

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

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1 (Proceedings commenced at 9:30 a.m.)

2 SECRETARY MARSHALL: Ladies and gentlemen, good
3 morning. It is 9:30 on August 23rd, 2018. Once again,
4 before we begin this emergency session, let me give our
5 ethics reminder as set out in G.S. 163A-159(e). And it's my
6 duty as the Chair of the Commission to remind the
7 Commissioners that it's the duty of every Commission member
8 to avoid both conflicts of interest and appearances of
9 conflicts of interest.

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

13 MR. STEIN: I do not.

14 MR. COBLE: (Shaking head negatively.)

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

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

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

25 This is the third meeting of the Commission for

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

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

12 Pursuant to the new order from the court late
13 Tuesday from the three-judge Superior Court panel that
14 looked at proposed Constitutional amendments, there are now
15 two additional amendments that have been added to the
16 upcoming election ballot. These two are Session Law
17 2018-119, state income tax rate, and Session Law 2018-128,
18 voter ID.

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

23 As I said at our previous Commission session, the
24 North Carolina State Constitution is the cornerstone legal
25 document of our society. All of our laws flow from the

1 Constitution. We, the people of North Carolina, agree to
2 abide under a legal system based upon this living document.
3 The words we choose to put into the state Constitution or
4 not put into the state Constitution define the relationship
5 between citizens and their government. Once in the
6 Constitution, they are hard to remove, and they carry legal
7 weight. We expand or contract our laws, rights, and
8 freedoms by those enshrined words.

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

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

25 As to how we will do our work today, let me -- let

1 me repeat again that we are not advocates for or against the
2 proposed amendments. Our process is the same as it has been
3 for a generation: To write summaries in simple and commonly
4 used language and, as it says in our mission, to produce
5 accurate and factual products for the voters and the news
6 media to read and consider.

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

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

19 This means that we will not take questions about
20 them or listen to arguments for or against them. Think of
21 this meeting as like being in court. You are welcome here,
22 but you cannot interrupt the proceedings. If you must make
23 a phone call or talk to another person, you need to take
24 that discussion outside of this room, and also please
25 silence or airplane your devices.

1 My continued thanks to the staff of the North
2 Carolina Museum of History for allowing us to use this
3 wonderful Daniels Auditorium. The Commission truly
4 appreciates the museum staff assisting us today. I also
5 want to thank State Capitol Police for again providing
6 security for this session. Chief Deputy R. F. Hawley and
7 everyone with the Capitol Police have been very patient with
8 us. We appreciate it.

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

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

21 Finally, I want to say one more time that I'm very
22 appreciative of everyone who sent drafts regarding these
23 proposed amendments. I want to let everyone know that we
24 did read them. I expect if you're one of those people who
25 took time to write us, you're likely to hear parts of what

1 you wrote being said as we craft these remaining summaries.

2 Again, it's an honor for me to continue serving on
3 this Commission with the two gentlemen here at this table.

4 Mr. Paul Coble is the North Carolina General Assembly
5 Legislative Service Officer and, by statute, the person
6 holding that position is also a member of this Commission.
7 He is also a dedicated public servant in his own right who
8 has held elected office and who has served in numerous civic
9 organizations to improve the lives of others.

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

19 As Secretary of State, I am, by statute, the Chair
20 of the Commission. The Secretary of State's Office is the
21 authoritative source and keeper of many of North Carolina's
22 most important records. The Secretary of State's Office is
23 also known for both its work to support North Carolina's
24 economy and its historic ties to supporting good government,
25 going all the way back to before we were even a state.

1 I will again point out that while Mr. Coble
2 represents the current General Assembly perspective, both
3 the Attorney General and myself are former Legislators, so
4 you have three very seasoned public official veterans on
5 this Commission.

6 Also serving us today in place of --

7 MR. STEIN: Amar.

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

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

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

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

25 To make a successful motion, it takes one member

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

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

12 In chronological order, we will take Session Law
13 2018-119, the tax proposal. We have -- all of our offices
14 have submitted suggestions to this, and the Attorney General
15 has massaged and edited and compiled. And Mr. Attorney
16 General, would you want to again explain the color coding
17 system?

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

20 SECRETARY MARSHALL: Sure.

21 MR. STEIN: The -- on the income tax, the --
22 whatever is shaded in green came from the submission by your
23 office, Secretary Marshall, and whatever is shaded in yellow
24 came from the legislative submission. You'll see on the
25 income tax one, it's primarily from you, although the first

1 two sentences of the income tax one really are the same as
2 the legislature's submission, just I think worded -- we
3 tried to word it in language that was at a level accessible
4 to more North Carolinians, and that's why it's not shaded in
5 yellow, although the substance is exactly the same.

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

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

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

24 "Income taxes are one of the ways state
25 government raises the money to pay for core

1 services such as education and public health and
2 safety."

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

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

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

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

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

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

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

23 MR. COBLE: I would say I'm -- I'm fine with this
24 up to the -- that one sentence, "The proposed amendment does
25 not include any exceptions. Therefore, in times of disaster

1 or recession, the state could have to take" --

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

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

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

13 SECRETARY MARSHALL: Are there any other comments?

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

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

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

22 SECRETARY MARSHALL: Oh.

23 MR. STEIN: -- extra conjunctions.

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

25 MR. STEIN: So I'm -- I'm --

1 SECRETARY MARSHALL: -- awkward.

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

4 SECRETARY MARSHALL: Jennell is my resident
5 grammarian.

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

8 MR. STEIN: And --

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

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

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

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

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

20 SECRETARY MARSHALL: Right.

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

25 SECRETARY MARSHALL: "Public education, health,

1 and safety. "

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

5 SECRETARY MARSHALL: I'm comfortable with that.

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

8 SECRETARY MARSHALL: Oh, okay.

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

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

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

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

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

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

22 MR. STEIN: Aye.

23 SECRETARY MARSHALL: Aye. Any opposed?

24 MR. COBLE: No.

25 SECRETARY MARSHALL: Let the vote reflect two in

1 favor and one against, and it is hereby adopted.

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

4 SECRETARY MARSHALL: Oh, good.

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

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

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

15 "The Legislature would make laws providing
16 the details of acceptable and unacceptable forms
17 of photographic identification after passage of
18 the proposed amendment. The Legislature would be
19 authorized to establish exceptions to the
20 requirement to present photographic identification
21 before voting. It is not required to make any
22 exceptions, however.

23 "There are no further details on how voters
24 could acquire valid photographic identification
25 for the purposes of voting. There is no public

1 fiscal note at this time that details the expected
2 cost to implement the proposed amendment if it is
3 approved by a majority of voters."

4 Then it goes on, that standard ending line: "This
5 is a short summary of the amendment. To see the actual
6 amendment before voting on it, go to" the website.

7 Do you want to move this into --

8 MR. STEIN: Yes. I -- I move this for adoption,
9 this description.

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

12 MR. COBLE: In the second paragraph, the very last
13 sentence I think is redundant. The previous sentence talks
14 about exceptions. So I don't think -- we don't really need
15 that.

16 MR. STEIN: I'm looking for the actual amendment.
17 Well, the -- the amendment reads:

18 "The General Assembly shall enact general
19 laws governing the requirements of such
20 photographic identification which may include
21 exceptions."

22 So there's no requirement that they include
23 exceptions, and I think that it's important for the voters
24 to both know that exceptions are possible but not required,
25 and that's why I think that last sentence is actually quite

1 important.

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

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

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

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

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

1 SECRETARY MARSHALL: Okay, further di scussi on?

2 MR. COBLE: And then the only other comment I'd
3 have is that thi rd paragraph, second sentence, that there's
4 no fi scal note. I don't understand why we're pointing out
5 there's no fi scal note if there's no fi scal note. It also
6 seems unnecessary.

7 MR. STEIN: Well, there --

8 MR. COBLE: And -- and nobody knows what the
9 fi scal note is outside the General Assembly.

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

14 MR. COBLE: Marsy's Law?

15 MR. STEIN: Yeah, there --

16 SECRETARY MARSHALL: The vi cti ms.

17 MR. STEIN: -- there was a fi scal note in it.

18 SECRETARY MARSHALL: There was a fi scal note,
19 yeah.

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

25 MR. COBLE: But putting this sentence in doesn't

1 clarify that either, and we haven't done it -- if we're
2 gonna do that, we should do it in every single amendment,
3 which I think is unnecessary.

4 MR. STEIN: Well, there's --

5 SECRETARY MARSHALL: Well --

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

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

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

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

20 SECRETARY MARSHALL: Well, the real -- real
21 problem with this amendment is that there's no process in
22 here whatsoever, and we talk about cost. Is it a cost to
23 the state? Is it a cost to the individuals? People may
24 have all of those kinds of questions when they go to vote
25 for this.

1 MR. STEIN: Actually, maybe I can ask the
2 legislative staff a question. Do you-all remember what the
3 fiscal impact was on the voter ID provision of that law from
4 2013? As I recall, it was five to eight million dollars or
5 something like that.

6 SECRETARY MARSHALL: Yeah.

7 (Pause in proceedings.)

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

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

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

15 SECRETARY MARSHALL: We can go to story time.

16 (Pause in proceedings.)

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

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

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

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

1 cost.

2 MS. McCRAW: So the 3.5 million --

3 MS. WALL: Could you use the microphone?

4 SECRETARY MARSHALL: And identify yourself.

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

10 MR. STEIN: Follow-up question?

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

13 MR. STEIN: Because it was a --

14 SECRETARY MARSHALL: It was just an advertising
15 campaign.

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

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

22 For DMV special cards, the estimate in the first
23 year was 834,000 -- hundred thousand -- sorry, 134,000 --
24 hundred thousand, and then it scaled up to about 24.10 per
25 year thereafter was the estimate for outgoing (inaudible).

1 SECRETARY MARSHALL: Excuse me. 24.10 was?

2 MS. McCRAW: Yes.

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

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

7 SECRETARY MARSHALL: 24,100.

8 MR. STEIN: So just to tweak --

9 SECRETARY MARSHALL: Going back to this.

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

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

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

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

23 MR. STEIN: Yeah. I agree people don't
24 necessarily know what a public fiscal note is. I think that
25 was a good catch.

1 SECRETARY MARSHALL: Yeah, that's a good -- good
2 point. So would you go ahead, Ann, do -- do you want to
3 pull the cross-out out and show it as it would be?

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

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

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

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

17 SECRETARY MARSHALL: Okay.

18 MR. COBLE: -- it's confusing.

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

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

22 SECRETARY MARSHALL: There's --

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

25 SECRETARY MARSHALL: "No estimate."

1 MR. STEIN: "Of how much this would -- proposal
2 would cost if it is approved." That's better, Paul.

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

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

7 SECRETARY MARSHALL: True.

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

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

12 MR. STEIN: Yeah.

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

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

20 MR. STEIN: That's much better.

21 SECRETARY MARSHALL: Okay. Any further
22 discussion?

23 MR. STEIN: No.

24 SECRETARY MARSHALL: If not, I'm gonna close
25 discussion. All those in favor of adopting --

1 MR. COBLE: I've -- I've -- I've got one question.

2 SECRETARY MARSHALL: Okay. Go ahead.

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

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

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

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

15 SECRETARY MARSHALL: Yes.

16 MR. COBLE: -- see. Okay.

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

22 SECRETARY MARSHALL: But with the overly, overly
23 broad language that is here and lack of specificity, it is
24 very, very hard to determine what is gonna be required, what
25 class of people are going to need to go out -- when I say

1 "class of people," what group of people may need to go out
2 and get some photographic identification.

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

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

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

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

18 SECRETARY MARSHALL: Not necessarily.

19 MR. STEIN: No.

20 SECRETARY MARSHALL: No.

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

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

25 MR. STEIN: Yeah.

1 SECRETARY MARSHALL: -- "further details on how
2 voters."

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

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

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

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

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

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

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

20 MR. STEIN: It seem --

21 SECRETARY MARSHALL: -- adequate --

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

1 SECRETARY MARSHALL: Right. Okay.

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

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

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

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

10 MR. STEIN: Actually, just one amendment --

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

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

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

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

20 SECRETARY MARSHALL: Okay, yeah.

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

25 MR. STEIN: I had a draft where it said, "but it

1 is not required to make any exceptions," but the longer you
2 make a sentence and make it compound --

3 SECRETARY MARSHALL: There it is.

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

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

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

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

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

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

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

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

23 SECRETARY MARSHALL: Yeah.

24 MR. STEIN: That -- I'm fine with "however" --
25 moving it up front.

1 SECRETARY MARSHALL: Okay. So this paragraph
2 would read:

3 "The Legislature would make laws providing
4 the details of acceptable and unacceptable forms
5 of photograph identification after passage of the
6 proposed amendment. The Legislature would be
7 authorized to establish exceptions to the
8 requirement to present photographic identification
9 before voting. However, it is not required to
10 make any exceptions."

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

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

15 MR. COBLE: No.

16 SECRETARY MARSHALL: Mr. Stein?

17 MR. STEIN: No.

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

22 MR. STEIN: Aye.

23 SECRETARY MARSHALL: Aye. Those opposed?

24 MR. COBLE: No.

25 SECRETARY MARSHALL: The motion carries, two in

1 favor and one against.

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

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

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

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

18

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

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STATE OF NORTH CAROLINA

COUNTY OF CHATHAM

C E R T I F I C A T E

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