all
 37 challenges of absentee ballots have been heard by the county board of elections. The county
 38 board of elections shall cause one copy of each of the final lists of executed absentee ballots
 39 required under subsection (a) and subsection (b) of this section to be (i) submitted
 40 electronically in a manner approved by the State Board of Elections or (ii) deposited as
 41 "first-class" mail to the State Board of Elections. The final lists shall be electronically
 42 submitted or mailed no later than 10:00 a.m. of the next business day following the deadline for
 43 receipt of such absentee ballots. Challenges shall be made to absentee ballots as provided in
 44 G.S. 163-89. In addition the county board of elections shall, upon request, provide a copy of
 45 each of the lists to the ~~chairman~~ chair of each political party, recognized under the provisions of
 46 G.S. 163-96, represented in the county."
 47

48 **PAPER BALLOTS AND VOTING SYSTEMS**

49 **SECTION 4.(a)** G.S. 163-165(1) reads as rewritten:

50 "(1) "Ballot" means an instrument on which a voter indicates ~~a~~ that voter's choice
 51 for a ballot item so that it may be recorded as a vote for or against a certain

1 candidate or referendum proposal. The term "ballot" may include a paper
2 ballot to be counted by hand, a paper ballot to be counted on an electronic
3 scanner, the face of a lever voting machine, the image on a direct record
4 electronic unit, or a ballot used on any other voting system."

5 **SECTION 4.(b)** G.S. 163-165.5 reads as rewritten:

6 **"§ 163-165.5. Contents of official ballots.**

7 (a) Each~~Each~~Except as provided in this section, each official ballot shall contain all the
8 following elements:

- 9 (1) The heading prescribed by the State Board of Elections. The heading shall
10 include the term "Official Ballot".
- 11 (2) The title of each office to be voted on and the number of ~~seats to be filled~~
12 votes allowed in each ballot item.
- 13 (3) The names of the candidates as they appear on their notice of candidacy filed
14 pursuant to G.S. 163-106 or G.S. 163-323, or on petition forms filed in
15 accordance with G.S. 163-122. No title, appendage, or appellation indicating
16 rank, status, or position shall be printed on the official ballot in connection
17 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
18 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
19 notice of candidacy or qualifying petition, but the nickname shall appear
20 according to standards adopted by the State Board of Elections. Those
21 standards shall allow the presentation of legitimate nicknames in ways that
22 do not mislead the voter or unduly advertise the candidacy. In the case of
23 candidates for presidential elector, the official ballot shall not contain the
24 names of the candidates for elector but instead shall contain the nominees for
25 President and Vice President which the candidates for elector represent. The
26 State Board of Elections shall establish a review procedure that local boards
27 of elections shall follow to ensure that candidates' names appear on the
28 official ballot in accordance with this subdivision.
- 29 (4) Party designations in partisan ballot items.
- 30 (5) A means by which the voter may cast write-in votes, as provided in
31 G.S. 163-123. No space for write-ins is required unless a write-in candidate
32 has qualified under G.S. 163-123 or unless the ballot item is exempt from
33 G.S. 163-123.
- 34 (6) Instructions to voters, unless the State Board of Elections allows instructions
35 to be placed elsewhere than on the official ballot.
- 36 (7) The printed title and facsimile signature of the chair of the county board of
37 elections.

38 (b) Notwithstanding subsection (a) of this section, an official ballot created and printed
39 by use of a voting system in the voting enclosure shall be counted if all of the following apply:

- 40 (1) Each of the following are printed on that official ballot:
 - 41 a. The date of the election.
 - 42 b. The precinct name or a unique identification code associated with
43 that ballot style.
 - 44 c. The choices made by the voter for all ballot items in which the voter
45 cast a vote.
- 46 (2) The electronic display of the voting system seen by the voter contains all of
47 the information required by subsection (a) of this section.
- 48 (3) The voter is capable of reviewing the printed official ballot, and voiding that
49 ballot, prior to casting that voter's ballot.
- 50 (4) The voter's choices in and on the electronic display are removed prior to the
51 next voter using that voting equipment."

1 **SECTION 5.(a)** G.S. 163-165, as amended by Section 4(a) of this act, reads as
2 rewritten:

3 **"§ 163-165. Definitions.**

4 In addition to the definitions stated below, the definitions set forth in Article 15A of
5 Chapter 163 of the General Statutes also apply to this Article. As used in this Article:

- 6 (1) "Ballot" means an instrument on which a voter indicates that voter's choice
7 for a ballot item so that it may be recorded as a vote for or against a certain
8 candidate or referendum ~~proposal.~~proposal, and is evidenced by an
9 individual paper document that bears marks made by the voter by hand or
10 through electronic means, whether preprinted or printed in the voting
11 enclosure. ~~The term "ballot" may include a paper ballot to be counted by~~
12 ~~hand, a paper ballot to be counted on an electronic scanner, or a paper ballot~~
13 ~~used on any other voting system.~~
- 14 (2) "Ballot item" means a single item on a ballot in which the voters are to
15 choose between or among the candidates or proposals listed.
- 16 (3) "Ballot style" means the version of a ballot within a jurisdiction that an
17 individual voter is eligible to vote. For example, in a county that uses
18 essentially the same official ballot, a group office such as county
19 commissioner may be divided into districts so that different voters in the
20 same county vote for commissioner in different districts. The different
21 versions of the county's official ballot containing only those district ballot
22 items one individual voter may vote are the county's different ballot styles.
- 23 (4) "Election" means the event in which voters cast votes in ballot items
24 concerning proposals or candidates for office in this State or the United
25 States. The term includes primaries, general elections, referenda, and special
26 elections.
- 27 (5) "Official ballot" means a ballot that has been certified by the State Board of
28 Elections and produced by or with the approval of the county board of
29 elections. The term does not include a sample ballot or a specimen ballot.
- 30 ~~(5a) "Paper ballot" means an individual paper document that bears marks made~~
31 ~~by the voter by hand or through electronic means.~~
- 32 (6) "Provisional official ballot" means an official ballot that is voted and then
33 placed in an envelope that contains an affidavit signed by the voter certifying
34 identity and eligibility to vote. Except for its envelope, a provisional official
35 ballot shall not be marked to make it identifiable to the voter.
- 36 (7) "Referendum" means the event in which voters cast votes for or against
37 ballot questions other than the election of candidates to office.
- 38 (8) "Voting booth" means the private space in which a voter is to mark an
39 official ballot.
- 40 (9) "Voting enclosure" means the room within the voting place that is used for
41 voting.
- 42 (10) "Voting place" means the building or area of the building that contains the
43 voting enclosure.
- 44 (11) "Voting system" means a system of casting and tabulating ballots. The term
45 includes systems of paper ballots counted by hand as well as systems
46 utilizing mechanical and electronic voting equipment."

47 **SECTION 5.(b)** Article 14A of Chapter 163 of the General Statutes is amended by
48 adding a new section to read:

49 **"§ 163-165.4B. Prohibited voting systems.**

50 A voting system that does not use or produce a ballot shall not be used in any referendum,
51 primary, or other election as a means of voting or counting an official ballot."

1 **SECTION 5.(c)** This section becomes effective January 1, 2018. Counties
2 authorized to use direct record electronic voting systems pursuant to S.L. 2013-381, as
3 amended by Section 6 of this act, may continue to use direct record electronic voting systems in
4 accordance with that act.

5 **SECTION 6.(a)** Section 30.8 of S.L. 2013-381 reads as rewritten:

6 **"SECTION 30.8.** Any direct record electronic (DRE) voting systems currently certified by
7 the State Board of Elections which do not use paper ballots shall be decertified and shall not be
8 used in any election held on or after ~~January 1, 2018.~~September 1, 2019, for counties that use
9 direct record electronic voting machines on election day as of January 1, 2015, and January 1,
10 2018, for all other counties. Decertification of a DRE voting system that does not use paper
11 ballots may not be appealed to the Superior Court of Wake County pursuant to
12 G.S. 163-165.7(b)."

13 **SECTION 6.(b)** Section 30.9 of S.L. 2013-381 reads as rewritten:

14 **"SECTION 30.9.** This Part becomes effective ~~January 1, 2018.~~September 1, 2019, for
15 counties that use direct record electronic voting machines on election day as of January 1,
16 2015. This Part becomes effective for all other counties January 1, 2018."

17 18 **CERTAIN MUNICIPALITIES AUTHORIZED TO CONDUCT MALT BEVERAGE** 19 **AND UNFORTIFIED WINE ELECTIONS**

20 **SECTION 7.** G.S. 18B-600 is amended by adding a new subsection to read:

21 **"(c1) Certain City Malt Beverage and Unfortified Wine Elections. – A city may hold a**
22 **malt beverage or unfortified wine election only if all of the following criteria are met:**

- 23 (1) The county in which more than fifty percent (50%) of the area of the primary
24 corporate limits of the city is located has already held such an election, and
25 the vote in the last county election was against the sale of that kind of
26 alcoholic beverage.
27 (2) The city has a population of 200 or more.
28 (3) The county in which more than fifty percent (50%) of the area of the primary
29 corporate limits of the city is located also contains three or more other cities
30 that have previously voted to allow malt beverage and unfortified wine
31 sales."

32 33 **VOTER ID MODIFICATIONS**

34 **SECTION 8.(a)** G.S. 163-166.13 reads as rewritten:

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. 163-227.2, or G.S. 163-182.1A shall present photo identification bearing any reasonable
38 resemblance to that voter to a local election official at the voting place before voting, except as
39 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 in any county subject to such declaration. The form shall be

1 available from the State Board of Elections, from each county board of
2 elections in a county subject to the disaster declaration, and at each polling
3 place and one-stop early voting site in that county. The voter shall submit the
4 completed form at the time of voting.

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

7 (c) Any voter who does not comply with subsection (a) of this section shall be notified
8 of the following options:

9 (1) The voter is permitted to vote a provisional official ballot which shall be
10 counted in accordance with G.S. 163-182.1A.

11 (2) The voter is permitted to complete a reasonable impediment declaration, as
12 provided in G.S. 163-166.15, and vote a provisional official ballot which
13 shall be counted in accordance with G.S. 163-182.1B.

14 (3) The voter is permitted to complete a written request for an absentee ballot in
15 accordance with G.S. 163-227.2(b1) until the deadline for submission of
16 requests for absentee ballots provided in G.S. 163-230.1.

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

22 (e) Except as provided in subsection (e1) of this section, As-as used in this section,
23 "photo identification" means any one of the following that contains a photograph of the
24 registered voter. In addition, the photo identification shall have voter, has a printed expiration
25 date, and is date and shall be unexpired, provided that any voter having attained the age of 70
26 years at the time of presentation at the voting place shall be permitted to present an expired
27 form of any of the following that was unexpired on the voter's 70th birthday; unless otherwise
28 noted:

29 (1) A North Carolina drivers license issued under Article 2 of Chapter 20 of the
30 General Statutes, including a learner's permit or a provisional ~~license.~~
31 license, provided that it shall be acceptable if it has a printed expiration date
32 that is not more than four years before it is presented for voting.

33 (2) A special identification card for nonoperators issued under
34 ~~G.S. 20-37.7.~~ G.S. 20-37.7, provided that it shall be acceptable if it has a
35 printed expiration date that is not more than four years before it is presented
36 for voting.

37 (3) A United States passport.

38 (4) A United States military identification card, except there is no requirement
39 that it have a printed expiration or issuance date.

40 (5) A Veterans Identification Card issued by the United States Department of
41 Veterans Affairs for use at Veterans Administration medical facilities
42 facilities, except there is no requirement that it have a printed expiration or
43 issuance date.

44 (6) A tribal enrollment card issued by a federally recognized tribe, provided that
45 if the tribal enrollment card does not contain a printed expiration date, it
46 shall be acceptable if it has a printed issuance date that is not more than eight
47 years before it is presented for voting.

48 (7) A tribal enrollment card issued by a tribe recognized by this State under
49 Chapter 71A of the General Statutes, provided that card meets all of the
50 following criteria:

1 a. Is issued in accordance with a process approved by the State Board
2 of Elections that requires an application and proof of identity
3 equivalent to the requirements for issuance of a special identification
4 card by the Division of Motor Vehicles under G.S. 20-7 and
5 G.S. 20-37.7.

6 b. Is signed by an elected official of the tribe.

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

11 (e1) Any voter 70 years of age or older shall be permitted to present an expired form of
12 photo identification listed in subsection (e) of this section, if that identification expired at any
13 point after that voter's 70th birthday."

14 **SECTION 8.(b)** G.S. 163-227.2 is amended by adding the following new
15 subsection to read:

16 "(b1) Until the deadline for submission of requests for absentee ballots provided in
17 G.S. 163-230.1, any voter who fails to present an eligible form of photo identification in
18 accordance with G.S. 163-166.13 shall be notified of the option to complete a written request
19 form for an absentee ballot at that one-stop absentee voting location. The county board of
20 elections shall notify the voter of each of the following:

21 (1) The option to request an absentee ballot to vote in that election, whether
22 requested at that one-stop absentee voting location or as provided in
23 G.S. 163-230.2.

24 (2) The instructions for completing the absentee ballot request in accordance
25 with G.S. 163-230.1, along with the deadlines for returning the absentee
26 ballot.

27 (3) The means by which the voter may transmit the executed ballot to the county
28 board of elections as provided in G.S. 163-231, including through delivery in
29 person to an election official at a one-stop voting location.

30 Upon receiving notice pursuant to this subsection, a voter shall sign a form acknowledging that
31 the voter was notified of the option to request and vote an absentee ballot. The list of names of
32 those voters who signed an acknowledgment is a public record."

33 **SECTION 8.(c)** G.S. 163-227.2 is amended by adding the following new
34 subsection to read:

35 "(j) The State Board of Elections shall adopt rules requiring signage to be displayed
36 until the deadline for submission of requests for absentee ballots provided in G.S. 163-230.1 at
37 all one-stop absentee voting locations notifying voters who do not have eligible photo
38 identification of the option to request an absentee ballot as provided in subsection (b1) of this
39 section."

40 **SECTION 8.(d)** Article 14A of Chapter 163 of the General Statutes is amended by
41 adding a new section to read:

42 **"§ 163-166.15. Reasonable impediment declarations.**

43 (a) Any voter who does not comply with the photo identification requirement of
44 G.S. 163-166.13(a) due to a reasonable impediment that prevents the voter from obtaining
45 photo identification may vote a provisional official ballot in accordance with this section.

46 (b) The voter shall complete a reasonable impediment declaration on a form provided
47 by the State Board declaring that the voter meets all of the following criteria:

48 (1) Is the same individual who personally appeared at the polling place.

49 (2) Cast the provisional ballot while voting in person in accordance with this
50 Article or G.S. 163-227.2.

1 (3) Suffers from a reasonable impediment that prevents the voter from obtaining
2 photo identification. The voter also shall list the impediment, as set forth in
3 subsection (e) of this section, unless otherwise prohibited by State or federal
4 law.

5 (c) The voter shall also present identification in the form of (i) a copy of a document
6 listed in G.S. 163-166.12(a)(2) or the voter registration card issued to the voter by the county
7 board of elections or (ii) the last four digits of the voter's Social Security number and the voter's
8 date of birth. Upon compliance with this section, the voter may cast a provisional ballot. The
9 declaration and a notation on the declaration form that the voter has provided the required
10 identification shall be submitted with the provisional ballot envelope to the county board of
11 elections and shall be counted in accordance with G.S. 163-182.1B.

12 (d) If a voter fails to present identification, as required in subsection (c) of this section,
13 but completes a reasonable impediment declaration, the voter shall be permitted to vote a
14 provisional official ballot. The declaration and a notation on the declaration form that the voter
15 has not provided the required identification shall be submitted with the provisional ballot
16 envelope to the county board of elections. The ballot shall be counted in accordance with
17 G.S. 163-182.1B if the voter presents the required identification to the county board of
18 elections in accordance with G.S. 163-182.1B.

19 (e) The reasonable impediment declaration form provided by the State Board shall, at a
20 minimum, include the following:

21 (1) Separate boxes that a voter may check to identify the reasonable
22 impediment, including at least the following:

23 a. Lack of transportation.

24 b. Disability or illness.

25 c. Lack of birth certificate or other documents needed to obtain photo
26 identification.

27 d. Work schedule.

28 e. Family responsibilities.

29 f. Lost or stolen photo identification.

30 g. Photo identification applied for but not received by the voter voting
31 in person.

32 h. Other reasonable impediment. If the voter checks the "other
33 reasonable impediment" box, a further brief written identification of
34 the reasonable impediment shall be required, including the option to
35 indicate that State or federal law prohibits listing the impediment.

36 (2) A space for the voter to provide the last four digits of the Social Security
37 number and the voter's date of birth, if the voter opts to provide this
38 information as identification in accordance with subsection (c) of this
39 section.

40 (3) A space to note whether the voter has provided a copy of the document listed
41 in G.S. 163-166.12(a)(2) or the voter registration card issued to the voter by
42 the county board of elections."

43 **SECTION 8.(e)** Article 15A of Chapter 163 of the General Statutes is amended by
44 adding a new section to read:

45 **"§ 163-182.1B. Counting of provisional official ballots cast following completion of a**
46 **reasonable impediment declaration when voting in person.**

47 (a) The county board of elections shall find that a voter's provisional official ballot cast
48 following completion of a declaration of reasonable impediment in accordance with
49 G.S. 163-166.15 is valid and direct that the provisional ballot be opened and counted in
50 accordance with this Chapter, unless any of the following apply:

- 1 (1) The county board of elections has grounds, including an impediment
2 evidentiary challenge by a voter, as provided in subsection (b) of this
3 section, to believe the declaration is factually false, merely denigrated the
4 photo identification requirement, or made obviously nonsensical statements.
- 5 (2) The voter failed to present identification in the form of one of the following:
6 a. Either a copy of a document listed in G.S. 163-166.12(a)(2) or the
7 voter registration card issued to the voter by the county board of
8 elections when voting or at the county board of elections.
9 b. The voter's last four digits of the Social Security number and date of
10 birth.
- 11 (3) The voter provided the last four digits of the voter's Social Security number
12 and date of birth as the form of identification required under
13 G.S. 163-166.15(c) and the county board of elections could not confirm the
14 voter's registration using that information.
- 15 (4) The voter is disqualified for some other reason provided by law.
- 16 (b) An impediment evidentiary challenge may be made only on a form developed by
17 the State Board of Elections as follows:
- 18 (1) Any registered voter of the county may make the challenge by submitting
19 clear and convincing evidence in writing on a signed form to the county
20 board of elections challenging the factual veracity of the impediment.
- 21 (2) Challenges shall be submitted no later than 5:00 P.M. on the third business
22 day following the election.
- 23 (3) The county board shall hear evidentiary challenges on the day set for the
24 canvass of the returns.
- 25 (4) A voter whose declaration has been challenged may personally, or through
26 an authorized representative, appear before the county board and present
27 evidence supporting the factual veracity of the impediment.
- 28 (5) In considering the challenge, the county board shall construe all evidence
29 presented in the light most favorable to the voter submitting the reasonable
30 impediment declaration.
- 31 (6) The county board shall not find a challenge valid if it provides only evidence
32 regarding the reasonableness of the impediment.
- 33 (7) The county board may find the challenge valid if the evidence demonstrates
34 the declaration merely denigrated the photo identification requirement, made
35 obviously nonsensical statements, or made statements or selected a
36 reasonable impediment check box that was factually false.
- 37 (c) A voter who failed to present identification required in G.S. 163-166.15(c) when
38 completing the reasonable impediment affidavit may comply with the identification
39 requirement by appearing in person at the county board of elections to present the identification
40 no later than 12:00 noon the day prior to the time set for the convening of the election canvass
41 pursuant to G.S. 163-182.5.
- 42 (d) If the county board of elections determines that a voter has also cast a provisional
43 official ballot for a cause other than the voter's failure to provide photo identification in
44 accordance with G.S. 163-166.13(a), the county board shall do all of the following:
- 45 (1) Note on the envelope containing the provisional official ballot that the voter
46 has complied with the reasonable impediment declaration requirement.
- 47 (2) Proceed to determine any other reasons for which the provisional official
48 ballot was cast provisionally before ruling on the validity of the voter's
49 provisional official ballot.
- 50 (e) Within 60 days after each election, the county board of elections shall provide to the
51 State Board of Elections a report of those reasonable impediments identified in that election by

1 voters. The State Board shall use the information in the reports to identify and address obstacles
2 to obtaining photo identification."

3 **SECTION 8.(f)** G.S. 163-82.8(e) reads as rewritten:

4 "(e) Display of Card May Not Be Required to Vote. – No county board of elections may
5 require that a voter registration card be displayed in order to vote. A county board of elections
6 may notify a voter that the voter's registration card may be used for the required identification
7 in conjunction with a reasonable impediment declaration in accordance with G.S. 163-166.15."

8 **SECTION 8.(g)** Section 5.3 of S.L. 2013-381 reads as rewritten:

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

- 11 (1) As counties use their regular processes to notify voters of assignments and
12 reassignments to districts for election to the United States House of
13 Representatives, State Senate, State House of Representatives, or local
14 office, by including information about the provisions of this act.
- 15 (2) As counties send new voter registration cards to voters as a result of new
16 registration, changes of address, or other reasons, by including information
17 about the provisions of this act.
- 18 (3) Counties that maintain a board of elections Web site shall include
19 information about the provisions of this act.
- 20 (4) Notices of elections published by county boards of elections under
21 G.S. 163-22(8) for the 2014 primary and 2014 general election shall include
22 a brief statement that photo identification will be required to vote in person
23 beginning in 2016.
- 24 (5) The State Board of Elections shall include on its Web site information about
25 the provisions of this act.
- 26 (6) Counties shall post at the polls and at early voting sites beginning with the
27 2014 primary elections information about the provisions of this act.
- 28 (7) The State Board of Elections shall distribute information about the photo
29 identification requirements to groups and organizations serving persons with
30 disabilities or the elderly.
- 31 (8) The State Board of Elections, the Division of Motor Vehicles, and county
32 boards of elections in counties where there is no Division of Motor Vehicles
33 drivers license office open five days a week shall include information about
34 mobile unit schedules on existing Web sites, shall distribute information
35 about these schedules to registered voters identified without photo
36 identification, and shall publicize information about the mobile unit
37 schedules through other available means.
- 38 (9) The State Board of Elections and county boards of elections shall direct
39 volunteers to assist registered voters in counties where there is no Division
40 of Motor Vehicles drivers license office open five days a week.
- 41 (10) The State Board of Elections shall educate the public regarding the
42 reasonable impediment declaration and shall use the information on
43 reasonable impediments reported by county boards of election as provided in
44 G.S. 163-182.1B(e) to identify and address obstacles to obtaining voter
45 photo identification."

46 **SECTION 8.(h)** Section 8(g) of this section becomes effective when this act
47 becomes law. The remainder of this section becomes effective January 1, 2016, and applies to
48 primaries and elections conducted on or after that date.

49
50 **REMOVE TERM LIMITS FOR SERVICE ON THE BOARD OF EDUCATION OF**
51 **ALEXANDER COUNTY**

1 **SECTION 9.(a)** Sec. 8 of Chapter 774 of the Session Laws of 1969 reads as
2 rewritten:

3 "**Sec. 8.** Member(s) whose terms of office expire and who desire to become candidates for
4 re-election shall register and be voted upon in the same manner as herein provided and at the
5 general election to be held in the year in which said terms of office ~~expire, provided no member~~
6 ~~shall serve more than two terms in succession.~~ expire."

7 **SECTION 9.(b)** This section becomes effective January 1, 2016, and applies to
8 elections conducted on or after that date.

10 **VOTING SYSTEM CERTIFICATIONS**

11 **SECTION 10.** G.S. 163-165.7(a) reads as rewritten:

12 "**§ 163-165.7. Voting systems: powers and duties of State Board of Elections.**

13 (a) Only voting systems that have been certified by the State Board of Elections in
14 accordance with the procedures set forth by the State Board of Elections and subject to the
15 standards set forth in this section and that have not been subsequently decertified shall be
16 permitted for use in elections in this State. Those certified voting systems shall be valid in any
17 election held in the State or in any county, municipality, or other electoral district in the State.
18 Subject to all other applicable rules adopted by the State Board of Elections and, with respect to
19 federal elections, subject to all applicable federal regulations governing voting systems, paper
20 ballots marked by the voter and counted by hand shall be deemed a certified voting system. The
21 State Board of Elections shall certify optical scan voting systems, optical scan with ballot
22 markers voting systems, and direct record electronic voting systems if any of those systems
23 meet all applicable requirements of federal and State law. The State Board may certify
24 ~~additional~~ voting systems only if they meet the requirements ~~of the request for proposal process~~
25 set forth in this section and only if they generate either a paper ballot or a paper record by
26 which voters may verify their votes before casting them and which provides a backup means of
27 counting the vote that the voter casts. Those voting systems may include optical scan and direct
28 record electronic (DRE) voting systems. ~~In consultation with the Office of Information~~
29 ~~Technology Services, the State Board shall develop the requests for proposal subject to the~~
30 ~~provisions of this Chapter and other applicable State laws. Among other~~
31 ~~requirements,~~ requirements as set by the State Board of Elections, ~~the request for~~
32 ~~proposal~~ certification requirements shall require at least all of the following elements:

- 33 (1) That the vendor post a bond or letter of credit to cover damages resulting
34 from defects in the voting system. Damages ~~shall~~ may include, among other
35 items, any costs of conducting a new election attributable to those defects.
- 36 (2) That the voting system comply with all federal requirements for voting
37 systems.
- 38 (3) That the voting system must have the capacity to include in voting tabulation
39 district returns the votes cast by voters outside of the voter's voting
40 tabulation district as required by G.S. 163-132.5G.
- 41 (4) With respect to electronic voting systems, that the voting system generate a
42 paper record of each individual vote cast, which paper record shall be
43 maintained in a secure fashion and shall serve as a backup record for
44 purposes of any hand-to-eye count, hand-to-eye recount, or other audit.
45 Electronic systems that employ optical scan technology to count paper
46 ballots shall be deemed to satisfy this requirement.
- 47 (5) With respect to DRE voting systems, that the paper record generated by the
48 system be viewable by the voter before the vote is cast electronically, and
49 that the system permit the voter to correct any discrepancy between the
50 electronic vote and the paper record before the vote is cast.

- 1 (6) With respect to all voting systems using electronic means, that the vendor
2 provide access to all of any information required to be placed in escrow by a
3 vendor pursuant to G.S. 163-165.9A for review and examination by the State
4 Board of Elections; the Office of Information Technology Services; the State
5 chairs of each political party recognized under G.S. 163-96; the purchasing
6 county; and designees as provided in subdivision (9) of subsection (d) of this
7 section.
- 8 (7) That the vendor must quote a statewide uniform price for each unit of the
9 equipment.
- 10 (8) That the vendor must separately agree with the purchasing county that if it is
11 granted a contract to provide software for an electronic voting system but
12 fails to debug, modify, repair, or update the software as agreed or in the
13 event of the vendor having bankruptcy filed for or against it, the source code
14 described in G.S. 163-165.9A(a) shall be turned over to the purchasing
15 county by the escrow agent chosen under G.S. 163-165.9A(a)(1) for the
16 purposes of continuing use of the software for the period of the contract and
17 for permitting access to the persons described in subdivision (6) of this
18 subsection for the purpose of reviewing the source code.

19 ~~In its request for proposal, As part of the certification requirements,~~ the State Board of
20 Elections shall address the mandatory terms of the contract for the purchase of the voting
21 system and the maintenance and training related to that voting system.

22 ~~If a voting system was acquired or upgraded by a county before August 1, 2005, the county~~
23 ~~shall not be required to go through the purchasing process described in this subsection if the~~
24 ~~county can demonstrate to the State Board of Elections compliance with the requirements in~~
25 ~~subdivisions (1) through (6) and subdivision (8) of this subsection, where those requirements~~
26 ~~are applicable to the type of voting system involved. If the county cannot demonstrate to the~~
27 ~~State Board of Elections that the voting system is in compliance with those subdivisions, the~~
28 ~~county board shall not use the system in an election during or after 2006, and the county shall~~
29 ~~be subject to the purchasing requirements of this subsection."~~

30 **SECTION 11.(a)** G.S. 163-165.7 is amended by adding a new subsection to read:

31 "(a2) Only electronic poll books that have been certified by the State Board in accordance
32 with procedures and subject to standards adopted by the State Board shall be permitted for use
33 in elections in this State."

34 **SECTION 11.(b)** This section becomes effective August 1, 2015.

35
36 **EFFECTIVE DATE**

37 **SECTION 12.** Except as otherwise provided, this act is effective when it becomes
38 law.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE
CONFERENCE OF THE NAACP, et al.,

Plaintiffs,

v.

PATRICK LLOYD MCCRORY, in his
official capacity as the Governor of North
Carolina, et al.,

Defendants.

**[PROPOSED] ORDER SETTING
STATUS CONFERENCE**

Civil Action No. 1:13-CV-658

LEAGUE OF WOMEN VOTERS OF
NORTH CAROLINA, et al.,

Plaintiffs,

v.

THE STATE OF NORTH CAROLINA, et
al.,

Defendants.

Civil Action No. 1:13-CV-660

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF NORTH CAROLINA, *et*
al.,

Defendants.

Civil Action No. 13-cv-861

[PROPOSED] ORDER SETTING STATUS CONFERENCE

This matter is before this Court on Plaintiff United States' Request for a Telephonic Status Conference, in light of the legislature's recent adoption of House Bill 836. The Court finds good cause to grant the request, and it is hereby **ORDERED** that the parties participate in a telephonic status conference with the Court on _____.

SO ORDERED.

This ____ day of June, 2015.

United States District Judge

General Information

Court	United States District Court for the Middle District of North Carolina; United States District Court for the Middle District of North Carolina
Federal Nature of Suit	Civil Rights - Voting[441]
Docket Number	1:13-cv-00660