

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

1

SENATE BILL 646

Short Title: Universal Voter Registration. (Public)

Sponsors: Senators Woodard, Clark, Lowe (Primary Sponsors); Bryant, Chaudhuri, Foushee, J. Jackson, Smith-Ingram, Van Duyn, and Waddell.

Referred to: Rules and Operations of the Senate

April 5, 2017

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR AUTOMATIC VOTER REGISTRATION AT DRIVERS
3 LICENSE OFFICES, PUBLIC AGENCIES, COMMUNITY COLLEGES, AND
4 COLLEGES AND UNIVERSITIES OF THE UNIVERSITY OF NORTH CAROLINA
5 AND REQUIRING THE STATE BOARD OF ELECTIONS TO IMPLEMENT AN
6 OUTREACH CAMPAIGN INFORMING CITIZENS ABOUT AUTOMATIC VOTER
7 REGISTRATION.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 163-82.3 reads as rewritten:

10 "§ 163-82.3. **Voter registration application ~~forms~~forms; automatic voter registration at**
11 **certain agencies.**

12 (a) Form Developed by State Board of Elections. – The State Board of Elections shall
13 develop an application form for voter registration. Any person may use the form to apply to do
14 any of the following:

- 15 (1) Register to vote.
16 (2) Change party affiliation or unaffiliated status.
17 (3) Report a change of address within a county.
18 (4) Report a change of name.
19 (5) Repealed by Session Laws 2013-381, s. 12.1(b), effective September 1,
20 2013.

21 The county board of elections for the county where the applicant resides shall accept the
22 form as application for any of those purposes if the form is submitted as set out in
23 G.S. 163-82.3.

24 (b) Interstate Form. – The county board of elections where an applicant resides shall
25 accept as application for any of the purposes set out in subsection (a) of this section the
26 interstate registration form designed by the Federal Election Commission pursuant to section 9
27 of the National Voter Registration Act, if the interstate form is submitted in accordance with
28 G.S. 163-82.6.

29 (c) Agency ~~Application Form~~Application. – The county board of elections where an
30 applicant resides shall accept as application for any of the purposes set out in subsection (a) of
31 this section a ~~form~~automatic voter registration developed pursuant to G.S. 163-82.19 or
32 G.S. 163-82.20."

33 SECTION 2. G.S. 163-82.6 reads as rewritten:

34 "§ 163-82.6. **Acceptance of application forms.**



1 (a) How the Form May Be Submitted. – The county board of elections shall accept any
 2 form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile
 3 transmission, transmission of a scanned document, or in ~~person-person~~ or by automatic voter
 4 registration pursuant to G.S. 163-82.19, 163-82.20, 115D-5, or 116-11. The applicant may
 5 delegate the submission of the form to another person. Any person who communicates to an
 6 applicant acceptance of that delegation shall deliver that form so that it is received by the
 7 appropriate county board of elections in time to satisfy the registration deadline in subdivision
 8 (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2
 9 misdemeanor for any person to communicate to the applicant acceptance of that delegation and
 10 then fail to make a good faith effort to deliver the form so that it is received by the county
 11 board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of
 12 subsection (c) of this section for the next election. It shall be an affirmative defense to a charge
 13 of failing to make a good faith effort to deliver a delegated form by the registration deadline
 14 that the delegatee informed the applicant that the form would not likely be delivered in time for
 15 the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to
 16 sell or attempt to sell a completed voter registration form or to condition its delivery upon
 17 payment.

18 ...

19 (c) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
 20 or election, the form:

- 21 (1) If submitted by mail, must be postmarked at least 25 days before the primary
 22 or election, except that any mailed application on which the postmark is
 23 missing or unclear is validly submitted if received in the mail not later than
 24 20 days before the primary or election,
- 25 (2) If submitted in person, by facsimile transmission, ~~or~~ by transmission of a
 26 scanned document, or by automatic voter registration, must be received by
 27 the county board of elections by a time established by that board, but no
 28 earlier than 5:00 P.M., on the twenty-fifth day before the primary or election,
- 29 (3) If submitted through a delegatee who violates the duty set forth in subsection
 30 (a) of this section, must be signed by the applicant and given to the delegatee
 31 not later than 25 days before the primary or election, except as provided in
 32 subsection (d) of this section.

33"

34 **SECTION 3.** G.S. 163-82.19 reads as rewritten:

35 "**§ 163-82.19. ~~Voter~~ Automatic voter registration at drivers license offices; coordination**
 36 **on data interface.**

37 (a) ~~Voter~~ Automatic Voter Registration at Drivers License Offices. – ~~The Beginning~~
 38 January 1, 2018, the Division of Motor Vehicles shall, ~~pursuant to the rules adopted by~~
 39 consultation with the State Board of Elections, ~~modify its forms so that~~ implement a method by
 40 which any eligible person who applies for original issuance, renewal or correction of a drivers
 41 license, or special identification card issued under G.S. 20-37.7 ~~may, on a part of the form,~~
 42 complete an application to register shall be automatically registered to vote, or able to update
 43 the voter's registration if the voter has changed his or her address or moved from one precinct
 44 to another or from one county to another. The person taking the application shall affirmatively
 45 ask if the applicant is registered to vote and, if not, whether the applicant would like to register
 46 to vote. If the applicant declines registration, the person taking the application shall note on the
 47 application that the applicant affirmatively declined to become registered to vote during the
 48 transaction with the drivers license office. If the applicant wishes to register to vote, the person
 49 taking the application shall require the applicant to provide all information requested of the
 50 applicant under G.S. 163-82.4, including declaring a preference to be affiliated with a political
 51 party or a preference to be an unaffiliated voter. If an applicant who registers to vote pursuant

1 to this section fails to declare a political party affiliation, the applicant's political affiliation
2 shall be designated as unaffiliated. The person taking the application shall ask if the applicant is
3 a citizen of the United States. If the applicant states that the applicant is not a citizen of the
4 United States, or declines to answer the question, the person taking the application shall inform
5 the applicant that it is a felony for a person who is not a citizen of the United States to apply to
6 register to vote. Any person who willfully and knowingly and with fraudulent intent gives false
7 information on the application is guilty of a Class I felony. The application shall state in clear
8 language the penalty for violation of this section. The necessary automatic voter registration
9 forms shall be prescribed by the State Board of Elections. The form must ask for the previous
10 voter registration address of the voter, if any. If a previous address is listed, and it is not in the
11 county of residence of the applicant, the appropriate county board of elections shall treat the
12 application as an authorization to cancel the previous registration and also process it as such
13 under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the
14 county where the voter applies to register, the application shall be processed as if it had been
15 submitted under G.S. 163-82.9.

16 The applicant shall provide an electronic signature as required under G.S. 163-82.6(b),
17 subject to the penalties for perjury, by which the applicant attests that the information provided
18 by the applicant is true and that the applicant meets all the qualifications to become a registered
19 voter.

20 Registration shall become effective as provided in G.S. 163-82.7. Applications to register to
21 vote accepted at a drivers license office under this section until the deadline established in
22 G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no person who
23 completes an application at that drivers license office shall be denied the vote in that election
24 for failure to apply earlier than that deadline.

25 All applications shall be ~~forwarded~~ electronically transmitted by the Department of
26 Transportation to the appropriate board of elections not later than five business days after the
27 date of acceptance, according to rules which shall be promulgated by the State Board of
28 Elections. Those rules shall provide for a paperless, instant, electronic transfer of applications
29 to the appropriate board of elections.

30 Nothing in this subsection shall be construed as requiring the Department of Transportation
31 to determine eligibility for voter registration and voting.

32 (b) Coordination on Data Interface. – The Department of Transportation jointly with the
33 State Board of Elections shall develop and operate a computerized interface to match
34 information in the database of the statewide voter registration system with the drivers license
35 information in the Division of Motor Vehicles to the extent required to enable the State Board
36 of Elections and the Department of Transportation to verify the accuracy of the information
37 provided on applications for voter registration, whether the applications were received at
38 drivers license offices or elsewhere. The Department of Transportation and the State Board
39 shall implement the provisions of this subsection so as to comply with section 303 of the Help
40 America Vote Act of 2002. The Department of Transportation shall enter into an agreement
41 with the Commissioner of Social Security so as to comply with section 303 of the Help
42 America Vote Act of 2002.

43 (c1) The State Board of Elections shall ensure the confidentiality of information acquired
44 pursuant to this section for purposes of automatic voter registration in accordance with
45 G.S. 163-82.4(b), including compliance with any requirements regarding a voter registering
46 pursuant to G.S. 163-82.10(d)."

47 **SECTION 4.** G.S. 163-82.20 reads as rewritten:

48 "**§ 163-82.20. Voter registration at other public ~~agencies;~~ agencies; automatic voter**
49 **registration.**

50 (a) Voter Registration Agencies. – Every office in this State which accepts:

- 1 (1) ~~Applications for a program of public assistance under Article 2 of Chapter~~
2 ~~108A of the General Statutes or under Article 13 of Chapter 130A of the~~
3 ~~General Statutes;~~
- 4 (2) Applications for State-funded State or local government programs primarily
5 engaged in providing services to persons with disabilities, with such office
6 designated by the State Board of Elections; or
- 7 (3) Claims for benefits under Chapter 96 of the General Statutes, the
8 Employment Security Law, is designated as a voter registration agency for
9 purposes of this section.
- 10 (b) Duties of Voter Registration Agencies. – A voter registration agency described in
11 subsection (a) of this section shall, unless the applicant ~~declines, in writing,~~declines to register
12 to vote:
- 13 (1) ~~Distribute~~ Beginning January 1, 2019, in consultation with the State Board
14 of Elections, provide, with each application for service or assistance, and
15 with each recertification, renewal, or change of address relating to such
16 service or assistance; assistance, for automatic voter registration. The person
17 taking the application shall affirmatively ask if the applicant is registered to
18 vote and, if not, whether the applicant would like to register to vote. If the
19 applicant declines registration, the person taking the application shall note
20 on the application that the applicant affirmatively declined to become
21 registered to vote during the transaction with the agency. If the applicant
22 wishes to register to vote, the person taking the application shall require the
23 applicant to provide all information requested of the applicant under
24 G.S. 163-82.4, including declaring a preference to be affiliated with a
25 political party or a preference to be an unaffiliated voter. If an applicant who
26 registers to vote pursuant to this section fails to declare a political party
27 affiliation, the applicant's political affiliation shall be designated as
28 unaffiliated. The person taking the application shall ask if the applicant is a
29 citizen of the United States. If the applicant states that the applicant is not a
30 citizen of the United States, or declines to answer the question, the person
31 taking the application shall inform the applicant that it is a felony for a
32 person who is not a citizen of the United States to apply to register to vote.
33 Any person who willfully and knowingly and with fraudulent intent gives
34 false information on the application is guilty of a Class I felony. The
35 application shall state in clear language the penalty for violation of this
36 section. The necessary automatic voter registration forms shall be prescribed
37 by the State Board of Elections. The form must ask for the previous voter
38 registration address of the voter, if any. If a previous address is listed, and it
39 is not in the county of residence of the applicant, the appropriate county
40 board of elections shall treat the application as an authorization to cancel the
41 previous registration and also process it as such under the procedures of
42 G.S. 163-82.9. If a previous address is listed and that address is in the county
43 where the voter applies to register, the application shall be processed as if it
44 had been submitted under G.S. 163-82.9. The applicant shall provide an
45 electronic signature as required under G.S. 163-82.6(b), subject to the
46 penalties for perjury, by which the applicant attests that the information
47 provided by the applicant is true and that the applicant meets all the
48 qualifications to become a registered voter.
- 49 a. ~~The voter registration application form described in G.S. 163-82.3(a)~~
50 ~~or (b); or~~

1 b. ~~The voter registration agency's own form, if it is substantially~~
2 ~~equivalent to the form described in G.S. 163-82.3(a) or (b) and has~~
3 ~~been approved by the State Board of Elections, provided that the~~
4 ~~agency's own form may be a detachable part of the agency's paper~~
5 ~~application or may be a paperless computer process, as long as the~~
6 ~~applicant is required to sign an attestation as part of the application to~~
7 ~~register.~~

8 (2) Provide a form that contains the elements required by section 7(a)(6)(B) of
9 the National Voter Registration Act; and

10 ~~(3) Provide to each applicant who does not decline to register to vote the same~~
11 ~~degree of assistance with regard to the completion of the registration~~
12 ~~application as is provided by the office with regard to the completion of its~~
13 ~~own forms.~~

14 (c) Provided that voter registration agencies designated under subdivision (a)(3) of this
15 section shall only be required to provide the services set out in this subsection to applicants for
16 new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes,
17 the Employment Security Law.

18 (d) Home Registration for Disabled. – If a voter registration agency provides services to
19 a person with disability at the person's home, the voter registration agency shall provide the
20 services described in subsection (b) of this section at the person's home. However, the agency is
21 not required to provide automatic voter registration at the person's home.

22 (e) Prohibitions. – Any person providing any service under subsection (b) of this
23 section shall not:

24 (1) Seek to influence an applicant's political preference or party registration,
25 except that this shall not be construed to prevent the notice provided by
26 G.S. 163-82.4(c) to be given if the applicant refuses to declare his party
27 affiliation;

28 (2) Display any such political preference or party allegiance;

29 (3) Make any statement to an applicant or take any action the purpose or effect
30 of which is to discourage the applicant from registering to vote; or

31 (4) Make any statement to an applicant or take any action the purpose or effect
32 of which is to lead the applicant to believe that a decision to register or not to
33 register has any bearing on the availability of services or benefits.

34 (f) Confidentiality of Declination to Register. – No information relating to a declination
35 to register to vote in connection with an application made at a voter registration agency may be
36 used for any purpose other than voter registration. The State Board of Elections shall ensure the
37 confidentiality of information acquired pursuant to this section for purposes of automatic voter
38 registration in accordance with G.S. 163-82.4(b), including compliance with any requirements
39 regarding a voter registering pursuant to G.S. 163-82.10(d).

40 (g) Transmittal From Agency to Board of Elections. – ~~Any~~ An automatic voter
41 registration application completed at a voter registration agency shall be ~~accepted by that~~
42 ~~agency in lieu of the applicant's mailing the application. Any such application so received shall~~
43 ~~be~~ transmitted to the appropriate board of elections not later than five business days after
44 acceptance, according to rules which shall be promulgated by the State Board of Elections.

45 (h) Twenty-Five-Day Deadline for an Election. – Applications to register accepted by a
46 voter registration agency shall entitle a registrant to vote in any primary, general, or special
47 election unless the registrant shall have made application later than the twenty-fifth calendar
48 day immediately preceding such primary, general, or special election, provided that nothing
49 shall prohibit voter registration agencies from continuing to accept applications during that
50 period.

1 (i) Ineligible Applications Prohibited. – No person shall make application to register to
2 vote under this section if that person is ineligible on account of age, citizenship, lack of
3 residence for the period of time provided by law, or because of conviction of a felony.

4 (j) Nothing in this subsection shall be construed as requiring the agencies providing
5 automatic voter registration pursuant to this section to determine eligibility for voter
6 registration and voting."

7 **SECTION 5.** G.S. 163-82.20A reads as rewritten:

8 **"§ 163-82.20A. Voter registration upon restoration of citizenship.**

9 The State Board of Elections, the Division of Adult Correction of the Department of Public
10 Safety, and the Administrative Office of the Courts shall jointly develop and implement
11 educational programs and procedures for persons to apply to register to vote at the time they are
12 restored to citizenship and all filings required have been completed under Chapter 13 of the
13 General Statutes. Those procedures shall be designed to do both of the following:

14 (1) Inform the person that the restoration of rights removes the person's
15 disqualification from voting, but that in order to vote the person must
16 register to vote.

17 (2) Provide an opportunity to that person to register to ~~vote~~ vote, including
18 informing the person of automatic voter registration in accordance with
19 G.S. 163-82.19, 163-82.20, 115D-5, or 116-11.

20 At a minimum, the program shall include a written notice to the person whose citizenship
21 has been restored, informing that person that the person may now register to vote, with a voter
22 registration form enclosed with the notice."

23 **SECTION 6.** G.S. 115D-5 reads as rewritten:

24 **"§ 115D-5. Administration of institutions by State Board of Community Colleges;**
25 **personnel exempt from North Carolina Human Resources Act; extension**
26 **courses; tuition waiver; in-plant training; contracting, etc., for establishment**
27 **and operation of extension units of the community college system; use of**
28 **existing public school ~~facilities~~ facilities; automatic voter registration.**

29 ...
30 (x) Beginning January 1, 2019, the State Board of Community Colleges, in consultation
31 with the State Board of Elections, shall provide each person who is enrolled and registering for
32 courses as a student in a State community college the option for automatic voter registration.
33 The person taking the application shall affirmatively ask if the student is registered to vote and,
34 if not, whether the student would like to register to vote. If the student declines registration, the
35 person registering the student for courses shall note on the course registration form that the
36 student affirmatively declined to become registered to vote during registration at the
37 community college. If the student wishes to register to vote, the person registering the student
38 for courses shall require the student to provide all information requested of the student under
39 G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a
40 preference to be an unaffiliated voter. If a student who registers to vote pursuant to this section
41 fails to declare a political party affiliation, the student's political affiliation shall be designated
42 as unaffiliated. The person registering the student shall ask if the student is a citizen of the
43 United States. If the student states that the student is not a citizen of the United States, or
44 declines to answer the question, the person registering the student shall inform the student that
45 it is a felony for a person who is not a citizen of the United States to apply to register to vote.
46 Any person who willfully and knowingly and with fraudulent intent gives false information on
47 the automatic voter registration application is guilty of a Class I felony and shall state in clear
48 language the penalty for violation of this section. The necessary automatic voter registration
49 forms shall be prescribed by the State Board of Elections. The form must ask for the previous
50 voter registration address of the voter, if any. If a previous address is listed, and it is not in the
51 county of residence of the student, the appropriate county board of elections shall treat the

1 automatic voter registration application as an authorization to cancel the previous registration
2 and also process it as such under the procedures of G.S. 163-82.9. If a previous address is listed
3 and that address is in the county where the voter applies to register, the application shall be
4 processed as if it had been submitted under G.S. 163-82.9. The student shall provide an
5 electronic signature as required under G.S. 163-82.6(b), subject to the penalties for perjury, by
6 which the student attests that the information provided by the student is true and that the
7 student meets all the qualifications to become a registered voter."

8 **SECTION 7.** G.S. 116-11 is amended by adding a new subdivision to read:

9 **"§ 116-11. Powers and duties generally.**

10 The powers and duties of the Board of Governors shall include the following:

11 ...

12 (15) Beginning January 1, 2019, the Board of Governors, in consultation with the
13 State Board of Elections, shall provide each person who is enrolled and
14 registering for courses as a student in a State college or university in The
15 University of North Carolina system the option for automatic voter
16 registration. The person taking the application shall affirmatively ask if the
17 student is registered to vote and, if not, whether the student would like to
18 register to vote. If the student declines registration, the person registering the
19 student for courses shall note on the course registration form that the student
20 affirmatively declined to become registered to vote during registration at the
21 college or university. If the student wishes to register to vote, the person
22 registering the student for courses shall require the student to provide all
23 information requested of the student under G.S. 163-82.4, including
24 declaring a preference to be affiliated with a political party or a preference to
25 be an unaffiliated voter. If a student who registers to vote pursuant to this
26 section fails to declare a political party affiliation, the student's political
27 affiliation shall be designated as unaffiliated. The person registering the
28 student shall ask if the student is a citizen of the United States. If the student
29 states that the student is not a citizen of the United States, or declines to
30 answer the question, the person registering the student shall inform the
31 student that it is a felony for a person who is not a citizen of the United
32 States to apply to register to vote. Any person who willfully and knowingly
33 and with fraudulent intent gives false information on the automatic voter
34 registration application is guilty of a Class I felony and shall state in clear
35 language the penalty for violation of this section. The necessary automatic
36 voter registration forms shall be prescribed by the State Board of Elections.
37 The form must ask for the previous voter registration address of the voter, if
38 any. If a previous address is listed, and it is not in the county of residence of
39 the student, the appropriate county board of elections shall treat the
40 automatic voter registration application as an authorization to cancel the
41 previous registration and also process it as such under the procedures of
42 G.S. 163-82.9. If a previous address is listed and that address is in the county
43 where the voter applies to register, the application shall be processed as if it
44 had been submitted under G.S. 163-82.9. The student shall provide an
45 electronic signature as required under G.S. 163-82.6(b), subject to the
46 penalties for perjury, by which the student attests that the information
47 provided by the student is true and that the student meets all the
48 qualifications to become a registered voter."

49 **SECTION 8.** The State Board of Elections shall establish and implement an
50 education and outreach campaign to inform voters of the automatic voter registration
51 procedures established pursuant to this act.

1 **SECTION 9.** Sections 1 through 3 and Section 5 of this act become effective
2 January 1, 2018. Sections 4, 6, and 7 of this act become effective January 1, 2019. The
3 remainder of this act is effective when it becomes law.