

## KEY PROVISIONS IN RATIFIED H-836 (Session Law 2015-103)

- Section 8(a): Allows for a NC driver's license or a non-operator's DMV-issued ID to be expired for 4 years and still be used as an acceptable ID for voting. GS 163-166.13(e)(1) and (2).
- Section 8(b): Requires that early voters without acceptable ID be notified of option to apply for an absentee ballot before submission deadline. They must sign form indicating that they were told this and that list of voters is a public record. GS 163-227.2(b1)(3).
- Section 8(c): Requires SBOE to adopt rules requiring signage to be displayed to announce option for applying for absentee ballots at all one-stop locations. GS 163-227.2(j).
- Section 8(d): Gives voters who don't have an acceptable ID the option of signing a reasonable impediment declaration and using a provisional ballot. GS 163-166.15(b)(1) and (2).
- Section 8(d): To have reasonable impediment provisional count, the voter must present alternative identification – either (1) selected HAVA document with name and address or voter registration card; or (2) the last 4 digits of Social Security number and date of birth. GS 163-166.15(c). HAVA docs are utility bill, payroll stub, bank statement or government document with name and address.
- Section 8(d): Voter can complete provisional ballot even if they don't provide any of the IDs listed above, if they complete the reasonable impediment declaration. This provisional ballot will count if they present the alternative identification by noon the day before the canvass. GS 163-166.15(d).
- Section 8(d): Reasonable impediment declaration form created by SBOE must minimally include these reasons: lack of transportation; disability or illness; lack of birth certificate or other documents; work schedule; family responsibilities; lost or stolen ID; photo ID not yet received by voter; and “other,” requiring brief written explanation. GS 163-166.15(e)(1).
- Section 8(e) (GS 163-182.1B): Provisional ballot shall be counted unless:
  - The declaration is factually false or mocks the photo ID requirement (is “merely denigrated” or “obviously nonsensical”) or
  - The voter fails to provide alternative ID (HAVA document, voter reg card, or SSN last 4 + DOB) or BOE can't match voters by SSN last 4 + DOB or voter is disqualified for other reason.
  - An impediment evidentiary challenge may be filed “with clear and convincing evidence” by any voter in the county (on a form created by SBOE) and submitted by 5 p.m. three business days after election. County BOE will hear challenges on day of canvass. The challenged voter or voter's rep may appear and present evidence. All evidence must be “construed in light most favorable to voter.” Challenge shall not be found valid if it provides “only evidence re reasonableness of the impediment.” Only found valid if declaration mocked ID or was false.
  - Voter who fails to provide acceptable ID (HAVA, voter reg card, or SSN last 4 +DOB) at the polls has until noon the day before canvass to present it at the county BOE.
  - Other provisional ballots (not ID related) must have note on envelope indicating that it's not due to ID, then county BOE determine its eligibility as they would normally.
- Section 8(e): county BOEs shall provide SBOE with report 60 days after each election about use of reasonable impediments “to identify and address obstacles to obtaining” ID.
- Section 8(f): county BOEs may notify voters that their registration card can be used as ID in case of reasonable impediment.
- Section 8(g): SBOE shall educate the public about reasonable impediment and use information from county BOEs to help identify and address obstacles to obtaining photo ID.
- Section 8(h): Section 8(g) becomes effective immediately; everything else is effective 1/1/16.