

~~**DETERMINATION OF REASONABLE RESEMBLANCE**~~**VERIFICATION OF**
PHOTO IDENTIFICATION DURING IN-PERSON VOTING AT CHECK-IN

3 (a) ~~When a person presenting to vote checks in at a voting site~~ An election official shall check the registration status
 4 of all persons presenting to vote in person on election day or during one-stop early voting pursuant to G.S. 163-166.7,
 5 and shall require that all persons presenting to vote provide, ~~an election official shall ask the voter to show photo~~
 6 identification in accordance with G.S. 163-166.16 and this Rule, one of the forms of photo identification listed in G.S.
 7 163-166.13(e), subject to the exceptions outlined in Paragraph (b) of this Rule. If a person not satisfying the exceptions
 8 described in Paragraph (b) of this Rule does not provide any photo identification, the election official shall inform the
 9 person presenting to vote of applicable options specified in G.S. 163-166.13(e). If the person presenting to vote wishes
 10 to choose the option of voting a provisional ballot, the election official shall provide the person presenting to vote with
 11 information on the provisional voting process and the address of the county board of elections office.

12 ~~(b) The election official shall not require photo identification of a person who has a sincerely held religious objection~~
 13 ~~to being photographed and meets the requirements of G.S. 163-166.13(a)(2), or who is the victim of a natural disaster~~
 14 ~~and meets the requirements of G.S. 163-166.13(a)(3). Persons falling within any exception listed in this Paragraph~~
 15 ~~shall be allowed to proceed pursuant to G.S. 163-166.7.~~

16 ~~(c) The election official shall inspect~~examine any photo identification provided by the person presenting to vote and
 17 shall determine the following:

18 (1) ~~That the~~The photo identification is of the type acceptable for voting purposes pursuant to ~~G.S.~~
 19 ~~163-166.13(e).~~ G.S. 163-166.16(a). A valid United States passport book or a valid United States
 20 passport card is acceptable pursuant to ~~G.S. 163-166.13(e);~~ G.S. 163-166.16(a)(1)c.

21 ~~(2) That the photo identification is unexpired or is otherwise acceptable pursuant to G.S. 163-166.13(e);~~

22 ~~(2)(3) That the~~The photograph appearing on the photo identification ~~depicts~~bears a reasonable
 23 resemblance to the person presenting to vote. The election official shall make this determination
 24 based on the totality of the circumstances, construing all evidence, along with any explanation or
 25 documentation voluntarily proffered by the person presenting to vote, in the light most favorable to
 26 that person, and bearing in mind that there are many reasons that a person's appearance could change
 27 (such as, for illustrative purposes only, changes in hair, facial hair, or weight; or the effects of
 28 medical conditions, aging, or medical treatment). ~~Perceived differences of the following features~~
 29 ~~shall not be grounds for the election official to find that the photograph appearing on the photo~~
 30 ~~identification fails to depict the person presenting to vote:~~

31 (A) ~~weight;~~

32 (B) ~~hair features and styling, including changes in length, color, hairline, or use of a wig or~~
 33 ~~other hairpiece;~~

34 (C) ~~facial hair;~~

35 (D) ~~complexion or skin tone;~~

36 (E) ~~cosmetics or tattooing;~~

37 (F) ~~apparel, including the presence or absence of eyeglasses or contact lenses;~~

1 ~~(G) — characteristics arising from a perceptible medical condition, disability, or aging;~~

2 ~~(H) — photographic lighting conditions or printing quality.; and~~

3 (3)(4) ~~That the~~ The name appearing on the photo identification is the same as or substantially
4 equivalent to the name contained in the voter's voter registration record. The election official shall
5 make this determination based on the totality of the circumstances, construing all evidence, along
6 with any explanation or documentation voluntarily proffered by the person presenting to vote, in the
7 light most favorable to that person. The election official shall consider the name appearing on the
8 photo identification ~~shall to be considered~~ substantially equivalent to the name contained in the
9 registration record if differences are attributable to a reasonable explanation or one or more of the
10 following reasons:

11 (A) Omission of one or more parts of the name (such as, for illustrative purposes only, Mary
12 Beth Smith versus Beth Smith, or Patrick Todd Jackson, Jr. versus Patrick Todd Jackson,
13 or Maria Guzman-Santana versus Maria Guzman);

14 (B) Use of a variation or nickname rather than a formal name (such as, for illustrative purposes
15 only, Bill versus William, or Sue versus Susanne);

16 (C) Use of an initial in place of one or more parts of a given name (such as, for illustrative
17 purposes only, A.B. Sanchez versus Aaron B. Sanchez);

18 (D) Use of a former name, including maiden names (such as, for illustrative purposes only,
19 Emily Jones versus Emily Gibson), or a variation that includes or omits a hyphenation
20 (such as, for illustrative purposes only, Chantell D. Jacobson-Smith versus Chantell D.
21 Jacobson);

22 (E) Ordering of names (such as, for illustrative purposes only, Maria Eva Garcia Lopez versus
23 Maria E. Lopez-Garcia); or

24 (F) Variation in spelling or typographical errors (such as, for illustrative purposes only,
25 Dennis McCarthy versus Denis McCarthy, or Aarav Robertson versus Aarav Robertsson).

26 ~~(b)(4)~~ The election official examining photo identification provided by a person presenting to vote shall not require
27 any additional evidence outside the four corners of the photo identification. The election official shall not require that
28 any person remove apparel for the purposes of ~~rendering a determination~~ determining reasonable resemblance under
29 Paragraph ~~(e)(a)(2)~~ of this Rule. If the face of the person presenting to vote is covered such that the election official
30 cannot ~~render a determination under Subparagraph (e)(3)~~ determine reasonable resemblance, then the election official
31 shall give the person the opportunity to remove the covering but shall not require that removal. If the person declines
32 to remove the covering, the election official shall inform the person ~~presenting to vote~~ that he or she may cast a
33 provisional ballot, which shall be counted in accordance with ~~G.S. 163-182.1A, or, if applicable, may complete a~~
34 ~~written request for an absentee ballot as set out in G.S. 163-166.13(e)(3), and shall inform the voting site's judges of~~
35 ~~election that the election official cannot affirmatively determine that the person bears any reasonable resemblance to~~
36 ~~the photo identification. G.S. 163-166.16.~~

1 ~~(c)(e)~~ Differences between the address appearing on the photo identification of a person presenting to vote ~~meeting~~
2 ~~the requirements of Subparagraph (e)(1) and the address contained in the registration record of that person shall not~~
3 ~~be construed as evidence that the photographic identification does not bear any reasonable resemblance pursuant to~~
4 ~~Subparagraphs (e)(3) and (e)(4) of this Rule, nor shall it be construed as evidence that the photographic identification~~
5 ~~does not otherwise fails to meet the requirements of any other provision of Paragraph (C), G.S. 163-166.16 or this~~
6 Rule.

7 ~~(d)(f)~~ The election official examining photo identification provided by a person presenting to vote shall construe all
8 evidence, along with any explanation or documentation voluntarily ~~proffered~~ offered by the person presenting to vote,
9 in the light most favorable to that person, and shall be guided by the purpose of the photo identification requirement,
10 which is to confirm the person presenting to vote is the registered voter on the voter registration records. After
11 examining the photo identification according to an examination performed in the manner set out in Paragraphs (a)
12 through ~~(c)(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 ~~(a)(e)~~ of this Rule, then the election official shall allow the person presenting to vote shall
15 be allowed to proceed vote pursuant to G.S. 163-166.7, ~~and 163-166.13(b); or~~

16 (2) If the election official determines that the photo identification is not an acceptable type of photo
17 identification under does not meet all of the requirements of Subparagraphs (e)(1) and (e)(2)
18 Subparagraph (a)(1) of this Rule, the election official shall inform the person presenting to vote of
19 the reasons for ~~that such~~ determination (such as, for illustrative purposes only, that the photo
20 identification is expired when that type of acceptable photo identification requires an expiration
21 date) and shall invite the person to provide any other acceptable photo identification that he or she
22 may have. If the person presenting to vote does not produce photo identification that meets all the
23 requirements of Subparagraph ~~(a)(1) of this Rule~~ (e)(1) and (e)(2), then the election official shall
24 inform the person presenting to vote of ~~applicable~~ the options specified in Paragraph (e) of this Rule.
25 G.S. 163-166.13(c). ~~If the person presenting to vote wishes to choose the option of voting a~~
26 ~~provisional ballot, the election official shall provide the person presenting to vote with information~~
27 ~~on the provisional voting process and the address of the county board of elections office.~~

28 (3) If the election official determines that the photo or name on the photo identification do not satisfy
29 Subparagraphs (a)(2) and (a)(3) of this Rule ~~does not meet all the requirements of Subparagraphs~~
30 ~~(e)(3) and (e)(4)~~, the election official shall enter a challenge pursuant to G.S. 163-87 and notify the
31 voting site's judges of election of the challenge ~~that the person presenting to vote does not bear any~~
32 ~~reasonable resemblance to the photo identification.~~ The judges of election shall then conduct a
33 challenge hearing, in accordance with the procedures in G.S. 163-88. At the conclusion of the
34 hearing, the judges of election shall vote on whether the photo identification of the person presenting
35 to vote bears a reasonable resemblance to that person, and each judge shall record their findings on
36 a challenge form provided by the State Board. In making this determination, the judges of election
37 are subject to the requirements of this Rule in the same manner as the election official initially

1 examining the photo identification. Only if the judges of election unanimously find that the photo
2 identification does not bear a reasonable resemblance to the person presenting to vote, the person
3 shall vote with a provisional ballot in accordance with Paragraph (e) of this Rule. Absent such a
4 unanimous finding, the person shall vote with a regular ballot pursuant to G.S. 163-166.7. For the
5 purposes of this Subparagraph, “judges of election” includes a group of three one-stop officials
6 designated by the county board to hear a challenge to a voter’s reasonable resemblance, not all of
7 whom are affiliated with the same political party.

8 (e) A person presenting to vote who does not present acceptable photo identification in accordance with this Rule shall
9 be offered the following options:

10 (1) To vote by provisional ballot with an affidavit claiming an exception to the identification
11 requirement, pursuant to G.S. 163-166.16(d). If the voter has completed the affidavit and is
12 otherwise eligible to vote, to help ensure impartiality, the county board may reject the provisional
13 ballot only if the county board unanimously finds that the affidavit is false. The county board shall
14 substantiate any finding of falsity with grounds recorded in a written decision. Before making a
15 finding of falsity, the county board shall provide the voter notice and an opportunity to be heard on
16 any grounds that the county board considers regarding the falsity of the affidavit.

17 (2) To vote by provisional ballot and then bring to the office of the county board identification
18 acceptable under G.S. 163-166.16 and this Rule before the end of business on the business day
19 before county canvass. The county board shall count the provisional ballot of a voter who presents
20 such identification to the office of the county board in a timely manner.

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22 *History Note: Authority G.S. 163-22; ~~163-82.6A; 163-82.15; 163-166.7; NAACP v. McCrory, 831 F.3d 204~~*
23 *(4th Cir. 2016); 163A-1145.1; S.L. 2018-144, s. 3-1(e); 163-166.11; 163-166.16;*
24 *Eff. January 1, 2016; Temporary Amendment Eff. August 23, 2019; Temporary Amendment Expired*
25 *Eff. June 12, 2020; Temporary Amendment Eff.*
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