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

The General Assembly of North Carolina enacts:

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

§ 163A-862. Voter registration application forms; automatic voter registration at certain agencies.
(a) Form Developed by State Board. – The State Board 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(5) Repealed by Session Laws 2013-381, s. 12.1(b), effective September 1, 2013.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. 163A-862.

(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. 163A-865.

(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. 163A-883 or G.S. 163A-884.

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

§ 163A-865. Acceptance of application forms.
(a) How the Form May Be Submitted. – The county board of elections shall accept any form described in G.S. 163A-862 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. 163A-883, 163A-884, 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 delegate 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.

... 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. 163A-883 reads as rewritten:

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

(a) Voter-Automatic Voter Registration at Drivers License Offices. – The Beginning
January 1, 2019, the Division of Motor Vehicles shall, pursuant to the rules adopted by the
consultation with the State Board, modify its forms so that implement 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. 163A-863, 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. 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. 163A-870. 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. 163A-870.

The applicant shall provide an electronic signature as required under G.S. 163A-865(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. 163A-867. Applications to register
to vote accepted at a drivers license office under this section until the deadline established in
G.S. 163A-865(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. 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) Any person who willfully and knowingly and with fraudulent intent gives false
information on the application [described described in subsection (a) of this section] is
guilty of a Class I felony.

(c) Coordination on Data Interface. – The Department of Transportation jointly with the
State Board 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 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.

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

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

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

(a) Voter Registration Agencies. – Every office in this State which accepts:
(4) 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;

(2) 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; or

(3) 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.

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

(1) Distribute, Beginning January 1, 2020, in consultation with the State Board, provide, with each application for service or assistance, and with each recertification, renewal, or change of address relating to such service or 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. 163A-863, 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. 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. 163A-870. 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. 163A-870. The applicant shall provide an electronic signature as required under G.S. 163A-865(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.

a: The voter registration application form described in G.S. 163A-863(a) or (b); or
b. The voter registration agency’s own form, if it is substantially equivalent to the form described in G.S. 163A-863(a) or (b) and has been approved by the State Board, 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. 163A-863(d) 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 to vote in connection with an application made at a voter registration agency may be used for any purpose other than voter registration. The State Board shall ensure the confidentiality of information acquired pursuant to this section for purposes of automatic voter registration in accordance with G.S. 163A-863(b), including compliance with any requirements regarding a voter registering pursuant to G.S. 163A-871(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.

(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.(a) G.S. 163A-885 reads as rewritten:

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

The State Board, the Division of Adult Correction and Juvenile Justice, 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. 163A-883 or G.S. 163A-884.

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

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

The State Board, the Division of Adult Correction and Juvenile Justice, 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. 163A-883, G.S. 163A-884, or G.S. 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.

…

(z) Beginning January 1, 2020, the State Board of Community Colleges, in consultation with the Bipartisan State Board of Elections and Ethics Enforcement, 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. 163A-863, 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 Bipartisan State Board of
Elections and Ethics Enforcement. 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. 163A-870. 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. 163A-870. The student shall provide an
electronic signature as required under G.S. 163A-865(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, 2020, the Board of Governors, in consultation with the
Bipartisan State Board of Elections and Ethics Enforcement, 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. 163A-863, 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 Bipartisan State Board of Elections and Ethics
Enforcement. 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. 163A-870. 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. 163A-870. The student shall provide
an electronic signature as required under G.S. 163A-865(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 Bipartisan State Board of Elections and Ethics Enforcement
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(a) of this act become effective
January 1, 2019. Sections 4, 5(b), 6, and 7 of this act become effective January 1, 2020. The
remainder of this act is effective when it becomes law.