

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 881

Short Title: Automatic Voter Registration. (Public)

Sponsors: Representatives Brockman, Meyer, Beasley, and Duane Hall (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 25, 2017

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~~-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- 15 (5) Repealed by Session Laws 2013-381, s. 12.1(b), effective September 1,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



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

14 ...

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

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

29"

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

31 **"§ 163-82.19. ~~Voter~~ Automatic voter registration at drivers license offices; coordination**
 32 **on data interface.**

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

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

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

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

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

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

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

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

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

44 "**§ 163-82.20. Voter registration at other public ~~agencies~~ agencies; automatic voter**
45 **registration.**

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

47 (1) Applications for a program of public assistance under Article 2 of Chapter
48 108A of the General Statutes or under Article 13 of Chapter 130A of the
49 General Statutes;

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

1 application or may be a paperless computer process, as long as the
2 applicant is required to sign an attestation as part of the application to
3 register.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **"§ 163-82.20A. Voter registration upon restoration of citizenship.**

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

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

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

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

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

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

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

32 **SECTION 7.(c)** There is appropriated from the General Fund to the Department of
33 Health and Human Services, Division of Public Health, the sum of fifty-six thousand dollars
34 (\$56,000) for the 2017-2018 fiscal year for purposes of implementing the provisions of
35 G.S. 163-82.20, as enacted by Section 4 of this act.

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