

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 704

Short Title: Universal Voter Registration. (Public)

Sponsors: Senators Woodard, Lowe, Clark (Primary Sponsors); and Foushee.

Referred to: Rules and Operations of the Senate

January 16, 2018

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 BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS  
6 ENFORCEMENT TO IMPLEMENT AN OUTREACH CAMPAIGN INFORMING  
7 CITIZENS ABOUT AUTOMATIC VOTER REGISTRATION.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 163A-862 reads as rewritten:

10 "§ 163A-862. ~~Voter registration application forms~~forms; automatic voter registration at  
11 certain agencies.

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

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18 (5) Repealed by Session Laws 2013-381, s. 12.1(b), effective September 1,  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

20 The county board of elections for the county where the applicant resides shall accept the  
21 form as application for any of those purposes if the form is submitted as set out in  
22 G.S. 163A-862.

23 (b) Interstate Form. – The county board of elections where an applicant resides shall  
24 accept as application for any of the purposes set out in subsection (a) of this section the  
25 interstate registration form designed by the Federal Election Commission pursuant to section 9  
26 of the National Voter Registration Act, if the interstate form is submitted in accordance with  
27 G.S. 163A-865.

28 (c) Agency ~~Application Form~~Application. – The county board of elections where an  
29 applicant resides shall accept as application for any of the purposes set out in subsection (a) of  
30 this section ~~a form~~automatic voter registration developed pursuant to G.S. 163A-883 or  
31 G.S. 163A-884."

32 SECTION 2. G.S. 163A-865 reads as rewritten:

33 "§ 163A-865. **Acceptance of application forms.**

34 (a) How the Form May Be Submitted. – The county board of elections shall accept any  
35 form described in G.S. 163A-862 if the applicant submits the form by mail, facsimile  
36 transmission, transmission of a scanned document, or in ~~person~~person or by automatic voter



1 registration pursuant to G.S. 163A-883, 163A-884, 115D-5, or 116-11. The applicant may  
 2 delegate the submission of the form to another person. Any person who communicates to an  
 3 applicant acceptance of that delegation shall deliver that form so that it is received by the  
 4 appropriate county board of elections in time to satisfy the registration deadline in subdivision  
 5 (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2  
 6 misdemeanor for any person to communicate to the applicant acceptance of that delegation and  
 7 then fail to make a good faith effort to deliver the form so that it is received by the county  
 8 board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of  
 9 subsection (c) of this section for the next election. It shall be an affirmative defense to a charge  
 10 of failing to make a good faith effort to deliver a delegated form by the registration deadline  
 11 that the delegatee informed the applicant that the form would not likely be delivered in time for  
 12 the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to  
 13 sell or attempt to sell a completed voter registration form or to condition its delivery upon  
 14 payment.

15 ...

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

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

30 ...."

31 SECTION 3. G.S. 163A-883 reads as rewritten:

32 "**§ 163A-883. ~~Voter~~ Automatic voter registration at drivers license offices; coordination**  
 33 **on data interface.**

34 (a) ~~Voter~~ Automatic Voter Registration at Drivers License Offices. – The Beginning  
 35 January 1, 2019, the Division of Motor Vehicles shall, pursuant to the rules adopted by  
 36 consultation with the State Board, modify its forms so that implement a method by which  
 37 any eligible person who applies for original issuance, renewal or correction of a drivers license, or  
 38 special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an  
 39 application to register shall be automatically registered to vote, or able to update the voter's  
 40 registration if the voter has changed his or her address or moved from one precinct to another  
 41 or from one county to another. The person taking the application shall affirmatively ask if the  
 42 applicant is registered to vote and, if not, whether the applicant would like to register to vote. If  
 43 the applicant declines registration, the person taking the application shall note on the  
 44 application that the applicant affirmatively declined to become registered to vote during the  
 45 transaction with the drivers license office. If the applicant wishes to register to vote, the person  
 46 taking the application shall require the applicant to provide all information requested of the  
 47 applicant under G.S. 163A-863, including declaring a preference to be affiliated with a political  
 48 party or a preference to be an unaffiliated voter. If an applicant who registers to vote pursuant  
 49 to this section fails to declare a political party affiliation, the applicant's political affiliation  
 50 shall be designated as unaffiliated. The person taking the application shall ask if the applicant is  
 51 a citizen of the United States. If the applicant states that the applicant is not a citizen of the

1 United States, or declines to answer the question, the person taking the application shall inform  
2 the applicant that it is a felony for a person who is not a citizen of the United States to apply to  
3 register to vote. Any person who willfully and knowingly and with fraudulent intent gives false  
4 information on the application is guilty of a Class I felony. The application shall state in clear  
5 language the penalty for violation of this section. The necessary automatic voter registration  
6 forms shall be prescribed by the State Board. The form must ask for the previous voter  
7 registration address of the voter, if any. If a previous address is listed, and it is not in the county  
8 of residence of the applicant, the appropriate county board of elections shall treat the  
9 application as an authorization to cancel the previous registration and also process it as such  
10 under the procedures of G.S. 163A-870. If a previous address is listed and that address is in the  
11 county where the voter applies to register, the application shall be processed as if it had been  
12 submitted under G.S. 163A-870.

13 The applicant shall provide an electronic signature as required under G.S. 163A-865(b),  
14 subject to the penalties for perjury, by which the applicant attests that the information provided  
15 by the applicant is true and that the applicant meets all the qualifications to become a registered  
16 voter.

17 Registration shall become effective as provided in G.S. 163A-867. Applications to register  
18 to vote accepted at a drivers license office under this section until the deadline established in  
19 G.S. 163A-865(c)(2) shall be treated as timely made for an election, and no person who  
20 completes an application at that drivers license office shall be denied the vote in that election  
21 for failure to apply earlier than that deadline.

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

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

29 (b) Any person who willfully and knowingly and with fraudulent intent gives false  
30 information on the application ~~described~~ described in subsection (a) of this ~~section~~ section is  
31 guilty of a Class I felony.

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

42 (d) The State Board shall ensure the confidentiality of information acquired pursuant to  
43 this section for purposes of automatic voter registration in accordance with G.S. 163A-863(b),  
44 including compliance with any requirements regarding a voter registering pursuant to  
45 G.S. 163A-871(d)."

46 **SECTION 4.** G.S. 163A-884 reads as rewritten:

47 "**§ 163A-884. Voter registration at other public ~~agencies~~ agencies; automatic voter**  
48 **registration.**

49 (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; 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, 2020, in consultation with the State Board,  
14 provide, with each application for service or assistance, and with each  
15 recertification, renewal, or change of address relating to such service or  
16 assistance: assistance, for automatic voter registration. The person taking the  
17 application shall affirmatively ask if the applicant is registered to vote and, if  
18 not, whether the applicant would like to register to vote. If the applicant  
19 declines registration, the person taking the application shall note on the  
20 application that the applicant affirmatively declined to become registered to  
21 vote during the transaction with the agency. If the applicant wishes to  
22 register to vote, the person taking the application shall require the applicant  
23 to provide all information requested of the applicant under G.S. 163A-863,  
24 including declaring a preference to be affiliated with a political party or a  
25 preference to be an unaffiliated voter. If an applicant who registers to vote  
26 pursuant to this section fails to declare a political party affiliation, the  
27 applicant's political affiliation shall be designated as unaffiliated. The person  
28 taking the application shall ask if the applicant is a citizen of the United  
29 States. If the applicant states that the applicant is not a citizen of the United  
30 States, or declines to answer the question, the person taking the application  
31 shall inform the applicant that it is a felony for a person who is not a citizen  
32 of the United States to apply to register to vote. Any person who willfully  
33 and knowingly and with fraudulent intent gives false information on the  
34 application is guilty of a Class I felony. The application 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. The form  
37 must ask for the previous voter registration address of the voter, if any. If a  
38 previous address is listed, and it is not in the county of residence of the  
39 applicant, the appropriate county board of elections shall treat the  
40 application as an authorization to cancel the previous registration and also  
41 process it as such under the procedures of G.S. 163A-870. If a previous  
42 address is listed and that address is in the county where the voter applies to  
43 register, the application shall be processed as if it had been submitted under  
44 G.S. 163A-870. The applicant shall provide an electronic signature as  
45 required under G.S. 163A-865(b), subject to the penalties for perjury, by  
46 which the applicant attests that the information provided by the applicant is  
47 true and that the applicant meets all the qualifications to become a registered  
48 voter.
- 49           a. ~~The voter registration application form described in G.S. 163A-~~  
50 ~~863(a) 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. 163A-863(a) or (b) and has~~  
3           ~~been approved by the State Board, provided that the agency's own~~  
4           ~~form may be a detachable part of the agency's paper application or~~  
5           ~~may be a paperless computer process, as long as the applicant is~~  
6           ~~required to sign an attestation as part of the application to register.~~

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

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

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

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

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

23               (1) Seek to influence an applicant's political preference or party registration,  
24               except that this shall not be construed to prevent the notice provided by  
25               G.S. 163A-863(d) to be given if the applicant refuses to declare his party  
26               affiliation;

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

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

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

33          (f) Confidentiality of Declination to Register. – No information relating to a declination  
34          to register to vote in connection with an application made at a voter registration agency may be  
35          used for any purpose other than voter registration. The State Board shall ensure the  
36          confidentiality of information acquired pursuant to this section for purposes of automatic voter  
37          registration in accordance with G.S. 163A-863(b), including compliance with any requirements  
38          regarding a voter registering pursuant to G.S. 163A-871(d).

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

44          (h) Twenty-Five-Day Deadline for an Election. – Applications to register accepted by a  
45          voter registration agency shall entitle a registrant to vote in any primary, general, or special  
46          election unless the registrant shall have made application later than the twenty-fifth calendar  
47          day immediately preceding such primary, general, or special election, provided that nothing  
48          shall prohibit voter registration agencies from continuing to accept applications during that  
49          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.(a)** G.S. 163A-885 reads as rewritten:

8 "**§ 163A-885. Voter registration upon restoration of citizenship.**

9 The State Board, the Division of Adult Correction and Juvenile Justice, and the  
10 Administrative Office of the Courts shall jointly develop and implement educational programs  
11 and procedures for persons to apply to register to vote at the time they are restored to  
12 citizenship and all filings required have been completed under Chapter 13 of the General  
13 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. 163A-883 or G.S. 163A-884.

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 5.(b)** G.S. 163A-885, as amended by subsection (a) of this section,  
24 reads as rewritten:

25 "**§ 163A-885. Voter registration upon restoration of citizenship.**

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

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

34 (2) Provide an opportunity to that person to register to vote, including informing  
35 the person of automatic voter registration in accordance with ~~G.S. 163A-883~~  
36 ~~or G.S. 163A-884.~~ G.S. 163A-883, 163A-884, 115D-5, or 116-11.

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

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

41 "**§ 115D-5. Administration of institutions by State Board of Community Colleges;**  
42 **personnel exempt from North Carolina Human Resources Act; extension**  
43 **courses; tuition waiver; in-plant training; contracting, etc., for establishment**  
44 **and operation of extension units of the community college system; use of**  
45 **existing public school ~~facilities.~~ facilities; automatic voter registration.**

46 ...

47 (z) Beginning January 1, 2020, the State Board of Community Colleges, in consultation  
48 with the Bipartisan State Board of Elections and Ethics Enforcement, shall provide each person  
49 who is enrolled and registering for courses as a student in a State community college the option  
50 for automatic voter registration. The person taking the application shall affirmatively ask if the  
51 student is registered to vote and, if not, whether the student would like to register to vote. If the

1 student declines registration, the person registering the student for courses shall note on the  
2 course registration form that the student affirmatively declined to become registered to vote  
3 during registration at the community college. If the student wishes to register to vote, the  
4 person registering the student for courses shall require the student to provide all information  
5 requested of the student under G.S. 163A-863, including declaring a preference to be affiliated  
6 with a political party or a preference to be an unaffiliated voter. If a student who registers to  
7 vote pursuant to this section fails to declare a political party affiliation, the student's political  
8 affiliation shall be designated as unaffiliated. The person registering the student shall ask if the  
9 student is a citizen of the United States. If the student states that the student is not a citizen of  
10 the United States, or declines to answer the question, the person registering the student shall  
11 inform the student that it is a felony for a person who is not a citizen of the United States to  
12 apply to register to vote. Any person who willfully and knowingly and with fraudulent intent  
13 gives false information on the automatic voter registration application is guilty of a Class I  
14 felony and shall state in clear language the penalty for violation of this section. The necessary  
15 automatic voter registration forms shall be prescribed by the Bipartisan State Board of  
16 Elections and Ethics Enforcement. The form must ask for the previous voter registration  
17 address of the voter, if any. If a previous address is listed, and it is not in the county of  
18 residence of the student, the appropriate county board of elections shall treat the automatic  
19 voter registration application as an authorization to cancel the previous registration and also  
20 process it as such under the procedures of G.S. 163A-870. If a previous address is listed and  
21 that address is in the county where the voter applies to register, the application shall be  
22 processed as if it had been submitted under G.S. 163A-870. The student shall provide an  
23 electronic signature as required under G.S. 163A-865(b), subject to the penalties for perjury, by  
24 which the student attests that the information provided by the student is true and that the  
25 student meets all the qualifications to become a registered voter."

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

27 **"§ 116-11. Powers and duties generally.**

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

- 29 ...
- 30 (15) Beginning January 1, 2020, the Board of Governors, in consultation with the  
31 Bipartisan State Board of Elections and Ethics Enforcement, shall provide  
32 each person who is enrolled and registering for courses as a student in a  
33 State college or university in The University of North Carolina system the  
34 option for automatic voter registration. The person taking the application  
35 shall affirmatively ask if the student is registered to vote and, if not, whether  
36 the student would like to register to vote. If the student declines registration,  
37 the person registering the student for courses shall note on the course  
38 registration form that the student affirmatively declined to become registered  
39 to vote during registration at the college or university. If the student wishes  
40 to register to vote, the person registering the student for courses shall require  
41 the student to provide all information requested of the student under  
42 G.S. 163A-863, including declaring a preference to be affiliated with a  
43 political party or a preference to be an unaffiliated voter. If a student who  
44 registers to vote pursuant to this section fails to declare a political party  
45 affiliation, the student's political affiliation shall be designated as  
46 unaffiliated. The person registering the student shall ask if the student is a  
47 citizen of the United States. If the student states that the student is not a  
48 citizen of the United States, or declines to answer the question, the person  
49 registering the student shall inform the student that it is a felony for a person  
50 who is not a citizen of the United States to apply to register to vote. Any  
51 person who willfully and knowingly and with fraudulent intent gives false

1 information on the automatic voter registration application is guilty of a  
2 Class I felony and shall state in clear language the penalty for violation of  
3 this section. The necessary automatic voter registration forms shall be  
4 prescribed by the Bipartisan State Board of Elections and Ethics  
5 Enforcement. The form must ask for the previous voter registration address  
6 of the voter, if any. If a previous address is listed, and it is not in the county  
7 of residence of the student, the appropriate county board of elections shall  
8 treat the automatic voter registration application as an authorization to cancel  
9 the previous registration and also process it as such under the procedures of  
10 G.S. 163A-870. If a previous address is listed and that address is in the  
11 county where the voter applies to register, the application shall be processed  
12 as if it had been submitted under G.S. 163A-870. The student shall provide  
13 an electronic signature as required under G.S. 163A-865(b), subject to the  
14 penalties for perjury, by which the student attests that the information  
15 provided by the student is true and that the student meets all the  
16 qualifications to become a registered voter."

17 **SECTION 8.** The Bipartisan State Board of Elections and Ethics Enforcement  
18 shall establish and implement an education and outreach campaign to inform voters of the  
19 automatic voter registration procedures established pursuant to this act.

20 **SECTION 9.** Sections 1 through 3 and Section 5(a) of this act become effective  
21 January 1, 2019. Sections 4, 5(b), 6, and 7 of this act become effective January 1, 2020. The  
22 remainder of this act is effective when it becomes law.