



# NORTH CAROLINA

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## STATE BOARD OF ELECTIONS

*Mailing Address:*  
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**RE:** SBE Rules: Notice of Publication and Public Comment

**DATE:** February 8, 2019

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Pursuant to G.S. § 150B-21.1, notice is hereby given that the State Board of Elections intends to adopt the following temporary rules cited as 08 NCAC 17 .0107 and 08 NCAC 17 .0108. The full text is attached hereto.

The State Board of Elections voted in an open meeting on February 7, 2019, to publish the proposed text on the OAH website, and the agency invites public comment in response to its initial publication. The State Board of Elections will receive public comment on this matter from Friday, February 8 through Friday, March 15. Public comment may be made through any of the following methods:

**Online:** [Public Comment Portal](#)

**Email:** [rules@ncsbe.gov](mailto:rules@ncsbe.gov)

**Mail:** Attn: Katelyn Love, Deputy General Counsel, P.O. Box 27255, Raleigh, NC 27611-7255

A public hearing will be held as follows:

**Date:** March 13, 2019

**Time:** 1 p.m.

**Location:** State Board of Elections, 430 N. Salisbury Street, 3rd Floor Raleigh, NC 27603

This notice is posted on the State Board of Elections website, [www.ncsbe.gov](http://www.ncsbe.gov)

1 08 NCAC 17 .0107 is proposed for adoption under temporary procedures as follows:

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3 **08 NCAC 17 .0107 VOTER PHOTO IDENTIFICATION CARD**

4 (a) **Request.** A voter may request a voter photo identification card free of charge in person at the county board of  
5 elections in the county where the voter is registered to vote. The request shall be made on a form prescribed by the  
6 State Board of Elections Office and available on the State Board website and in the county board of elections office.  
7 The form shall include prompts for the voter’s full name, voter’s date of birth, the last four digits of the voter’s Social  
8 Security number, the voter’s signature or mark, and the date of request. If the information provided by the voter  
9 matches the information on the voter registration on file with the county board of elections, the county board shall  
10 issue the card. The county board shall not refuse to issue a card because the voter registration does not contain the  
11 last four digits of the voter’s Social Security number. The request may be made at the county board of elections office  
12 or at any other location in the county, including a one-stop early voting site, if the location is designated by an  
13 affirmative vote of the county board.

14 (b) **Issuance.** Once the county board of elections determines it shall issue the voter photo identification card, it shall  
15 take a photograph of the voter. If the face of the voter is covered, the county board shall give the voter the opportunity  
16 to remove the covering but shall not require removal. If the voter declines to remove the covering, the county board  
17 shall inform the voter that a voter photo identification card cannot be produced while the voter’s face is covered and  
18 shall inform the voter of the ability to vote provisionally due to religious objection to being photographed pursuant to  
19 G.S. 163A-1145.1(d)(1).

20 (c) **Simultaneous registration and request.** A voter may register to vote and request a voter photo identification  
21 card simultaneously in person at the county board of elections office or other approved location in the county where  
22 the voter seeks to register to vote. The county board of elections shall immediately process the voter registration form  
23 as soon as it is received and, if the voter appears eligible to vote based on the voter registration form, the county board  
24 of elections shall process the voter registration, assign a voter registration number to the voter, and issue a voter photo  
25 identification card to the voter. For the purposes of this Rule, “immediately” means without any delay.

26 (d) **Timing of issuance.** Voter photo identification cards shall be issued at any time, except during the time period  
27 between the end of one-stop voting for a primary or election as provided in G.S. 163A-1300 and Election Day for  
28 each primary and election. A county board of election shall process a request for voter photo identification at the time  
29 it is received and immediately shall issue the card to the voter.

30 (e) **Replacement card.** If a registered voter loses or defaces the voter’s photo identification card, the registered voter  
31 may obtain a duplicate card without charge from his or her county board of elections upon request in person, by  
32 telephone, or by mail. Cards may not be requested by any other method, including e-mail. In making the request, the  
33 voter shall provide the voter’s name and the voter’s date of birth or last four digits of the voter’s Social Security  
34 number. If the information provided by the voter matches the information on file with the county board of elections,  
35 the county board shall issue the replacement card. If the request is by telephone or mail, the county board shall mail  
36 the card to the mailing address in the voter’s voter registration file.

1 (f) **Name change.** If a registered voter has a change of name and has updated his or her voter registration to reflect  
2 the new name, the registered voter may request and obtain a replacement card from the registered voter’s county board  
3 of elections by providing the registered voter’s date of birth and the last four digits of the registered voter’s Social  
4 Security number in person, by telephone, or by mail. If the information provided by the voter matches the information  
5 on file with the county board of elections, the county board shall issue the replacement card. If the request is by  
6 telephone or mail, the county board shall mail the card to the mailing address on the voter’s voter registration file. The  
7 voter may use the form required in subsection (a) to update the name on his or her voter registration record if the form  
8 includes the voter’s date of birth, the last four digits of the voter’s Social Security number, and the voter’s signature  
9 or mark.

10 (g) **Content and design of card.** The Executive Director of the State Board shall prescribe the design of the card. A  
11 voter photo identification card shall contain only the following information unique to the voter:

- 12 (1) A photograph of the voter;
- 13 (2) The voter’s full name;
- 14 (3) The voter’s voter registration number; and
- 15 (4) Expiration date.

16 The card may also contain a barcode including any of the information listed in this Paragraph. Voter photo  
17 identification cards must contain the following disclaimer: “Expiration of this voter photo identification card does not  
18 automatically result in the voter’s voter registration becoming inactive.”

19 (h) **Photograph of voter not a public record.** A photograph of a voter created pursuant to G.S. 163A-869.1 and this  
20 Rule may be viewed by the public but may not be copied or reproduced except by election officials for election  
21 administration purposes. Any such copy or reproduction is not a public record under Chapter 132 of the General  
22 Statutes.

23 (i) **Validity.** A voter photo identification card shall be valid statewide for voting purposes.

24  
25 *Authority G.S. 163A-741; 163A-869.1(d); S.L 2018-144 § 1.1.(b).*

1 08 NCAC 17 .0108 is proposed for adoption under temporary procedures as follows:

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3 **08 NCAC 17 .0108 REQUESTS FOR APPROVAL OF STUDENT IDENTIFICATION CARDS AND**  
4 **EMPLOYEE IDENTIFICATION CARDS**

5 (a) Request for Approval. An institution requesting the State Board of Elections' approval of an identification card  
6 for voting purposes pursuant to G.S. 163A-1145.2 or 163A-1145.3 shall submit to the State Board the form posted on  
7 the State Board's website completed, executed, and returned in the manner specified therein. The request shall be  
8 submitted at least five business days prior to the deadline for State Board approval of identification cards as specified  
9 G.S. 163A-1145.2(b), 163A-1145.3(b), and Section 1.2.(f) of Session Law 2018-144.

10 (b) Image of Sample Identification. An institution submitting a request under Paragraph (a) of this Rule shall provide  
11 the State Board a digital image representative of the layout, coloring, and insignia appearing on the front and back of  
12 the identification card(s). The images shall be submitted with the request for approval required under Paragraph (a).  
13 The images may be used to publicize acceptable forms of photo identification, educate the public, and instruct elections  
14 officials on the enforcement of photo identification requirements in G.S. 163A-1145.1, 163A-1307, and 163A-1309,  
15 and submission of the images shall grant a royalty-free, perpetual, irrevocable right to use, reproduce, modify, adapt,  
16 publish, translate, create derivative works, distribute, and display the images or derivative images in any medium or  
17 platform. Submission of the digital images required under this section shall waive any cause of action against the  
18 State Board arising from or associated with the State Board's use of the images.

19 (c) Notice of Altered Procedures or Images. The institution requesting approval under Paragraph (a) and submitting  
20 images under Paragraph (b) shall notify the Executive Director of the State Board of Elections in writing if it alters its  
21 procedures in a manner that violates the requirements in G.S. 163A-1145.2(a) or 163A-1145.3(a) or if it alters its  
22 identification cards from the images previously submitted. Timing of the notification shall occur as follows:

23 (1) If the alteration is made fewer than 90 days before the date of an election in the State, the institution shall  
24 provide notice within five business days after implementation of the alteration; and

25 (2) If the alteration is made more than 90 days before the date of an election in the State, the institution shall  
26 provide notice within 30 calendar days after implementation of the alternation.

27 (d) Approval Process. The Executive Director shall approve the use of identification cards from an institution the that  
28 meets the requirements of this Rule and of G.S. 163A-1145.2 or 163A-1145.3. The Executive Director shall produce  
29 a list of approved institution and shall cause the list to be published on the State Board's website and to the county  
30 boards of elections.

31  
32 *Authority G.S. 163A-741; 163A-1145.2; 163A-1145.3; Session Law 2018-144 § 1.2.(f).*