

1 **08 NCAC 17.0109 PHOTO IDENTIFICATION FOR ABSENTEE-BY-MAIL BALLOTS**

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

3 (1) "Readable" means the name on the identification can be read and the photograph depicts a person, as opposed
4 to displaying, for example, a mere shadow or outline of a person.

5 (2) "Copy" means a duplicate of an original document, including a photographic copy of the original document.

6 (b) Identification Requirement for Absentee-by-Mail Ballots. Photo identification accompanying a voter's absentee ballot
7 pursuant to G.S. 163-230.1(f1) is acceptable if it is of a type of photo identification acceptable for voting purposes under 08
8 NCAC 17 .0101(a)(1), is readable, and the name appearing on the identification is the same as or substantially equivalent to
9 the name contained in the voter's voter registration record in accordance with 08 NCAC 17 .0101(a)(3). A photo identification
10 shall not be rejected due to differences between the address appearing on an absentee voter's photo identification and any
11 address contained in the voter's absentee request form, absentee ballot application, or registration record. A copy of photo
12 identification that is acceptable under this Rule need include only the side of the identification (or, if the identification is a
13 booklet, the page of the identification) where the person's name and photo appears.

14 (c) Initial Review by County Board Staff. County board staff shall, upon receipt of a voter's absentee ballot application,
15 determine whether the application is accompanied by a copy of photo identification that is readable and is of a type of photo
16 identification acceptable for voting purposes under 08 NCAC 17 .0101(a)(1), or, if the application is accompanied by an
17 affidavit claiming an exception to the identification requirement pursuant to G.S. 163-166.16(d), determine whether the
18 affidavit is complete. If staff identify any deficiency, they shall send written notice of the deficiency to the voter within one
19 business day of identifying the deficiency, informing the voter that the voter, the voter's verifiable legal guardian or near
20 relative, or a person of the voter's choice if the voter needs assistance due to the voter's disability, may provide the voter's
21 acceptable photo identification or a completed affidavit claiming an exception to the county board by the deadline specified in
22 G.S. 163-166.16(c). Staff shall additionally notify the voter by telephone or email if the voter provided their telephone number
23 or email address when registering to vote.

24 (d) Final Review by County Board. The county board shall, at the first meeting held pursuant to G.S. 163-230.1(f) after the
25 application and ballot is received, proceed as follows:

26 (1) If the voter has submitted a copy of their photo identification, the county board shall make its determination
27 whether the identification is acceptable under Paragraph (b) of this Rule. To help ensure impartiality, a final
28 determination that the copy of photo identification is not acceptable under Paragraph (b) of this Rule shall
29 require a unanimous vote by the county board.

30 (2) If the voter has completed an affidavit claiming an exception to the identification requirement pursuant to
31 G.S. 163-166.16(d), and is otherwise eligible to vote, to help ensure impartiality, the county board may reject
32 that person's ballot only if the county board unanimously finds that the affidavit is false. The county board
33 shall substantiate any finding of falsity with grounds recorded in a written decision. Before making a finding
34 of falsity, the county board shall provide the voter notice and an opportunity to be heard on any grounds that
35 the county board considers regarding the falsity of the affidavit.

36 (3) If a voter's copy of photo identification or alternative affidavit is deemed deficient under Paragraph (c) of
37 this Rule, the county board shall reserve its final decision on the approval of the absentee application until
38 the next official meeting after the deficiency is cured or the county canvass, whichever occurs first.

39 (e) Exception for Military and Overseas Voters. A covered voter who is casting a ballot pursuant to G.S. 163, Article 21A,

1 Part 1 is not required to submit a copy of acceptable photo identification under Paragraph (b) of this Rule or claim an exception
2 under G.S. 163-166.16(d).

3 (f) Return of Original Form of Identification. If a voter sends their original form of photo identification in the container-return
4 envelope, the county board shall make a photocopy of the identification, which shall serve as an acceptable photo identification
5 accompanying the voter's absentee ballot, and mail the original form of identification back to the voter.

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7 *History Note: Authority G.S. 163-22; 163-166.7; 163-166.16; 163-229;163-230.1;*
8 *Temporary Adoption Eff. August 23, 2019; January 1, 2020;*
9 *Temporary Rule Expired Eff. October 11, 2020.*