

1 08 NCAC 10B .0103 is proposed for amendment under temporary procedures as follows:

2

3 **08 NCAC 10B .0103 VOTING PROCEDURES**

4 (a) From the time the polls are opened on Election Day until the precinct count has been completed, the returns signed,
5 and the results declared, and from the time the voting place opens for one-stop voting until the place closes at the end
6 of the one-stop period, no person shall take or remove from the voting enclosure election supplies and materials,
7 including official ballots, containers of official ballots, provisional official ballots, spoiled ballots, the pollbook or
8 voter authorization slip(s), the registration record(s) or any voting units or devices that are part of the voting system,
9 except as authorized by law to accommodate curbside voters. Provisions for secure removal of election supplies and
10 materials at any time would be permissible under the emergency management plan of a county board of elections in
11 the cases of natural or man-made emergencies.

12 (b) A person seeking to vote shall enter the voting enclosure at the voting place through the designated entrance and
13 shall clearly communicate the person's name and place of residence and present photo identification in accordance
14 with G.S. 163A-1145.1(a) to one of the judges of election. election officials. In some cases, the election official
15 precinct judge may prompt the voter to provide this information. In a primary election, the voter shall also state the
16 political party with which the voter affiliates and in whose primary the voter desires to vote, or if the voter is an
17 unaffiliated voter permitted to vote in the primary of a particular party, the voter shall state the name of the authorizing
18 political party in whose primary the voter wishes to vote. This information, including the political party's primary in
19 which the voter elected to participate, provided by the voter shall be recorded in the precinct pollbook or on the voter
20 authorization slip. The judge or assistant election official to whom the voter gives this information shall announce the
21 name and residence of the voter so that the information may be heard by the necessary officials and observers. After
22 examining the precinct registration records, the judge or assistant election official shall state whether the person
23 seeking to vote is registered. The precinct judge or assistant election official shall not presume the identity/name,
24 address, or party affiliation of any person seeking to vote, and shall follow the procedures set forth in 08 NCAC
25 17 .0101. Each precinct shall be required to have an electronic device, including a smart phone, tablet, or laptop
26 computer, which can be used for viewing the list of approved student and employee photo identification cards under
27 G.S. 163A-1145.2(a) and G.S. 163A-1145.3(a) and examples of those approved cards. cards; or, in the alternative, a
28 printed list of approved student and employee photo identification cards and examples of those approved cards.

29 (c) If the person is found to be registered and is not challenged, or if the challenge is overruled, the responsible judge
30 of election election official shall provide the voter with each official ballot the voter is entitled to vote. In a primary
31 election the voter shall be allowed to vote the political party ballot(s) the voter is entitled to vote and no others, except
32 non-partisan ballots. Unaffiliated voters may choose to participate in only one party's primary and no others on the
33 same day. In the case of a second primary, unaffiliated voters who participated in a party's primary in the first primary
34 may only vote that party's ballot in the second primary. However, if an unaffiliated voter did not participate in the
35 first primary, the voter may choose which party's primary to participate in during the second primary. Note that
36 unaffiliated voter participation in party primaries is subject to authorization by the respective state party executive
37 committees. Unaffiliated voters who are otherwise qualified may always participate in non-partisan primaries.

1 (d) If the person is found to not be registered to vote in the precinct, the responsible judge of election shall inform the
2 person of the fail safe voting process. First, based [Based] on information provided by the person the responsible
3 judge shall determine whether or not the person may be eligible to vote an official provisional ballot. The person is
4 eligible to vote an official provisional ballot if the person resides in the precinct and either: [person:] No person shall
5 be denied the option to vote a provisional ballot. Reasons a person may vote a provisional ballot include, but are not
6 limited to, that the person:

- 7 (1) is a registered voter in the county and has moved into the precinct 30 days or more prior to the election and has not reported the change to the board of elections; or
- 8 (2) claims to have applied for voter registration in the county but there is no record of the person's name on the registration records; or
- 9 (3) was removed from the list, but the person maintains continuous eligibility within the county; or
- 10 (4) disputes the voting districts (and ballots) ballot style to which the person has been assigned. assigned; or
- 11 (5) cannot produce the identification as required in [G.S. 163A-1145.1(a) of this section.] G.S. 163A-1145.1(a).

12 [No person shall be denied an option to vote a provisional ballot.]

13 (e) If on Election Day the person is found to not be registered to vote in the precinct and the responsible judge of election election official learns from the person that the person resides in a different precinct, the responsible judge election official shall provide the person with adequate information in order to direct the person inform the person that the person may vote a provisional ballot at the precinct or may go to the proper voting place.

14 (f) It is the duty of the election official chief judge and judges to gather any voter information regarding changes of name and address in order to assist the county board of elections in updating voter records. If the county board of elections has identified a voter's record pursuant to law to gather additional information, the responsible judge election official shall require the voter to update the information.

15 (g) It is the duty of the chief judge and judges election officials to give any voter any technical information the voter desires in regard to ballot items. In response to questions asked by the voter, the chief judge and judges election official shall communicate to the voter only technical information necessary to enable the voter to vote the ballot.

16 (h) The On Election Day the Chief Judge shall assign two precinct officials, one from each political party if possible, to keep the pollbook or other voting record and to keep the registration list. The names of all persons voting shall be checked on the registration record and entered on the pollbook or other voting record. In an election where observers may be appointed each voter's party affiliation shall be entered in the proper column of the pollbook or other approved record opposite the voter's name. The designated official shall make each entry at the time the ballots are handed to the voter. The information about the voter's political party registration shall be obtained from the registration record and not from the voter.

17 (i) The chief judge, judges, and assistants Election officials must ensure that registration records are kept secure and do not leave the voting enclosure for any purpose. Properly designated observers are entitled to obtain a list of the persons who have voted in the precinct so far in that election day at least at the following times: 10 a.m., 2 p.m. and

1 4 p.m. Counties using authorization to vote documents as opposed to traditional pollbooks may comply with the
2 requirement by permitting each observer to inspect election records so that the observer may create a list of persons
3 who have voted in the precinct. A party may designate more than two observers for each precinct, but only two may
4 serve in the voting place at the same time. Observers may serve in shifts, as long as the shifts are at least four hours
5 long and the persons serving in the shifts have been properly appointed as observers.

6

7 *History Note: Authority G.S. 163-22; 163-166.7; 163-119; NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016);*
8 163A-1145.1;

9 *Temporary Adoption Eff. April 15, 2002;*

10 *Eff. August 1, 2004.*

1 08 NCAC 17 .0101 is proposed for amendment under temporary procedures as follows:

2

3 **08 NCAC 17 .0101 DETERMINATION OF REASONABLE RESEMBLANCE****VERIFICATION OF**
4 **PHOTO IDENTIFICATION AT CHECK-IN**

5 (a) An election official shall check the registration status of all persons presenting to vote in-person on election day
6 or during one-stop early voting pursuant to G.S. 163-166.7, and shall require that all persons presenting to vote provide
7 one of the forms of photo identification listed in G.S. ~~163-166.13(e);163A-1145.1(a)~~, subject to the exceptions
8 outlined in Paragraph (b) of this Rule. If a person not satisfying the exceptions described in Paragraph (b) of this Rule
9 does not provide any photo identification, the election official shall inform the person presenting to vote of applicable
10 options specified in G.S. ~~163-166.13(e);163A-1145.1(c)~~. If the person presenting to vote wishes to choose the option
11 of voting a provisional ballot, the election official shall provide the person presenting to vote with information on the
12 provisional voting process and the address of the county board of elections office.

13 (b) The election official shall not require photo identification of a person who has a sincerely held religious objection
14 to being photographed and meets the requirements of G.S. ~~163-166.13(a)(2);163A-1145.1(d)(1)~~, who suffers from a
15 reasonable impediment that prevents the registered voter from presenting photograph identification and meets the
16 requirements of G.S. ~~163A-1145.1(d)(2)~~, or who is the victim of a natural disaster and meets the requirements of G.S.
17 ~~163-166.13(a)(3);163A-1145.1(d)(3)~~. Persons falling within any exception listed in this Paragraph who complete the
18 ~~required~~ affidavit required by G.S. ~~163A-1145.1(d)~~ shall be allowed to proceed pursuant to G.S. ~~163-166.7~~. G.S.
19 ~~163-166.7~~ and shall cast a provisional ballot. The county board of elections shall find that a provisional ballot cast by
20 a person who meets the qualifications of this Paragraph is valid unless the county board ~~has grounds to believe the~~
21 ~~affidavit is false~~; ~~unanimously decides that the affidavit is false~~, pursuant to 08 NCAC 17 .0109(f).

22 (c) The election official shall inspect any photo identification provided by the person presenting to vote and shall
23 determine the following:

24 (1) That the photo identification is of the type acceptable for voting purposes pursuant to G.S.
25 ~~163-166.13(e);163A-1145.1(a)~~. A valid United States passport book or a valid United States
26 passport card is acceptable pursuant to G.S. ~~163-166.13(e)(3);163A-1145.1(a)(1)c.;~~
27 (2) That the photo identification is unexpired or is otherwise acceptable pursuant to G.S.
28 ~~163-166.13(e);163A-1145.1(a);~~
29 (3) That the photograph appearing on the photo identification ~~depicts bears any reasonable resemblance~~
30 ~~to~~ the person presenting to vote. The election official shall make this determination based on the
31 totality of the circumstances, construing all evidence, along with any explanation or documentation
32 voluntarily proffered by the person presenting to vote, in the light most favorable to that person.
33 Perceived differences of the following features shall not be grounds for the election official to find
34 that the photograph appearing on the photo identification ~~fails to depict does not bear any reasonable~~
35 ~~resemblance to~~ the person presenting to vote:
36 (A) weight;

- (B) hair features and styling, including changes in length, color, hairline, or use of a wig or other hairpiece;
- (C) facial hair;
- (D) complexion or skin tone;
- (E) cosmetics or tattooing;
- (F) apparel, including the presence or absence of eyeglasses or contact lenses;
- (G) characteristics arising from a perceptible medical condition, disability, gender transition, or aging;
- (H) photographic lighting conditions or printing quality; and

That the name appearing on the photo identification is the same or substantially equivalent to the name contained in the registration record. The election official shall make this determination based on the totality of the circumstances, construing all evidence, along with any explanation or documentation voluntarily proffered by the person presenting to vote, in the light most favorable to that person. The name appearing on the photo identification shall be considered substantially equivalent to the name contained in the registration record if differences are attributable to a reasonable explanation or one or more of the following reasons:

- (A) Omission of one or more parts of the name (such as, for illustrative purposes only, Mary Beth Smith versus Beth Smith, or Patrick Todd Jackson, Jr. versus Patrick Todd Jackson, or Maria Guzman-Santana versus Maria Guzman);
- (B) Use of a variation or nickname rather than a formal name (such as, for illustrative purposes only, Bill versus William, or Sue versus Susanne);
- (C) Use of an initial in place of one or more parts of a given name (such as, for illustrative purposes only, A.B. Sanchez versus Aaron B. Sanchez);
- (D) Use of a former name, including maiden names (such as, for illustrative purposes only, Emily Jones versus Emily Gibson), names changed during the gender transition process (such as, for illustrative purposes only, Catherine Smith versus Dan Smith), or a variation that includes or omits a hyphenation (such as, for illustrative purposes only, Chantell D. Jacobson-Smith versus Chantell D. Jacobson);
- (E) Ordering of names (such as, for illustrative purposes only, Maria Eva Garcia Lopez versus Maria E. Lopez-Garcia);
- (F) Variation in spelling or typographical errors (such as, for illustrative purposes only, Dennis McCarthy versus Denis McCarthy, or Aarav Robertson versus Aarav Robertsson).

(d) The election official shall not require any additional evidence outside the four corners of the photo identification. The election official shall not require that any person remove apparel for the purposes of rendering a determination under Paragraph (c). If the face of the person presenting to vote is covered such that the election official cannot render a determination under Subparagraph (c)(3), then the election official shall give the person the opportunity to remove the covering but shall not require that removal. If the person declines to remove the covering, the election official shall

1 inform the person presenting to vote that he or she may cast a provisional ballot, which shall be counted in accordance
2 with ~~G.S. 163-182.1A, or, if applicable, may complete a written request for an absentee ballot as set out in G.S. 163-~~
3 ~~166.13(e)(3), and shall inform the voting site's judges of election that the election official cannot affirmatively~~
4 ~~determine that the person bears any reasonable resemblance to the photo identification. G.S. 163A-1145.1.~~

5 (e) Differences between the address appearing on the photo identification meeting the requirements of Subparagraph
6 (c)(1) and the address contained in the registration record shall not be construed as evidence that the photographic
7 identification does not bear any reasonable resemblance pursuant to Subparagraphs (c)(3) and (c)(4) of this Rule, nor
8 shall it be construed as evidence that the photographic identification does not otherwise meet the requirements of any
9 other provision of Paragraph (C).

10 (f) The election official shall construe all evidence, along with any explanation or documentation voluntarily proffered
11 by the person presenting to vote, in the light most favorable to that person. After an examination performed in the
12 manner set out in Paragraphs (a) through (d) of this Rule, the election official shall proceed as follows:

13 (1) If the election official determines that the photo identification meets all the requirements of
14 Paragraph (c), then the person presenting to vote shall be allowed to proceed pursuant to G.S. 163-
15 166.7 and ~~163-166.13(b); 163A-1145.1~~; or

16 (2) If the election official determines that the photo identification does not meet all of the requirements
17 of Subparagraphs (c)(1) and (c)(2), the election official shall inform the person presenting to vote
18 of the reasons for such determination (such as, for illustrative purposes only, that the photo
19 identification is expired) and shall invite the person to provide any other acceptable photo
20 identification that he or she may have. If the person presenting to vote does not produce photo
21 identification that meets all the requirements of Subparagraph (c)(1) and (c)(2), then the election
22 official shall inform the person presenting to vote of applicable options specified in G.S. ~~163-~~
23 ~~166.13(e); 163A-1145.1(c) and (d)~~. If the person presenting to vote wishes to choose the option of
24 voting a provisional ballot, the election official shall provide the person presenting to vote with
25 information on the provisional voting process and the address of the county board of elections office.
26 If the election official determines that the photo identification does not meet all the requirements of
27 Subparagraphs (c)(3) and (c)(4), the election official shall notify the voting site's judges of election
28 that the person presenting to vote does not bear any reasonable resemblance to the photo
29 identification.

30
31 *History Note:* Authority G.S. 163-82.6A; 163-82.15; 163-166.7; ~~163-166.13; 163-166.14; 163-182.1A; NAACP v.~~
32 ~~McCrory~~, 831 F.3d 204 (4th Cir. 2016); 163A-1145.1; S.L. 2018-144, s. 3.1(e);

33 *Eff. January 1, 2016.*

34

1 08 NCAC 17 .0102 is proposed for amendment under temporary procedures as follows:

2

3 **08 NCAC 17 .0102 DETERMINATION OF REASONABLE RESEMBLANCE BY JUDGES OF**
4 **ELECTION**

5 (a) The judges of election shall make a determination as to reasonable resemblance pursuant to G.S. ~~163-166.14~~163A-1145.1(b) only if the person presenting to vote is referred to them by an election official as set out in 08 NCAC 17 .0101(f)(3).

6 (b) The judges of election shall inspect the photo identification provided by the person presenting to vote and shall
7 make a determination as to all requirements set out in 08 NCAC 17 .0101(c)(3) and (4). The judges of election shall
8 make their determinations based on the totality of the circumstances, construing all evidence in the light most favorable
9 to the person presenting to vote. The judges of election shall consider the following, if presented:

10 (1) Any information contained in the photo identification meeting the requirements of 08 NCAC 17 .0101(c)(1) and the registration record (such as, for illustrative purposes only, date of birth, sex, or
11 race);

12 (2) Any explanation proffered by the person presenting to vote or by other persons; and

13 (3) Any additional documentation provided by the person presenting to vote or by other persons.

14 (c) The judges of election shall follow 08 NCAC 17 .0101(e) with regard to addresses appearing on the photo
15 identification.

16 (d) After considering the evidence, the judges of election shall vote to determine whether the photo identification
17 bears any reasonable resemblance to the person presenting to vote. All judges of election must vote either yea or nay,
18 and the result shall be governed by the following:

19 (1) Unless the judges of election unanimously find that the photo identification does not bear any
20 reasonable resemblance to the person appearing before them as set out in Subparagraph (e)(2), the
21 person presenting to vote shall be allowed to proceed pursuant to G.S. 163-166.7 and ~~163-166.13(b).163A-1145.1~~.

22 (2) If the judges of election unanimously find that the photo identification does not meet all the
23 requirements of 08 NCAC 17 .0101(c)(3) and (4), the judges of election shall enter a determination
24 that the photo identification does not bear any reasonable resemblance to the person presenting to
25 vote, and shall record their determinations in the manner set out in Paragraph (e) of this Rule. The
26 judges of election shall inform the person presenting to vote that he or she may cast a provisional
27 ballot, which shall be counted in accordance with G.S. ~~163-88.1.163A-1145.1(c)~~.

28 (e) The judges of election shall record their determination as to reasonable resemblance on a form provided by the
29 State Board of Elections that provides the date and time, the voting site, the names of the judges of election, the name
30 of the person presenting to vote, ~~and~~ the determination of each individual judge of ~~election, election, and if the judges~~
31 ~~of election unanimously determine that the photo identification does not bear any reasonable resemblance to the person~~
32 ~~presenting to vote, a brief explanation as to why that determination was made.~~

33

1 *History Note:* *Authority* G.S. 163-166.7; 163-82.6A; 163-82.15; 163-88.1; 163-166.7; ~~163-166.13~~; ~~163-166.14~~;
2 *NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016); 163A-1145.1; S.L. 2018-144, s. 3.1(e);
3 *Eff. January 1, 2016.*

1 08 NCAC 17 .0103 is proposed for repeal under temporary procedures as follows:

2

3 **08 NCAC 17 .0103 IDENTIFICATION REQUIRED OF CURBSIDE VOTERS**

4

5 *History Note: Authority ~~G.S. 163-166.9; 163-166.13;~~ NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016); S.L. 2018-*

6 *144, s. 3.1(d);*

7 *Eff. January 1, 2016.*

08 NCAC 17.0104 is proposed for amendment under temporary procedures as follows:

**08 NCAC 17.0104 OPPORTUNITY TO UPDATE NAME OR ADDRESS AFTER REASONABLE
RESEMBLANCE IS DETERMINED**

A person able to vote a regular ballot but whose name or address does not match the name or address appearing in the registration record shall be provided the opportunity to update his or her name or address in the registration record pursuant to G.S. 163-82.15(d) and 163-82.16(d) to reflect the person's true and current name and address. If the person updates his or her name or address, the person shall be permitted to vote as set out in G.S. 163-166.7 and ~~163-166.13(b), 163A-1145.1~~, so long as the person remains eligible to vote based on residence within the county of the voting place.

History Note: Authority G.S. 163-82.15(d); 163-82.16(d); 163-166.7; ~~163-166.13(b)~~; NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016); 163A-1145.1; S.L. 2018-144, s. 3.1(e);
Eff. January 1, 2016.

1 08 NCAC 17 .0105 is proposed for repeal under temporary procedures as follows:

2 **08 NCAC 17 .0105 DECLARATION OF RELIGIOUS OBJECTION TO PHOTOGRAPH**

3

4 *History Note:* *Authority* ~~G.S. 163-82.74; 163-166.12(a)(2); 163-166.13(a)(2); 163-182.14(b)(2); 163-275;~~

5 *NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016); S.L. 2018-144, s. 3.1.(a),(e), (h);

6 *Eff. January 1, 2016.*

08 NCAC 17.0106 is proposed for repeal under temporary procedures as follows:

**08 NCAC 17 .0106 SIGNAGE NOTIFYING ONE-STOP VOTERS OF THE OPTION TO REQUEST
AN ABSENTEE BALLOT**

History Note: Authority G.S. 163-166.12(b),(b2); 163-227.2(b1),(j); 163-230.1; NAACP v. McCrory, 831 F.3d 204 (4th Cir. 2016); S.L. 2018-144, s. 3.1.(j);
Eff. March 1, 2016.

1 08 NCAC 17 .0109 is proposed for adoption under temporary procedures as follows:

2

3 **08 NCAC 17 .0109 PHOTO IDENTIFICATION FOR ABSENTEE BALLOTS**

4 (a) Definitions. The following definitions apply to this Rule:

5 (1) “Readable” means that the name on the identification can be read and that the photograph is not
6 blurry and depicts a person who is distinct and distinguishable from another person.

7 (2) “Copy” means a duplicate of an original document, including a [photostatic or other] photographic
8 copy of the original document. It does not include displaying an image on an electronic device.

9 (b) Identification Requirement for Absentee Ballot Request Form. A completed written request form for an absentee
10 ballot shall include a readable electronic or physical copy of the identification required by G.S. 163A-1145.1(a)
11 displaying a name that is the same or substantially equivalent to the name contained in the registration record as
12 provided in 08 NCAC 17 .0101(c)(4). The election official shall make this determination based on the totality of the
13 circumstances, construing all evidence, along with any explanation or documentation voluntarily proffered by the
14 person presenting to vote, in the light most favorable to that person. The election official shall not require any
15 additional evidence outside the four corners of the photo identification. If the name on the identification is substantially
16 similar to the name listed on the registration record and the identification is readable, the county board of elections
17 shall presume that the person depicted in the photograph on the identification provided is the voter. It is not required
18 that the address on the identification match the residential address provided on request form or the address on the
19 registration record.

20 (c) Exceptions. The exceptions provided in G.S. 163A-1145.1(d) for voters voting in person shall apply to absentee
21 by mail voters. The reasonable impediment exception under G.S. 163A-1145.1(d)(2) shall include lack of access to a
22 method to attach an electronic or physical copy of the identification card to the request. The following additional
23 exceptions shall apply to absentee by mail voters:

24 (1) Religious Objection Exception. After the voter’s ballot is counted, if a voter claims the religious
25 objection exception under G.S. 163A-1145.1(d)(1) and completes the prescribed affidavit, the
26 religious objection exception shall be noted on the voter’s registration record. In future elections
27 that voter shall not be required to show photo identification under G.S. 163A-1145.1 or this Rule,
28 or claim an exception under G.S. 163A-1145.1(d), until the voter either (i) notifies the county board
29 of elections in writing that the voter no longer holds a religious objection to being photographed,
30 (ii) provides photo identification in a future election, or (iii) claims an exception under G.S. 163A-
31 1145.1(d)(2) or (d)(3) in a future election.

32 (2) Annual Requests by Persons with Sickness or Physical Disability. If an applicant for an absentee
33 request form reports in the application that the voter has a sickness or physical disability that is
34 expected to last the remainder of the calendar year pursuant to G.S. 163A-1298(b) and satisfies the
35 photo identification requirement under Paragraph (b) of this Rule or the voter completes an
36 alternative affidavit pursuant to G.S. 163A-1145.1(d), the photo identification requirement shall be

met for all of the primaries and elections held during the calendar year when the application is received.

(3) Applications for Absentee Ballots for Voting in Second Primary or Runoff Election. A voter who is automatically issued an application and absentee ballot for a second primary pursuant to G.S. 163A-1299 or a runoff election shall not be required to submit a copy of acceptable photo identification under Paragraph (b) of this Rule or claim an exception under G.S. 163A-1145(d) with the absentee ballot and container-return envelope for the second primary or runoff election.

(4) Covered Voters Under the Uniform Military and Overseas Voter Act. A covered voter who is casting a ballot pursuant to Part 2 of Article 21 of Chapter 163A of the General Statutes shall not be required to submit a copy of acceptable photo identification under Paragraph (b) of this Rule or claim an exception under G.S. 163A-1145(d).

(d) Delivery of Absentee Ballots and Certification Form. If a voter is confirmed as a registered voter of the county, the absentee ballots and certification form shall be mailed to the voter, unless personally delivered in accordance with G.S. 163A-1308(b), even if the voter does not provide the identification required by G.S. 163A-1309(a)(4) and this Rule with the request. However, the voter shall provide identification or claim an exception under G.S. 163A-1145.1(d) prior to the counting of the voter's absentee ballot. If the voter provides the identification required by this Rule or claims an exception under G.S. 163A-1145.1(d) with the absentee ballot request form, the voter is not required to attach additional documentation to the container-return envelope.

(e) Valid Absentee Ballot Request Forms Requiring Further Action.

(1) The county board of elections shall include with the absentee ballots and certification form a letter notifying the voter that the voter's request is valid under G.S. 163A-1309(a) but that further action is needed by the voter to comply with the identification requirements, if any of the following apply:

(A) The voter does not submit the identification required by G.S. 163A-1309(a)(4).

(B) The voter does not claim an exception under G.S. 163A-1145.1(d).

(C) The voter includes an unreadable copy of the identification required by G.S. 163A-1309(a)(4).

(D) The identification does not meet the expiration date requirements under G.S. 163A-1145.1(a).

(E) The voter provides a type of identification not listed under G.S. 163A-1145.1(a).

(F) The voter provides identification displaying a name that is not the same as or substantially similar to the name on the voter record pursuant to Paragraph (b) of this Rule.

(G) The exception affidavit is incomplete, either because there is no signature or, in the case of a reasonable impediment exception under G.S. 163A-1145.1(d)(2), the voter did not complete the reasonable impediment declaration form under G.S. 163A-1145.1(d1).

(H) The voter indicates she or he will provide identification at a later time.

(2) The letter required in Subparagraph (1) of this Paragraph shall provide the voter with the following options:

(A) At any point between the submission of the absentee ballot request form and [the transmission of the executed absentee ballot to the county board of elections,] 5:00 P.M. on the day before the county canvass, provide the documentation necessary to comply with the identification requirements via email, mail, or in person.

(B) Attach to the absentee ballot container-return envelope the documentation necessary to comply with the identification requirements pursuant to G.S. 163A-1307(b)(8).

(f) Counting of Absentee Ballots. Prior to the transmission of absentee ballots pursuant to G.S. 163A-1308(c), the county board of elections shall notate the voter's ID status on the container-return envelope for a voter who requires further action pursuant to Subparagraph (1) of Paragraph (e). The county board of elections shall, at the first meeting held pursuant to G.S. 163A-1308(f) to pass upon applications for absentee ballots after the absentee ballot is received, consider whether the voter has complied with the photo identification requirements in G.S. 163A-1145.1(a) and this Rule or whether an exception applies under G.S. 163A-1145.1(d). In its determination, the county board shall construe all evidence in the light most favorable to the voter. If an exception applies, the county board of elections shall review the affidavit provided. Absent any other reason provided by law for disapproving absentee ballots, if the county board of elections determines that the registered voter is unable to provide proof of identification and the voter has completed the required affidavit in G.S. 163A-1145.1(d), the county board of elections shall find that the absentee ballot is valid unless the county board has grounds to believe the affidavit is false. A decision that the absentee ballot is not approved because the affidavit provided under G.S. 163A-1145.1(d) is false shall require a unanimous vote by the county board of elections. If the voter fails to submit acceptable photo identification pursuant to G.S. 163A-1145.1(a) and this Rule or fails to submit a completed alternative affidavit pursuant to G.S. 163A-1145.1(d) with the container-return envelope, the mailed ballot shall be treated in the same manner as mail-in absentee ballot under G.S. 163A-1144(e).

(g) Photocopy Requirement. The county board of elections shall allow any person seeking to vote by absentee ballot the use a photocopying device to make one photocopy of the voter's form of photo identification.

(h) Return of original form of identification. If a voter sends his or her original form of photo identification with either the absentee request form or in the container-return envelope, the county board of elections shall make a photocopy of the identification and mail the identification back to the voter.

(i) Reasonable Impediment Informational Letter. If on the absentee request form a voter completes a valid reasonable impediment affidavit in accordance with G.S. 163A-1145.1(d)(2), the county board of elections shall send that voter a letter, for information purposes only, explaining the way to obtain a free voter photo identification card pursuant to G.S. 163A-869.1, notifying the voter of his or her ability to make one free photocopy of the photo identification at the county board of elections office pursuant to this Rule, and giving the voter the opportunity to provide acceptable photo identification by exercising the options provided in Subparagraph (e)(2).1

(j) Retention of Copies of Photo Identification and Exception Affidavits. Copies of photo identification and alternative affidavits shall be retained according to the same schedule for absentee ballot applications under G.S. 163A-1313, except that copies of religious objection affidavits shall be retained in the statewide computerized voter registration system maintained under G.S. 163A-874 until the voter either (i) notifies the county board of elections in

1 writing that the voter no longer holds a religious objection to being photographed, (ii) provides photo identification in
2 a future election, or (iii) claims an exception under G.S. 163A-1145.1(d)(2) or (d)(3) in a future election.

3

4 *Authority G.S. 163A-1145.1; 163A-1307; 163A-1309(f); S.L. 2018-144, s. 1.2.(e), (i);*