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HOUSE BILL DRH40532-LU-22 (01/05)

Short Title: Automatic Voter Registration. (Public)

Sponsors: Representatives Brockman and Meyer (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR AUTOMATIC VOTER REGISTRATION AT DRIVERS
3 LICENSE OFFICES AND PUBLIC AGENCIES.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 163-82.3. Voter registration application forms; automatic voter registration at**
7 **certain agencies.**

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

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- 15 (5) Repealed by Session Laws 2013-381, s. 12.1(b), effective September 1,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

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

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

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

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

30 "**§ 163-82.6. Acceptance of application forms.**

31 (a) How the Form May Be Submitted. – The county board of elections shall accept any
32 form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile
33 transmission, transmission of a scanned document, ~~or in person~~ person, or by automatic voter
34 registration pursuant to G.S. 163-82.19, 163-82.20, 115D-5, or 116-11. The applicant may
35 delegate the submission of the form to another person. Any person who communicates to an
36 applicant acceptance of that delegation shall deliver that form so that it is received by the



1 appropriate county board of elections in time to satisfy the registration deadline in subdivision
 2 (1) or (2) of subsection (c) of this section for the next election. It shall be a Class 2
 3 misdemeanor for any person to communicate to the applicant acceptance of that delegation and
 4 then fail to make a good faith effort to deliver the form so that it is received by the county
 5 board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of
 6 subsection (c) of this section for the next election. It shall be an affirmative defense to a charge
 7 of failing to make a good faith effort to deliver a delegated form by the registration deadline
 8 that the delegatee informed the applicant that the form would not likely be delivered in time for
 9 the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to
 10 sell or attempt to sell a completed voter registration form or to condition its delivery upon
 11 payment.

12 ...

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

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

27"

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

29 **"§ 163-82.19. ~~Voter~~ Automatic voter registration at drivers license offices; coordination**
 30 **on data interface.**

31 (a) Automatic Voter Registration at Drivers License Offices. – The Beginning July 1,
 32 2018, the Division of Motor Vehicles shall, pursuant to the rules adopted by in consultation
 33 with the State Board of Elections, modify its forms so that implement a method by which any
 34 eligible person who applies for original issuance, renewal or correction of a drivers license, or
 35 special identification card issued under G.S. 20-37.7 may, on a part of the form, complete an
 36 application to register shall be automatically registered to vote, or able to update the voter's
 37 registration if the voter has changed his or her address or moved from one precinct to another
 38 or from one county to another. The person taking the application shall affirmatively ask if the
 39 applicant is registered to vote and, if not, whether the applicant would like to register to vote. If
 40 the applicant declines registration, the person taking the application shall note on the
 41 application that the applicant affirmatively declined to become registered to vote during the
 42 transaction with the drivers license office. If the applicant wishes to register to vote, the person
 43 taking the application shall require the applicant to provide all information requested of the
 44 applicant under G.S. 163-82.4, including declaring a preference to be affiliated with a political
 45 party or a preference to be an unaffiliated voter. If an applicant who registers to vote pursuant
 46 to this section fails to declare a political party affiliation, the applicant's political affiliation
 47 shall be designated as unaffiliated. The person taking the application shall ask if the applicant is
 48 a citizen of the United States. If the applicant states that the applicant is not a citizen of the
 49 United States, or declines to answer the question, the person taking the application shall inform
 50 the applicant that it is a felony for a person who is not a citizen of the United States to apply to
 51 register to vote. Any person who willfully and knowingly and with fraudulent intent gives false

1 information on the application is guilty of a Class I felony. The application shall state in clear
2 language the penalty for violation of this section. The necessary automatic voter registration
3 forms shall be prescribed by the State Board of Elections. The form must ask for the previous
4 voter registration address of the voter, if any. If a previous address is listed, and it is not in the
5 county of residence of the applicant, the appropriate county board of elections shall treat the
6 application as an authorization to cancel the previous registration and also process it as such
7 under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the
8 county where the voter applies to register, the application shall be processed as if it had been
9 submitted under G.S. 163-82.9.

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

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

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

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

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

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

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

42 "**§ 163-82.20. Voter registration at other public agencies.**agencies; automatic voter
43 registration.

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

- 45 (1) Applications for a program of public assistance under Article 2 of Chapter
46 108A of the General Statutes or under Article 13 of Chapter 130A of the
47 General Statutes;
- 48 (2) Applications for State-funded State or local government programs primarily
49 engaged in providing services to persons with disabilities, with such office
50 designated by the State Board of Elections; or

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

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

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

43 a. ~~The voter registration application form described in G.S. 163-82.3(a)~~
44 ~~or (b); or~~

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

- 1 (2) Provide a form that contains the elements required by section 7(a)(6)(B) of
2 the National Voter Registration Act; ~~and Act.~~
- 3 (3) ~~Provide to each applicant who does not decline to register to vote the same~~
4 ~~degree of assistance with regard to the completion of the registration~~
5 ~~application as is provided by the office with regard to the completion of its~~
6 ~~own forms.~~
- 7 (c) Provided that voter registration agencies designated under subdivision (a)(3) of this
8 section shall only be required to provide the services set out in this subsection to applicants for
9 new claims, reopened claims, and changes of address under Chapter 96 of the General Statutes,
10 the Employment Security Law.
- 11 (d) Home Registration for Disabled. – If a voter registration agency provides services
12 to a person with disability at the person's home, the voter registration agency shall provide the
13 services described in subsection (b) of this section at the person's home. However, the agency is
14 not required to provide automatic voter registration at the person's home.
- 15 (e) Prohibitions. – Any person providing any service under subsection (b) of this
16 section shall not:
- 17 (1) Seek to influence an applicant's political preference or party registration,
18 except that this shall not be construed to prevent the notice provided by
19 G.S. 163-82.4(c) to be given if the applicant refuses to declare his party
20 affiliation;
- 21 (2) Display any such political preference or party allegiance;
- 22 (3) Make any statement to an applicant or take any action the purpose or effect
23 of which is to discourage the applicant from registering to vote; or
- 24 (4) Make any statement to an applicant or take any action the purpose or effect
25 of which is to lead the applicant to believe that a decision to register or not to
26 register has any bearing on the availability of services or benefits.
- 27 (f) Confidentiality of Declination to Register. – No information relating to a declination
28 to register to vote in connection with an application made at a voter registration agency may be
29 used for any purpose other than voter registration. The State Board of Elections shall ensure the
30 confidentiality of information acquired pursuant to this section for purposes of automatic voter
31 registration in accordance with G.S. 163-82.4(b), including compliance with any requirements
32 regarding a voter registering pursuant to G.S. 163-82.10(d).
- 33 (g) Transmittal From Agency to Board of Elections. – ~~Any~~An automatic voter
34 registration application completed at a voter registration agency shall be accepted by that
35 agency in lieu of the applicant's mailing the application. Any such application so received shall
36 be transmitted to the appropriate board of elections not later than five business days after
37 acceptance, according to rules which shall be promulgated by the State Board of Elections.
- 38 (h) Twenty-Five-Day Deadline for an Election. – Applications to register accepted by a
39 voter registration agency shall entitle a registrant to vote in any primary, general, or special
40 election unless the registrant shall have made application later than the twenty-fifth calendar
41 day immediately preceding such primary, general, or special election, provided that nothing
42 shall prohibit voter registration agencies from continuing to accept applications during that
43 period.
- 44 (i) Ineligible Applications Prohibited. – No person shall make application to register to
45 vote under this section if that person is ineligible on account of age, citizenship, lack of
46 residence for the period of time provided by law, or because of conviction of a felony.
- 47 (j) Nothing in this subsection shall be construed as requiring the agencies providing
48 automatic voter registration pursuant to this section to determine eligibility for voter
49 registration and voting."

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

51 "§ 163-82.20A. Voter registration upon restoration of citizenship.

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

- 6 (1) Inform the person that the restoration of rights removes the person's
7 disqualification from voting, but that in order to vote the person must
8 register to vote.
- 9 (2) Provide an opportunity to that person to register to ~~vote~~vote, including
10 informing the person of automatic voter registration in accordance with
11 G.S. 163-82.19, 163-82.20, 115D-5, or 116-11.

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

15 **SECTION 6.** The State Board of Elections shall establish and implement an
16 education and outreach campaign to inform voters of the automatic voter registration
17 procedures established pursuant to this act.

18 **SECTION 7.(a)** There is appropriated from the General Fund to the Department of
19 Transportation, Division of Motor Vehicles, the sum of one hundred eighteen thousand six
20 hundred fifty dollars (\$118,650) for the 2017-2018 fiscal year and the sum of sixteen thousand
21 six hundred sixty-four dollars (\$16,664) for the 2018-2019 fiscal year for purposes of
22 implementing the provisions of G.S. 163-82.19, as enacted by Section 3 of this act.

23 **SECTION 7.(b)** There is appropriated from the General Fund to the Department of
24 Health and Human Services, Division of Central Management and Support, the sum of one
25 hundred eighty-five thousand dollars (\$185,000) for the 2017-2018 fiscal year for purposes of
26 implementing the provisions of G.S. 163-82.20, as enacted by Section 4 of this act.

27 **SECTION 7.(c)** There is appropriated from the General Fund to the Department of
28 Health and Human Services, Division of Public Health, the sum of fifty-six thousand dollars
29 (\$56,000) for the 2017-2018 fiscal year for purposes of implementing the provisions of
30 G.S. 163-82.20, as enacted by Section 4 of this act.

31 **SECTION 8.** Sections 1, 2, 3 and 5 of this act become effective July 1, 2018.
32 Section 4 of this act becomes effective January 1, 2019. Section 7 of this act becomes effective
33 July 1, 2017. The remainder of this act is effective when it becomes law.