GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2017

FILED SENATE
Jun 12, 2018
S.B. 812
PRINCIPAL CLERK

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SENATE BILL DRS15310-LU-137A

Short Title:	Universal Voter Registration.	(Public)
Sponsors:	Senators Woodard, Clark, and Lowe (Primary Sponsors).	
Referred to:		

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, 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.

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. Application. 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 formautomatic 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.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



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appropriate county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of subsection (d) 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 (d) of this section for the next election. It shall be an affirmative defense to a charge of failing to make a good faith effort to deliver a delegated form by the registration deadline that the delegatee informed the applicant that the form would not likely be delivered in time for the applicant to vote in the next election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed voter registration form or to condition its delivery upon payment.

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- (d) 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 (f) of this section.

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

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

- (a) <u>Automatic Voter Registration at Drivers License Offices. – The Beginning January 1, </u> 2019, the Division of Motor Vehicles shall, pursuant to the rules adopted by in 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 registershall 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 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. The application shall state in clear language the penalty for violation of this section. The necessary 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. inform the applicant of the following:
 - (1) That the applicant shall be registered to vote or have the applicant's voter registration record updated, as applicable, unless the applicant declines.
 - (2) The qualifications to vote under G.S. 163A-841.

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- 1 (3) That the applicant should not register if the applicant does not meet the qualifications described under subdivision (2) of this subsection.
 - (4) That any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony.
 - (5) That if the applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and be used for voter registration purposes only.
 - (6) <u>Information regarding the address confidentiality program under Chapter 15C</u> of the General Statutes, including how to register for the program and how voter registration may impact participation in the program.
 - (a1) Requirements. If the applicant does not decline voter registration, 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 the applicant fails to declare a political party affiliation, the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide an electronic signature as required under G.S. 163A-865(b), subject to the penalty of perjury, by which the applicant attests that the information provided by the applicant is true and the applicant meets all qualifications to become a registered voter.
 - <u>(a2)</u> When Registration Effective. 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(d)(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.
 - <u>applications shall be forwarded by the The Department of Transportation to Board of Elections. All applications shall be forwarded by the The Department of Transportation shall electronically transmit the applications of applicants who have not declined voter registration 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.</u>
 - (a4) Confidentiality of Declination to Register. No information relating to a declination to register to vote in connection with a voter registration application at a Division of Motor Vehicles office may be used for any purpose other than voter registration. The State Board shall ensure that information acquired for purposes of automatic voter under this section is kept confidential in accordance with G.S. 163A-863(b), including compliance with any voter registration requirements under G.S. 163A-871(d).
 - (b) <u>Ineligible Applications Prohibited.</u> <u>Any-If a person who is ineligible to vote becomes registered to vote pursuant to this section, the presumption shall be that the person's registration is deemed officially authorized and shall not be attributed to any fault of the person. <u>However, any person who willfully and knowingly and with fraudulent intent gives false information on the application [described in subsection (a) of this section]described under this section is guilty of a Class I felony.</u></u>
 - (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.

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(d) No Requirement to Determine Eligibility. – Nothing in this section shall be construed as requiring the Department of Transportation to determine eligibility for voter registration and voting."

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:
 - (1) 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. Agencies; Automatic Voter Registration Information. A-Beginning January 1, 2020, a voter registration agency described in subsection (a) of this section shall, unless the applicant declines, in writing, to register to vote: 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, an application process for automatic voter registration. The person taking the application shall inform the applicant of the following:
 - (1) Distribute with each application for service or assistance, and with each recertification, renewal, or change of address relating to such service or assistance:
 - 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.

That the applicant shall be registered to vote or have the applicant's voter registration record updated, as applicable, unless the applicant declines.

- (2) Provide a form that contains the elements required by section 7(a)(6)(B) of the National Voter Registration Act; and The qualifications to vote under G.S. 163A-841.
- (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. That the applicant should not register if the applicant does not meet the qualifications described under subdivision (2) of this subsection.
- (4) That any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony.
- (5) That if the applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and be used for voter registration purposes only.

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Information regarding the address confidentiality program under Chapter 15C (6) of the General Statutes, including how to register for the program and how voter registration may impact participation in the program.

Requirements. – If the applicant does not decline voter registration, 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 the applicant fails to declare a political party affiliation, the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide an electronic signature as required under G.S. 163A-865(b), subject to the penalty of perjury, by which the applicant attests that the information provided by the applicant is true and the applicant meets all qualifications to become a registered voter.

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Employment Security Law Applicants. – 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.

Home Registration for Disabled. – If a voter registration agency provides services to (d) 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.

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(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 that information acquired for purposes of automatic voter under this section is kept confidential in accordance with G.S. 163A-863(b), including compliance with any voter registration requirements under G.S. 163A-871(d).

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Transmittal From Agency to Board of Elections. – Any voter registration application (g) 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 The agency shall electronically transmit the applications of applicants who did not decline voter registration 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.

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(i) 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. However, if a person who is ineligible to vote becomes registered to vote pursuant to this section, the presumption shall be that the person's registration is deemed officially authorized and shall not be attributed to any fault of the person.

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No Requirement to Determine Eligibility. – Nothing in this section shall be construed as requiring agencies to determine eligibility for voter registration and voting."

SECTION 5.(a) G.S. 163A-885 reads as rewritten:

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

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

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

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

- (1) Inform the person that the restoration of rights removes the person's disqualification from voting, but that in order to vote the person must register to vote.
- 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.G.S. 163A-883, 163A-884, 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. facilities; automatic voter registration.

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- (z) Automatic Voter Registration. 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 as follows:
 - (1) Information provided to student. In providing an automatic voter registration application process, the person taking the application shall inform the student of the following:
 - a. That the student shall be registered to vote or have the student's voter registration record updated, as applicable, unless the student declines.
 - <u>b.</u> <u>The qualifications to vote under G.S. 163A-841.</u>
 - <u>c.</u> That the student should not register if the student does not meet the qualifications described under sub-subdivision b. of this subdivision.
 - d. That any person who willfully and knowingly and with fraudulent intent gives false information on the application is guilty of a Class I felony.
 - e. That if the student declines to register to vote, the fact that the student has declined to register will remain confidential and be used for voter registration purposes only.
 - <u>f. Information regarding the address confidentiality program under Chapter 15C of the General Statutes, including how to register for the Chapter 15C of the General Statutes, including how to register for the</u>

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1 program and how voter registration may impact participation in the 2 program. 3 **(2)** Requirements. – If the student does not decline voter registration, the person 4 taking the application shall require the student to provide all information 5 requested of the student under G.S. 163A-863, including declaring a 6 preference to be affiliated with a political party or a preference to be an 7 unaffiliated voter. If the student fails to declare a political party affiliation, the 8 student's political affiliation shall be designated as unaffiliated. The student 9 shall provide an electronic signature as required under G.S. 163A-865(b), 10 subject to the penalty of perjury, by which the student attests that the 11 information provided by the student is true and the student meets all qualifications to become a registered voter. 12 13 Confidentiality of declination to register. - No information relating to a **(3)** 14 declination to register to vote in connection with an application made at a State 15 community college may be used for any purpose other than voter registration. 16 The State Board shall ensure that information acquired for purposes of 17 automatic voter under this section is kept confidential in accordance with G.S. 163A-863(b), including compliance with any voter registration 18 19 requirements under G.S. 163A-871(d). 20 <u>(4)</u> Transmittal from State community college to board of elections. – The State 21 community college shall electronically transmit the applications of students 22 who did not decline voter registration to the appropriate board of elections not 23 later than five business days after acceptance, according to rules which shall 24 be promulgated by the State Board. 25 Twenty-five-day deadline for an election. – Applications to register accepted **(5)** 26 by a State community college shall entitle a registrant to vote in any primary, 27 general, or special election unless the registrant shall have made application 28 later than the twenty-fifth calendar day immediately preceding such primary, 29 general, or special election, provided that nothing shall prohibit State 30 community colleges from continuing to accept applications during that period. Ineligible applications prohibited. – No person shall make application to 31 (6) 32 register to vote under this subsection if that person is ineligible on account of 33 age, citizenship, lack of residence for the period of time provided by law, or 34 because of conviction of a felony. However, if a person who is ineligible to 35 vote becomes registered to vote pursuant to this subsection, the presumption 36 shall be that the person's registration is deemed officially authorized and shall 37 not be attributed to any fault of the person. 38 No requirement to determine eligibility. – Nothing in this subsection shall be **(7)** 39 construed as requiring State community colleges to determine eligibility for 40 voter registration and voting." 41 **SECTION 7.** G.S. 116-11 is amended by adding a new subdivision to read: 42 "§ 116-11. Powers and duties generally. 43 The powers and duties of the Board of Governors shall include the following: 44 45 Automatic voter registration. - Beginning January 1, 2020, the Board of <u>(15)</u> Governors, in consultation with the Bipartisan State Board of Elections and 46 47 Ethics Enforcement, shall provide each person who is enrolled and registering 48 for courses as a student in a State college or university in The University of

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North Carolina System the option for automatic voter registration as follows:

1 Information provided to student. – In providing an automatic voter a. 2 registration application process, the person taking the application shall 3 inform the student of the following: 4 That the student shall be registered to vote or have the student's 1. 5 voter registration record updated, as applicable, unless the 6 student declines. 7 The qualifications to vote under G.S. 163A-841. <u>2.</u> 8 <u>3.</u> That the student should not register if the student does not meet 9 the qualifications described under sub-subdivision a.2. of this 10 sub-subdivision. 11 4. That any person who willfully and knowingly and with fraudulent intent gives false information on the application is 12 13 guilty of a Class I felony. 14 That if the student declines to register to vote, the fact that the <u>5.</u> 15 student has declined to register will remain confidential and be 16 used for voter registration purposes only. 17 Information regarding the address confidentiality program <u>6.</u> 18 under Chapter 15C of the General Statutes, including how to 19 register for the program and how voter registration may impact 20 participation in the program. 21 <u>b.</u> Requirements. – If the student does not decline voter registration, the 22 person taking the application shall require the student to provide all 23 information requested of the student under G.S. 163A-863, including 24 declaring a preference to be affiliated with a political party or a 25 preference to be an unaffiliated voter. If the student fails to declare a 26 political party affiliation, the student's political affiliation shall be 27 designated as unaffiliated. The student shall provide an electronic 28 signature as required under G.S. 163A-865(b), subject to the penalty 29 of perjury, by which the student attests that the information provided 30 by the student is true and the student meets all qualifications to become 31 a registered voter. 32 Confidentiality of declination to register. – No information relating to <u>c.</u> 33 a declination to register to vote in connection with an application made 34 at a State college or university in The University of North Carolina 35 System may be used for any purpose other than voter registration. The 36 State Board shall ensure that information acquired for purposes of 37 automatic voter under this section is kept confidential in accordance 38 with G.S. 163A-863(b), including compliance with any voter 39 registration requirements under G.S. 163A-871(d). 40 Transmittal From State college or university to board of elections. – <u>d.</u> 41 The State college or university in The University of North Carolina 42 System shall electronically transmit the applications of students who 43 did not decline voter registration to the appropriate board of elections 44 not later than five business days after acceptance, according to rules 45 which shall be promulgated by the State Board. 46 Twenty-five-day deadline for an election. – Applications to register <u>e.</u> 47 accepted by a State college or university in The University of North 48 Carolina System shall entitle a registrant to vote in any primary, 49 general, or special election unless the registrant shall have made 50 application later than the twenty-fifth calendar day immediately 51 preceding such primary, general, or special election, provided that

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1		nothing shall prohibit State colleges or universities in The University
2		of North Carolina System from continuing to accept applications
3		during that period.
4	<u>f.</u>	<u>Ineligible applications prohibited. – No person shall make application</u>
5		to register to vote under this subdivision if that person is ineligible on
6		account of age, citizenship, lack of residence for the period of time
7		provided by law, or because of conviction of a felony. However, if a
8		person who is ineligible to vote becomes registered to vote pursuant to
9		this subdivision, the presumption shall be that the person's registration
10		is deemed officially authorized and shall not be attributed to any fault
11		of the person.
12	<u>g.</u>	No requirement to determine eligibility. – Nothing in this subdivision
13		shall be construed as requiring State colleges or universities in The
14		University of North Carolina System to determine eligibility for voter
15		registration and voting."
16	SECTION 8.	The Bipartisan State Board of Elections and Ethics Enforcement shall

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.

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