OPEN MEETING

EMERGENCY SESSION

OF THE

CONSTITUTIONAL AMENDMENTS PUBLICATION COMMISSION

COMMISSIONERS:

ELAINE F. MARSHALL, Chair, North Carolina Secretary of State
JOSH STEIN, North Carolina Attorney General
PAUL COBLE, Legislative Services Officer

Volume III
Pages 88 - 120

Daniels Auditorium
North Carolina Museum of History
5 East Edenton Street
Raleigh, North Carolina 27601

August 23, 2018
9:30 a.m.

WordServices, Inc.
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1102 Driftwood Drive
Siler City, North Carolina 27344
919.548.4914
wanda@mywordservices.com

TAKEN BY: Wanda B. Constantino, CVR-CM-M
North Carolina Notary Public
APPEARANCES

Elaine F. Marshall  
North Carolina Secretary of State  
2 South Salisbury Street  
Raleigh, North Carolina  27601-2903

Josh Stein  
North Carolina Attorney General  
North Carolina Department of Justice  
Post Office Box 629  
Raleigh, North Carolina  27602

Paul Coble  
Legislative Services Officer  
Room 2129, Legislative Building  
16 West Jones Street  
Raleigh, North Carolina  27601
SECRETARY MARSHALL: Ladies and gentlemen, good morning. It is 9:30 on August 23rd, 2018. Once again, before we begin this emergency session, let me give our ethics reminder as set out in G.S. 163A-159(e). And it's my duty as the Chair of the Commission to remind the Commissioners that it's the duty of every Commission member to avoid both conflicts of interest and appearances of conflicts of interest.

Does any Commissioner have either a conflict of interest or an appearance of conflict with respect to any matter coming before this Commission today?

MR. STEIN: I do not.

MR. COBLE: (Shaking head negatively.)

SECRETARY MARSHALL: If so, please identify that everybody's shaking their head no. Then if there would be and it comes up later on, the Commissioner would refrain from any deliberation or vote in that particular matter.

So hearing none, we're about to get going.

I do want to thank everyone for being here for this continuation, reconvening of the Constitutional Amendments Publication Committee [sic]. Thank you for your interest in the North Carolina Constitution, and thanks to WRAL, who is live-streaming this event.

This is the third meeting of the Commission for
many of you. This is what, in open meetings terminology, is called an emergency session. It is important that we meet today because this Commission has statutory duties to complete its work on a certain timetable. Plus, there are deadlines for other agencies to do printing connected with the up and coming November election.

If you're keeping score, I will remind you that this Commission completed writing two summaries for the proposed Constitutional amendments at its most recent session. Those were Session Law 2018-96, hunting and fishing, and Session Law 2018-100, crime victim protections.

Pursuant to the new order from the court late Tuesday from the three-judge Superior Court panel that looked at proposed Constitutional amendments, there are now two additional amendments that have been added to the upcoming election ballot. These two are Session Law 2018-119, state income tax rate, and Session Law 2018-128, voter I.D.

That change in circumstance required the immediate consideration of the committee [sic] to fulfill our 90-day directive. Our goal is to complete work on these two proposed amendments today.

As I said at our previous Commission session, the North Carolina State Constitution is the cornerstone legal document of our society. All of our laws flow from the
Constitution. We, the people of North Carolina, agree to abide under a legal system based upon this living document. The words we choose to put into the state Constitution or not put into the state Constitution define the relationship between citizens and their government. Once in the Constitution, they are hard to remove, and they carry legal weight. We expand or contract our laws, rights, and freedoms by those enshrined words.

This year's proposed amendments have certainly caught the eye of the public and the media and the state legal system. Where does that leave us? I think this year's discussion by the public is a good thing, despite any vitriol that's been hurled. The more information voters have, the better. If you don't believe that fundamental truth, then you probably should not be in public service.

All of the three of us can do that. It is to proceed with -- all that the three of us can do is to proceed with what is ours to do, and let the rest of it take care of itself in due time. Once we complete our work, these summaries will, by law, go out to North Carolina's news media and the 100 Boards of Elections. These descriptions will give voters clear summaries of the proposed amendments to help them as they weigh the merits of the suggested changes to the Constitution.

As to how we will do our work today, let me -- let
me repeat again that we are not advocates for or against the proposed amendments. Our process is the same as it has been for a generation: To write summaries in simple and commonly used language and, as it says in our mission, to produce accurate and factual products for the voters and the news media to read and consider.

I also want to repeat what I said in the last session. The bottom line is that we, as a Commission, cannot guarantee that everyone will be happy with our final product, but we are striving to make everyone satisfied with this process that's being done in an open, public manner.

I again will remind the audience that this is not -- this is a public meeting, and it is not a public hearing. This is not a place on the agenda for the public to speak, ask questions, or to advocate for or against these proposed amendments. We cannot change one single word of these proposed amendments. That work concluded with the General Assembly sending them to us.

This means that we will not take questions about them or listen to arguments for or against them. Think of this meeting as like being in court. You are welcome here, but you cannot interrupt the proceedings. If you must make a phone call or talk to another person, you need to take that discussion outside of this room, and also please silence or airplane your devices.
My continued thanks to the staff of the North Carolina Museum of History for allowing us to use this wonderful Daniels Auditorium. The Commission truly appreciates the museum staff assisting us today. I also want to thank State Capitol Police for again providing security for this session. Chief Deputy R. F. Hawley and everyone with the Capitol Police have been very patient with us. We appreciate it.

I'm also extremely grateful for the patience and effort by the staffs of the Commissioners who worked and cooperated to bring another session together. My own Secretary of State's staff has continued maintaining the website, which I urge everyone to visit. You can find it at sosnc.gov. And my staff has organized this third session on short notice.

To Mr. Coble's legislative staff and Attorney General Stein's staff, they've all continued to provide great assistance. Also my thanks to Wanda Constantino of WorldServices [phonetic], Inc., who is our court reporter today.

Finally, I want to say one more time that I'm very appreciative of everyone who sent drafts regarding these proposed amendments. I want to let everyone know that we did read them. I expect if you're one of those people who took time to write us, you're likely to hear parts of what
you wrote being said as we craft these remaining summaries.

Again, it's an honor for me to continue serving on this Commission with the two gentlemen here at this table. Mr. Paul Coble is the North Carolina General Assembly Legislative Service Officer and, by statute, the person holding that position is also a member of this Commission. He is also a dedicated public servant in his own right who has held elected office and who has served in numerous civic organizations to improve the lives of others.

Our Attorney General, Josh Stein, is the state's lawyer. As head of the North Carolina Department of Justice, he leads the legal team that represents state agencies, including mine, in many important matters. In the context of this meeting, the major importance of his work as the top attorney in state government is dealing with all things related to the North Carolina Constitution. That is why the Attorney General is, by statute, a member of this Commission.

As Secretary of State, I am, by statute, the Chair of the Commission. The Secretary of State's Office is the authoritative source and keeper of many of North Carolina's most important records. The Secretary of State's Office is also known for both its work to support North Carolina's economy and its historic ties to supporting good government, going all the way back to before we were even a state.
I will again point out that while Mr. Coble represents the current General Assembly perspective, both the Attorney General and myself are former legislators, so you have three very seasoned public official veterans on this Commission.

Also serving us today in place of --

MR. STEIN:  Amar.

SECRETARY MARSHALL:  -- Omar, who -- Amar, Amar, excuse me -- who has a family medical emergency, we have Olga Vysotskaya from the Attorney General's office who is here with us in case her services are needed.

Now, for perhaps the most important notes, housekeeping. The restrooms located near us are to your right as you leave the auditorium. And for those of you who need some refreshments, they're across the hallway. Snacks and beverages are in the museum shop, and they probably wouldn't mind if you shopped there also.

Please let us not make the wonderful folks here at the museum sorry that they allowed us to come back, so be sure you clean up as you go.

The procedures we are following are very, very simple. This is a three-member Commission, and it takes all three of us, by statute, to have a quorum. I count all of us here and declare a quorum.

To make a successful motion, it takes one member
to make it and another to second it. It also takes two votes to pass a motion. My intention as Chair is to refer to the proposed amendments in the most basic way I know to approach them. That is by their session law number, which you can see on the agenda. That's also how they will appear on the ballots.

Finally, as I said when I started, this is a public meeting, not a public hearing. That sums up the basic scope of our procedures, and with that let's begin this session of the North Carolina Constitutional Amendments Publication Commission.

In chronological order, we will take Session Law 2018-119, the tax proposal. We have -- all of our offices have submitted suggestions to this, and the Attorney General has massaged and edited and compiled. And Mr. Attorney General, would you want to again explain the color coding system?

MR. STEIN: Please. And may I hand out the hard copies?

SECRETARY MARSHALL: Sure.

MR. STEIN: The -- on the income tax, the -- whatever is shaded in green came from the submission by your office, Secretary Marshall, and whatever is shaded in yellow came from the legislative submission. You'll see on the income tax one, it's primarily from you, although the first
two sentences of the income tax one really are the same as the legislature's submission, just I think worded -- we tried to word it in language that was at a level accessible to more North Carolinians, and that's why it's not shaded in yellow, although the substance is exactly the same.

And if you -- absolutely take time to read through what we've produced here, if you so wish.

SECRETARY MARSHALL: Well, for the benefit of those in the audience and those that are viewing this, what the proposal says as a simple and commonly used language summary of it, as follows:

"The current maximum personal and corporate income tax rate in our state Constitution is 10 percent. This proposed amendment makes the new limit 7 percent. This proposed amendment does not reduce your current taxes. It does not change the current individual income tax rate of 5.499 percent, and it does not change the current corporate income tax rate of 3 percent. Instead, it limits how much the state income tax could go up. This proposed amendment applies only to state income taxes. It does not affect sales taxes, property taxes, or federal taxes."

"Income taxes are one of the ways state government raises the money to pay for core
services such as education and public health and
safety."

We probably could put a comma in there instead of
that one "and."

"The proposed amendment does not include any
exceptions. Therefore, in times of disaster or
recession, the state could have to take measures
such as cutting core services, raising sales taxes
or fees, or increase borrowing."

And then the last sentence would be the short
summary. "To see the actual amendment," go to the website.

Well, I think this does say what it does and
doesn't do. Anecdotally, as I've been working on this, a
lot of people have felt that this was going to reduce their
current income taxes, and of course it would have nothing to
do with that because it's already below this maximum cap.

Mr. Attorney General, would you like to make a
motion on this?

MR. STEIN: Sure. I -- I move adoption of this
description.

SECRETARY MARSHALL: I will second it. The floor
is open for discussion.

MR. COBLE: I would say I'm -- I'm fine with this
up to the -- that one sentence, "The proposed amendment does
not include any exceptions. Therefore, in times of disaster
or recession, the state could have to take*

I -- I think that's just unnecessary, but -- but
that's my comment on that. I just don't think -- I don't
think we need that in there.

SECRETARY MARSHALL: Well, it certainly doesn't
include any exceptions, and that's a fact to deal with.

MR. STEIN: Yeah. And, I mean, I think that's
particularly relevant because there's an exception in the
next one. And so the legislature chose to put in an
exception in one but not the other, and therefore I think
it's worth noting to the public that that exists, that
reality exists.

SECRETARY MARSHALL: Are there any other comments?

MS. WALL: Ms. Secretary, you said something about
a comma in there?

SECRETARY MARSHALL: We've got "services such as
education and public health and safety." We probably --

MR. STEIN: And "public" was referring to "public
health and safety," but we could -- so it's -- "public
health and safety" is one phrase, but that -- that is
cumbersome to have the --

SECRETARY MARSHALL: Oh.

MR. STEIN: -- extra conjunctions.

SECRETARY MARSHALL: Yes, it does. It looks --

MR. STEIN: So I'm -- I'm --
SECRETARY MARSHALL: -- awkward.

MR. STEIN: -- perfectly open to cleaning that up, however you -- you advise.

SECRETARY MARSHALL: Jennell is my resident grammarian.

MS. BAUGHMAN: Could you switch it up, "public health and safety"?

MR. STEIN: And --

MS. BAUGHMAN: Or you can say "as well as public health and safety"?

MR. STEIN: Then "services," "public health and public safety"? Just put in --

MS. BAUGHMAN: You can do that or "such as education as well as public health and safety," and just get rid of the extra "and."

SECRETARY MARSHALL: Yeah. I see where you're coming from. Public -- public health and safety is --

MR. STEIN: Actually, it probably could go in front of education, too.

SECRETARY MARSHALL: Right.

MR. STEIN: We could do that. "Such as public education," comma, "health," comma, "and safety," and then the "public" -- does it refer to all three at that point? "Public education, health, and safety."

SECRETARY MARSHALL: "Public education, health,
and safety."

MR. STEIN: Or we could just -- "public education, public health" -- I like actually having "public" in all three.

SECRETARY MARSHALL: I'm comfortable with that.

MR. STEIN: I'm also an Oxford comma person, so I would put a comma after "health."

SECRETARY MARSHALL: Oh, okay.

MR. STEIN: Don't tell my communications director.

MS. WALL: Did you want -- I'm sorry?

MR. STEIN: That was it. I think that's cleaner -- clearer.

SECRETARY MARSHALL: Clearer, right. So that sentence would now read:

"Income taxes are one of the ways state government raises the money to pay for core services such as public education, public health, and public safety."

Any further discussion on this? If not, all those in favor of adopting this as the explanation language, signify by saying "aye."

MR. STEIN: Aye.

SECRETARY MARSHALL: Aye. Any opposed?

MR. COBLE: No.

SECRETARY MARSHALL: Let the vote reflect two in
favor and one against, and it is hereby adopted.

MR. STEIN: We conserved paper, so you can just turn over to the second -- yeah.

SECRETARY MARSHALL: Oh, good.

MR. STEIN: And, again, the same principle. The yellow came from the legislative submission and the green from the Secretary of State's submission.

SECRETARY MARSHALL: Okay. The top part of what we're looking at is what will appear on the ballot. And what this proposal now reads is:

"This amendment requires you to show photographic identification to a poll worker before you can vote in person. It does not apply to absentee voting.

"The legislature would make laws providing the details of acceptable and unacceptable forms of photographic identification after passage of the proposed amendment. The legislature would be authorized to establish exceptions to the requirement to present photographic identification before voting. It is not required to make any exceptions, however.

"There are no further details on how voters could acquire valid photographic identification for the purposes of voting. There is no public
fiscal note at this time that details the expected
cost to implement the proposed amendment if it is
approved by a majority of voters."
Then it goes on, that standard ending line: "This
is a short summary of the amendment. To see the actual
amendment before voting on it, go to" the website.
Do you want to move this into --
MR. STEIN: Yes. I -- I move this for adoption,
this description.
SECRETARY MARSHALL: I will second it. The floor
is open for discussion.
MR. COBLE: In the second paragraph, the very last
sentence I think is redundant. The previous sentence talks
about exceptions. So I don't think -- we don't really need
that.
MR. STEIN: I'm looking for the actual amendment.
Well, the -- the amendment reads:
"The General Assembly shall enact general
laws governing the requirements of such
photographic identification which may include
exceptions."
So there's no requirement that they include
exceptions, and I think that it's important for the voters
to both know that exceptions are possible but not required,
and that's why I think that last sentence is actually quite
important.

SECRETARY MARSHALL: It all -- it appears in the same sentence with one mandatory language and other discretionary language. So it's easy to gloss over that fact, so it does help to point that out. Mr. Coble?

MR. COBLE: I -- I just think it's unnecessary. It -- it says "is authorized to establish exceptions." It doesn't say that it will or will not. It simply says it's -- but I think it's just unnecessary.

MR. STEIN: And I think that a lot of people understand that when you're authorized to do something, it gives permission but not requirement, but I think that there are a lot of people in the state who may not be as familiar with that technical word of "authorization," and therefore I think explaining what "authorized" means actually is to the benefit of the people.

SECRETARY MARSHALL: And our goal has been to have things under 300 words, and this certainly is clearly under that, and so it's not a length problem.

MR. STEIN: Yeah. And even as it is, this is -- whenever you're talking about amending the Constitution, it -- it's hard to get it below high school-level reading, but there are many, many of North Carolinians who are not at high school-level reading, and so it's just hard. It's a challenge. But we've tried here.
SECRETARY MARSHALL: Okay, further discussion?

MR. COBLE: And then the only other comment I'd have is that third paragraph, second sentence, that there's no fiscal note. I don't understand why we're pointing out there's no fiscal note if there's no fiscal note. It also seems unnecessary.

MR. STEIN: Well, there --

MR. COBLE: And -- and nobody knows what the fiscal note is outside the General Assembly.

MR. STEIN: Actually, I would be fine for amending this sentence to read that, "We don't know how much this will cost." I mean, we did -- in the voter ID one -- I mean, excuse me, on the --

MR. COBLE: Marsy's Law?

MR. STEIN: Yeah, there --

SECRETARY MARSHALL: The victims.

MR. STEIN: -- there was a fiscal note in it.

SECRETARY MARSHALL: There was a fiscal note, yeah.

MR. STEIN: I think when voters make a change and it has a fiscal implication on how many -- how much taxes they pay, I think that's a consideration voters would want to know. And the fact is, is we don't know how much this will cost.

MR. COBLE: But putting this sentence in doesn't
clarify that either, and we haven't done it -- if we're
gonna do that, we should do it in every single amendment,
which I think is unnecessary.

MR. STEIN: Well, there's --

SECRETARY MARSHALL: Well --

MR. STEIN: -- there is no cost to the previous amendment.

SECRETARY MARSHALL: To the -- to the previous one, right. The tax one, there's no --

MR. STEIN: Because we've actually made the point that the income tax rates are below the cap, and so there won't be a fiscal impact, at least initially, but we did put in that there may be a fiscal impact down the road if a recession --

MR. COBLE: Well, no, there won't be a fiscal impact on the taxpayer, but this is different. This is a fiscal note. You're saying there's -- there's not an impact on the state itself cost-wise. So those are two different things.

SECRETARY MARSHALL: Well, the real -- real problem with this amendment is that there's no process in here whatsoever, and we talk about cost. Is it a cost to the state? Is it a cost to the individuals? People may have all of those kinds of questions when they go to vote for this.
MR. STEIN: Actually, maybe I can ask the legislative staff a question. Do you all remember what the fiscal impact was on the voter ID provision of that law from 2013? As I recall, it was five to eight million dollars or something like that.

SECRETARY MARSHALL: Yeah.

(Pause in proceedings.)

SECRETARY MARSHALL: For those of you watching, three people are scrambling through their computers.

MR. STEIN: Mr. Coble, we're seeing how good y'all's computer system is to see if they can find some obscure fiscal note from five years ago.

(An announcement made by the museum was heard over the intercom system.)

SECRETARY MARSHALL: We can go to story time.

(Pause in proceedings.)

MR. COBLE: For that year, 3.5 million for the campaign finance fund. You're now getting down into the weeds where you really aren't gonna be able to explain to the voters what that means.

MR. STEIN: What does that mean for the campaign finance part?

MR. COBLE: Funding for -- it'd only be for that year, so --

SECRETARY MARSHALL: Oh, it's just the first-year
cost.

MS. McCRAW: So the 3.5 million --

MS. WALL: Could you use the microphone?

SECRETARY MARSHALL: And identify yourself.

MS. McCRAW: Kara McCraw, Legislative Analysis Division Staff. The 3.5 million initially was to help provide information on advising voters to help inform them of it. And the fiscal note in years '14, '15, '16, '17 didn't include additional money for that.

MR. STEIN: Follow-up question?

SECRETARY MARSHALL: Yes. Well, no part of that, then, was for actual cost of helping the folks get IDs?

MR. STEIN: Because it was a --

SECRETARY MARSHALL: It was just an advertising campaign.

MR. STEIN: -- it was a free ID requirement -- free ID piece of the proposal.

MS. McCRAW: The fiscal note does discuss the potential impact for Health and Human Services and Vital Statistics for people to get birth certificates. There was no estimate available for that.

For DMV special cards, the estimate in the first year was 834,000 -- hundred thousand -- sorry, 134,000 -- hundred thousand, and then it scaled up to about 24.10 per year thereafter was the estimate for outgoing (inaudible).
SECRETARY MARSHALL: Excuse me. 24.10 was?

MS. McCRAW: Yes.

SECRETARY MARSHALL: Twenty-four thousand, ten hundred [sic] dollars?

MS. McCRAW: That's what it looks like from the fiscal note, yes.

SECRETARY MARSHALL: 24,100.

MR. STEIN: So just to tweak --

SECRETARY MARSHALL: Going back to this.

MR. STEIN: -- on the sentence that we're adding, yeah. "We do not know how much this proposal will cost." I guess it would say "'would' cost if it is approved by a majority of the voters."

Or we can just say "if it is approved." I -- I think it's implicit that it would be by a majority of the voters.

SECRETARY MARSHALL: Yeah, right, yeah. If it is approved. The paragraph would now read:

"There are no further details on how voters could acquire valid photographic identification for the purposes of voting. We do not know how much this proposal would cost if it is approved."

MR. STEIN: Yeah. I agree people don't necessarily know what a public fiscal note is. I think that was a good catch.
SECRETARY MARSHALL: Yeah, that's a good -- good point. So would you go ahead, Ann, do -- do you want to pull the cross-out out and show it as it would be?

MR. STEIN: Do you want her to accept changes? I didn't hear what you asked.

SECRETARY MARSHALL: Oh. I -- I asked her to take out the strikeout part and just do it the way it would -- there we go. Yeah. Are there any further comments on this proposed explanation?

MR. COBLE: Can we wordsmith that a little bit more? I don't -- don't necessarily agree with it, but if it's gonna stay in there, I'd love to see that written a little differently. I don't know quite how, just -- "We do not know how much this proposal will cost if... approved."

Are we talking about the three of us? I think that's definitely a true statement, but I think --

SECRETARY MARSHALL: Okay.

MR. COBLE: -- it's confusing.

SECRETARY MARSHALL: You say "costs are uncertain" or "there is no estimate"?

MR. STEIN: That's good. There --

SECRETARY MARSHALL: There's --

MR. STEIN: I think "there" is a good way to start it since the sentence above starts with "there," too.

SECRETARY MARSHALL: "No estimate."
MR. STEIN: "Of how much this would -- proposal would cost if it is approved." That's better, Paul.

SECRETARY MARSHALL: Would you prefer "There is no official estimate of how much"?

MR. STEIN: Okay. That's what a public fiscal note is.

SECRETARY MARSHALL: True.

MR. STEIN: So "There is no official estimate of how much this would cost."

SECRETARY MARSHALL: Mostly because you don't know what the language is gonna be.

MR. STEIN: Yeah.

SECRETARY MARSHALL: What the particulars are gonna be. So that paragraph would now read:

"There are no further details on how voters could acquire valid photographic identification for the purposes of voting. There is no official estimate of how much this proposal would cost if it is approved."

MR. STEIN: That's much better.

SECRETARY MARSHALL: Okay. Any further discussion?

MR. STEIN: No.

SECRETARY MARSHALL: If not, I'm gonna close discussion. All those in favor of adopting --
MR. COBLE: I've -- I've -- I've got one question.

SECRETARY MARSHALL: Okay. Go ahead.

MR. COBLE: You say, "There are no further details on how voters could acquire valid photographic identification for the purposes of voting."

Is that not to be determined by the General Assembly? So would that not -- would we not be better to say that a little differently?

"Further details on how voters could acquire valid photographic identification for the purposes of voting shall be determined by the General Assembly."

I'm sorry. Is that a period right after "General Assembly"? I just couldn't --

SECRETARY MARSHALL: Yes.

MR. COBLE: -- see. Okay.

MR. STEIN: Well, the fact of the matter is we don't know that the General Assembly's gonna provide any way for people to get a valid ID other than -- in terms of it being free. I guess they will have some way of getting a valid ID, but it's not necessarily gonna be free.

SECRETARY MARSHALL: But with the overly, overly broad language that is here and lack of specificity, it is very, very hard to determine what is gonna be required, what class of people are going to need to go out -- when I say
"class of people," what group of people may need to go out
and get some photographic identification.

A lot of people have photographic identification,
but if things like student ID cards are not used, state
identification badges are not permitted as has been
discussed at various times, then people just don't know what
the lay of the land is going to be with this Constitutional
amendment.

MR. COBLE: And they won't know with the sentence
that existed there. Matter of fact, I think it, as
originally proposed, I think it even -- it makes it even
less clear. At least here you know that -- that details
will come from the General Assembly if this is approved.

SECRETARY MARSHALL: Which really kind of means
it's premature to be voting on this amendment when you don't
know how it's gonna be played out.

MR. COBLE: Isn't that true of every amendment?

SECRETARY MARSHALL: Not necessarily.

MR. STEIN: No.

SECRETARY MARSHALL: No.

MR. STEIN: 14 of the last 15, no. I -- I don't
like that change. I -- I prefer the prior sentence.

SECRETARY MARSHALL: The prior being "There are
no" --

MR. STEIN: Yeah.
SECRETARY MARSHALL: -- "further details on how voters."

MR. STEIN: It's in -- it's not in passive voice. It's parallel with the next sentence. It's true.

I would move -- I -- I don't know if we do motions within the motion, but I -- I suggest we -- I move that we go back to the prior instruction.

SECRETARY MARSHALL: That's fine, Ann; go ahead and do that.

MR. STEIN: I just think that -- that it's more understandable.

MR. COBLE: Now, "There are no further details on how voters could acquire valid photographic identification for the purposes of voting at this time."

MR. STEIN: I'm fine with that. I don't -- I don't know.

SECRETARY MARSHALL: I mean, it kind of bothers me. There are no details on what the -- what existing ID would be considered adequate or how to get a valid --

MR. STEIN: It seem --

SECRETARY MARSHALL: -- adequate --

MR. STEIN: And I think the first sentence in the paragraph above gets at the -- what IDs are -- what IDs are acceptable and what are not, and what this sentence is getting at, we don't know how you're supposed to get them.
SECRETARY MARSHALL: Right. Okay.

MR. STEIN: So that's why I think they're both points that are valid to be made independently and I -- I don't know. I'm fine. What do you think about that "at this time" addition, Secretary?

SECRETARY MARSHALL: That's -- that's fine.

MR. STEIN: That's also fine by me.

SECRETARY MARSHALL: "For the purposes of voting at this time."

MR. STEIN: Actually, just one amendment --

SECRETARY MARSHALL: Go -- try. Okay, go ahead.

MR. STEIN: -- which would be to move "at this time." "There are no further details at this time on how voters could acquire." Otherwise, you -- "voting at this time" might create confusion.

SECRETARY MARSHALL: Okay. 'Cause this isn't gonna apply for this election.

MR. STEIN: There -- "at this time on how voters could acquire valid...for...purposes of voting." Yeah.

SECRETARY MARSHALL: Okay, yeah.

MR. COBLE: "The legislature would be authorized to establish exceptions to the requirement to present the photographic identification before voting. It is not required to make any exceptions, however."

MR. STEIN: I had a draft where it said, "but it
is not required to make any exceptions," but the longer you
make a sentence and make it compound --

SECRETARY MARSHALL: There it is.

MR. COBLE: I'm -- I'm bothered by the "however"
at the end of the sentence I think is my --

MR. STEIN: I mean, if you-all are comfortable
starting sentences with "but," I -- I'm -- with a capital B,
I'm fine with that. It may send a grammarian into apoplexy.
I just think it needs to contrast to the sentence before.

SECRETARY MARSHALL: You could say, "It is,
however, not required to make any exceptions." I'm not
sure --

MR. STEIN: Or "However, it is not." I don't have
a problem with "but" starting a sentence. It's how people
talk.

SECRETARY MARSHALL: Yeah. Putting "however"
first is more how people talk than what I just said.
"However, it's not required."

MR. STEIN: That's also fine by me.

MR. COBLE: That's the point I was getting at.

MR. STEIN: It just was weird at the end of the
sentence?

SECRETARY MARSHALL: Yeah.

MR. STEIN: That -- I'm fine with "however" --

moving it up front.
SECRETARY MARSHALL: Okay. So this paragraph would read:

"The legislature would make laws providing the details of acceptable and unacceptable forms of photograph identification after passage of the proposed amendment. The legislature would be authorized to establish exceptions to the requirement to present photographic identification before voting. However, it is not required to make any exceptions."

MR. STEIN: I think -- I think that's better than it was when it came in the room.

SECRETARY MARSHALL: Okay. Is there any further discussion? Mr. Coble?

MR. COBLE: No.

SECRETARY MARSHALL: Mr. Stein?

MR. STEIN: No.

SECRETARY MARSHALL: If not, all those in favor of approving this as the summary for the 100 local Boards of Elections like all the rest of these, please signify by saying "aye."

MR. STEIN: Aye.

SECRETARY MARSHALL: Aye. Those opposed?

MR. COBLE: No.

SECRETARY MARSHALL: The motion carries, two in
favor and one against.

Is there any other business to be brought up at this time?

We are down to closing comments by the Chair. I certainly am extremely grateful for everyone's help, cooperation in getting us to this point. The conclusion of this meeting will be a recess in the event that there is a need to reconvene for further activities that may be coming our way at some later date.

So I want to thank my co-Commissioners Mr. Stein and Mr. Coble and their respective staffs once again and for everyone who did so much in the logistics, and most especially to Ann and Jennell for all the technology work and the folks up in the technology booth for making this as easy on all of us as possible.

So with that, I'm going to declare this meeting recessed.

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(Proceedings concluded at 10:12 a.m., to be reconvened upon agreement of the Commissioners.)

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STATE OF NORTH CAROLINA
COUNTY OF CHATHAM

CERTIFICATE

I, Wanda B. Constantino, CVR-CM-M and Notary
Public, do hereby certify that I was present at the
foregoing open meeting of the Constitutional Amendments
Publication Commission; that said proceedings were reported
by me and transcribed by me personally; and that the
foregoing pages 90 through 119, inclusive, constitute a true
and accurate transcription of the open meeting.

I do further certify that I am not of counsel for
or in the employment of any of the parties to this action,
nor am I interested in the results of this action.

In witness whereof, I have hereunto subscribed my
name this 24th day of August, 2018.

Wanda Constantino

Wanda B. Constantino, CVR-CM-M
Notary No. 19971130022