A BILL TO BE ENTITLED

AN ACT PROVIDING FOR AUTOMATIC VOTER REGISTRATION AT DRIVERS LICENSE OFFICES, PUBLIC AGENCIES, COMMUNITY COLLEGES, AND COLLEGES AND UNIVERSITIES OF THE UNIVERSITY OF NORTH CAROLINA AND REQUIRING THE STATE BOARD OF ELECTIONS TO IMPLEMENT AN OUTREACH CAMPAIGN INFORMING CITIZENS ABOUT AUTOMATIC VOTER REGISTRATION.

The General Assembly of North Carolina enacts:

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

"§ 163-82.3. Voter registration application forms; automatic voter registration at certain agencies. (a) Form Developed by State Board of Elections. – The State Board of Elections shall develop an application form for voter registration. Any person may use the form to apply to do any of the following:

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(5) Repealed by Session Laws 2013-381, s. 12.1(b), effective September 1, 2013.

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

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

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

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

"§ 163-82.6. Acceptance of application forms.
(a) How the Form May Be Submitted. – The county board of elections shall accept any form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission, transmission of a scanned document, or in person or by automatic voter registration pursuant to G.S. 163-82.19, 163-82.20, 115D-5, or 116-11. The applicant may delegate the submission of the form to another person. Any person who communicates to an applicant acceptance of that delegation shall deliver that form so that it is received by the appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2 misdemeanor for any person to communicate to the applicant acceptance of that delegation and then fail to make a good faith effort to deliver the form so that it is received by the county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (c) of this section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.

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

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

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

"§ 163-82.19. Voter automatic voter registration at drivers license offices; coordination on data interface.

(a) Voter Automatic Voter Registration at Drivers License Offices. – The Division of Motor Vehicles shall, pursuant to the rules adopted by the State Board of Elections, modify its forms so that it implements a method by which any eligible person who applies for original issuance, renewal or correction of a drivers license, or special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an application to register shall be automatically registered to vote, or able to update the voter's registration if the voter has changed his or her address or moved from one precinct to another or from one county to another. The person taking the application shall affirmatively ask if the applicant is registered to vote and, if not, whether the applicant would like to register to vote. If the applicant declines registration, the person taking the application shall note on the application that the applicant affirmatively declined to become registered to vote during the transaction with the drivers license office. If the applicant wishes to register to vote, the person taking the application shall require the applicant to provide all information requested of the applicant under G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a preference to be an unaffiliated voter. If an applicant who registers to vote pursuant
to this section fails to declare a political party affiliation, the applicant's political affiliation shall be designated as unaffiliated. The person taking the application shall ask if the applicant is a citizen of the United States. If the applicant states that the applicant is not a citizen of the United States, or declines to answer the question, the person taking the application shall inform the applicant that it is a felony for a person who is not a citizen of the United States to apply to register to vote. Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this section. The necessary automatic voter registration forms shall be prescribed by the State Board of Elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county of residence of the applicant, the appropriate county board of elections shall treat the application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-82.9.

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

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

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

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

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

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

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

"§ 163-82.20. Voter registration at other public agencies; automatic voter registration."

(a) Voter Registration Agencies. – Every office in this State which accepts:
Applications for a program of public assistance under Article 2 of Chapter 108A of the General Statutes or under Article 13 of Chapter 130A of the General Statutes;

Applications for State-funded State or local government programs primarily engaged in providing services to persons with disabilities, with such office designated by the State Board of Elections; or

Claims for benefits under Chapter 96 of the General Statutes, the Employment Security Law, is designated as a voter registration agency for purposes of this section.

Duties of Voter Registration Agencies. – A voter registration agency described in subsection (a) of this section shall, unless the applicant declines, in writing, declines to register to vote:

1. Distribute Beginning January 1, 2019, in consultation with the State Board of Elections, provide, with each application for service or assistance, and with each recertification, renewal, or change of address relating to such service or assistance, assistance for automatic voter registration. The person taking the application shall affirmatively ask if the applicant is registered to vote and, if not, whether the applicant would like to register to vote. If the applicant declines registration, the person taking the application shall note on the application that the applicant affirmatively declined to become registered to vote during the transaction with the agency. If the applicant wishes to register to vote, the person taking the application shall require the applicant to provide all information requested of the applicant under G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a preference to be an unaffiliated voter. If an applicant who registers to vote pursuant to this section fails to declare a political party affiliation, the applicant’s political affiliation shall be designated as unaffiliated. The person taking the application shall ask if the applicant is a citizen of the United States. If the applicant states that the applicant is not a citizen of the United States, or declines to answer the question, the person taking the application shall inform the applicant that it is a felony for a person who is not a citizen of the United States to apply to register to vote. Any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony. The application shall state in clear language the penalty for violation of this section. The necessary automatic voter registration forms shall be prescribed by the State Board of Elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county of residence of the applicant, the appropriate county board of elections shall treat the application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-82.9. The applicant shall provide an electronic signature as required under G.S. 163-82.6(b), subject to the penalties for perjury, by which the applicant attests that the information provided by the applicant is true and that the applicant meets all the qualifications to become a registered voter.

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

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

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

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

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

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

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

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

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

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

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

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

(h) Twenty-Five-Day Deadline for an Election. – Applications to register accepted by a voter registration agency shall entitle a registrant to vote in any primary, general, or special election unless the registrant shall have made application later than the twenty-fifth calendar day immediately preceding such primary, general, or special election, provided that nothing shall prohibit voter registration agencies from continuing to accept applications during that period.
Ineligible Applications Prohibited. – No person shall make application to register to vote under this section if that person is ineligible on account of age, citizenship, lack of residence for the period of time provided by law, or because of conviction of a felony.

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

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

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

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

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

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

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

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

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

..."

(x) Beginning January 1, 2019, the State Board of Community Colleges, in consultation with the State Board of Elections, shall provide each person who is enrolled and registering for courses as a student in a State community college the option for automatic voter registration. The person taking the application shall affirmatively ask if the student is registered to vote and, if not, whether the student would like to register to vote. If the student declines registration, the person registering the student for courses shall note on the course registration form that the student affirmatively declined to become registered to vote during registration at the community college. If the student wishes to register to vote, the person registering the student for courses shall require the student to provide all information requested of the student under G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a preference to be an unaffiliated voter. If a student who registers to vote pursuant to this section fails to declare a political party affiliation, the student's political affiliation shall be designated as unaffiliated. The person registering the student shall ask if the student is a citizen of the United States. If the student states that the student is not a citizen of the United States, or declines to answer the question, the person registering the student shall inform the student that it is a felony for a person who is not a citizen of the United States to apply to register to vote. Any person who willfully and knowingly and with fraudulent intent gives false information on the automatic voter registration application is guilty of a Class I felony and shall state in clear language the penalty for violation of this section. The necessary automatic voter registration forms shall be prescribed by the State Board of Elections. The form must ask for the previous voter registration address of the voter, if any. If a previous address is listed, and it is not in the county of residence of the student, the appropriate county board of elections shall treat the
automatic voter registration application as an authorization to cancel the previous registration and also process it as such under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the county where the voter applies to register, the application shall be processed as if it had been submitted under G.S. 163-82.9. The student shall provide an electronic signature as required under G.S. 163-82.6(b), subject to the penalties for perjury, by which the student attests that the information provided by the student is true and that the student meets all the qualifications to become a registered voter."

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


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

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

SECTION 8. The State Board of Elections shall establish and implement an education and outreach campaign to inform voters of the automatic voter registration procedures established pursuant to this act.
SECTION 9. Sections 1 through 3 and Section 5 of this act become effective January 1, 2018. Sections 4, 6, and 7 of this act become effective January 1, 2019. The remainder of this act is effective when it becomes law.