

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 704

Short Title: Universal Voter Registration. (Public)

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

Referred to: Rules and Operations of the Senate

January 16, 2018

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING FOR AUTOMATIC VOTER REGISTRATION AT DRIVERS
3 LICENSE OFFICES, PUBLIC AGENCIES, COMMUNITY COLLEGES, AND
4 COLLEGES AND UNIVERSITIES OF THE UNIVERSITY OF NORTH CAROLINA
5 AND REQUIRING THE BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS
6 ENFORCEMENT TO IMPLEMENT AN OUTREACH CAMPAIGN INFORMING
7 CITIZENS ABOUT AUTOMATIC VOTER REGISTRATION.

8 The General Assembly of North Carolina enacts:

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

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

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

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18 (5) Repealed by Session Laws 2013-381, s. 12.1(b), effective September 1,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

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

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

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

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

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

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



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

15 ...

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

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

30"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (1) ~~Applications for a program of public assistance under Article 2 of Chapter~~
2 ~~108A of the General Statutes or under Article 13 of Chapter 130A of the~~
3 ~~General Statutes;~~
- 4 (2) Applications for State-funded State or local government programs primarily
5 engaged in providing services to persons with disabilities, with such office
6 designated by the State Board; or
- 7 (3) Claims for benefits under Chapter 96 of the General Statutes, the
8 Employment Security Law, is designated as a voter registration agency for
9 purposes of this section.
- 10 (b) Duties of Voter Registration Agencies. – A voter registration agency described in
11 subsection (a) of this section shall, unless the applicant ~~declines, in writing,~~declines to register
12 to vote:
- 13 (1) ~~Distribute~~ Beginning January 1, 2020, in consultation with the State Board,
14 provide, with each application for service or assistance, and with each
15 recertification, renewal, or change of address relating to such service or
16 ~~assistance:~~assistance, for automatic voter registration. The person taking the
17 application shall affirmatively ask if the applicant is registered to vote and, if
18 not, whether the applicant would like to register to vote. If the applicant
19 declines registration, the person taking the application shall note on the
20 application that the applicant affirmatively declined to become registered to
21 vote during the transaction with the agency. If the applicant wishes to
22 register to vote, the person taking the application shall require the applicant
23 to provide all information requested of the applicant under G.S. 163A-863,
24 including declaring a preference to be affiliated with a political party or a
25 preference to be an unaffiliated voter. If an applicant who registers to vote
26 pursuant to this section fails to declare a political party affiliation, the
27 applicant's political affiliation shall be designated as unaffiliated. The person
28 taking the application shall ask if the applicant is a citizen of the United
29 States. If the applicant states that the applicant is not a citizen of the United
30 States, or declines to answer the question, the person taking the application
31 shall inform the applicant that it is a felony for a person who is not a citizen
32 of the United States to apply to register to vote. Any person who willfully
33 and knowingly and with fraudulent intent gives false information on the
34 application is guilty of a Class I felony. The application shall state in clear
35 language the penalty for violation of this section. The necessary automatic
36 voter registration forms shall be prescribed by the State Board. The form
37 must ask for the previous voter registration address of the voter, if any. If a
38 previous address is listed, and it is not in the county of residence of the
39 applicant, the appropriate county board of elections shall treat the
40 application as an authorization to cancel the previous registration and also
41 process it as such under the procedures of G.S. 163A-870. If a previous
42 address is listed and that address is in the county where the voter applies to
43 register, the application shall be processed as if it had been submitted under
44 G.S. 163A-870. The applicant shall provide an electronic signature as
45 required under G.S. 163A-865(b), subject to the penalties for perjury, by
46 which the applicant attests that the information provided by the applicant is
47 true and that the applicant meets all the qualifications to become a registered
48 voter.
- 49 a. ~~The voter registration application form described in G.S. 163A-~~
50 ~~863(a) or (b); or~~

1 b. ~~The voter registration agency's own form, if it is substantially~~
2 ~~equivalent to the form described in G.S. 163A-863(a) or (b) and has~~
3 ~~been approved by the State Board, provided that the agency's own~~
4 ~~form may be a detachable part of the agency's paper application or~~
5 ~~may be a paperless computer process, as long as the applicant is~~
6 ~~required to sign an attestation as part of the application to register.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (2) Provide an opportunity to that person to register to ~~vote~~ vote, including
18 informing the person of automatic voter registration in accordance with
19 G.S. 163A-883 or G.S. 163A-884.

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

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

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

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

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

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

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

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

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

46 ...

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

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

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

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

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

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

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

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

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