

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 547

Short Title: Voter Registration.

(Public)

Sponsors: Representatives Michaux, Barnhill, Blue, Burke, Cunningham, Edwards, Fitch, Gist, Hardaway, H. Hunter, Jeralds, Kennedy, Locks; R. Hunter, Lineberry, Stamey, S. Thompson, and Watkins.

Referred to: Judiciary.

March 13, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A COMPREHENSIVE SYSTEM OF INCREASING VOTER REGISTRATION, BY ALLOWING USE OF DRIVER'S LICENSE APPLICATIONS AND APPLICATIONS FOR SPECIAL IDENTIFICATION CARDS TO ALSO BE APPLICATIONS FOR VOTER REGISTRATION, ALLOWING VOTER REGISTRATION BY MAIL, AND REQUIRING CERTAIN AGENCIES TO ALLOW VOTER REGISTRATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-81 reads as rewritten:

"§ 163-81. Driver license examiners authorized to accept applications to register voters.

(a) Notwithstanding any other provision of law, the State Board of Elections is authorized to appoint as special registration commissioners duly appointed driver license examiners of the Division of Motor Vehicles.

The State Board of Elections may appoint such number of license examiners as it deems necessary as special registration commissioners, and the persons appointed shall serve at the pleasure of the State Board of Elections, and may be removed as a registration commissioner at any time for any reason satisfactory to the Board.

Before entering upon the duties of the office each special registration commissioner shall take the oath of office prescribed in Section 7 of Article VI of the North Carolina Constitution. driver license examiners are ex officio special registration commissioners for the purpose of this section. No additional oath is required.

1 (b) Special registration commissioners appointed under this section are
2 authorized to accept applications to register persons who are qualified for registration
3 regardless of that person's voting precinct or county of residence in the State. The
4 special registration commissioners appointed pursuant to this section ~~shall possess those~~
5 ~~qualifications set forth in G.S. 163-41(b), and shall have the same authority to accept~~
6 applications to register voters as is conferred upon registration officials in this Chapter.

7 (c) The Division of Motor Vehicles shall, pursuant to the rules ~~and regulations~~
8 adopted by the State Board of Elections, ~~afford a~~ modify its forms so that any eligible
9 person who applies for original issuance, renewal or correction of a driver's license or
10 special identification card issued under G.S. 20-37.7 may, on a detachable part of the
11 form an opportunity to complete an application to register to vote or to update his
12 registration if the voter has changed his address or moved from one precinct to another
13 or from one county to another. Such application shall be under oath. The necessary
14 forms shall be prescribed by the State Board of Elections. All applications shall be
15 forwarded by the Department of Transportation to the appropriate county board of
16 elections. The form must ask for the previous voter registration address of the voter, if
17 any. If a previous address is listed, and it is not in the county of residence of the
18 applicant, the appropriate county board of elections shall treat it as an authorization to
19 cancel the previous registration and also process it as such under the procedures of G.S.
20 163-72.1(c) through (e).

21 Registration shall become effective as provided in G.S. 163-67(a).

22 (d) The State Board of Elections is authorized to promulgate rules ~~and regulations~~
23 necessary to implement the provisions of this section."

24 Sec. 2. Chapter 163 of the General Statutes is amended by adding a new
25 section to read:

26 "**§ 163-72.4. Registration by mail.**

27 (a) In addition to any other procedure provided by this Article, a person may
28 apply by mail to register to vote as provided by this section.

29 (b) The State Board of Elections shall develop a registration by mail form, which
30 shall request sufficient information to enable officials of the county where registration is
31 desired to satisfactorily process the application. The State Board of Elections shall print
32 sufficient copies of the form so that they may be publicly distributed. Registration
33 forms shall be available from the State Board of Elections and county boards of
34 elections, and may be distributed by any person.

35 (c) In order to be valid, the registration form shall be signed by the applicant and
36 by two persons who witnessed the signing of the application form by the applicant. To
37 be valid for an election, the form must be postmarked at least 30 days before the
38 election. The application form shall request the applicant's telephone number, to assist
39 the appropriate board of elections in contacting the voter if needed in processing the
40 application. The application shall require the voter to state if the voter is currently
41 registered to vote anywhere, and at what address, so that any prior registration can be
42 cancelled. If that address is in the county where the voter applies to register, the
43 application shall be processed as if it had been submitted under G.S. 163-72.2.

1 (d) The application shall ask for political party affiliation, and briefly explain the
2 law relating to party affiliation with respect to voting in primary elections.

3 (e) The application made under this section shall be under oath, and any person
4 who makes a fraudulent application under this section shall be guilty of a Class I felony.

5 (f) Upon receipt of an application under this section, the county board of
6 elections shall send, by nonforwardable first-class mail, a notice of registration at the
7 postal address on the registration form, including an assignment of precinct and polling
8 place. If the notice is returned as undeliverable, a second nonforwardable first-class
9 mailing shall be sent. If that notice is returned as undeliverable, the registration shall be
10 cancelled if it has been approved, and shall be rejected if it has not yet been approved.

11 (g) If a registration form is a duplicate of one already made, the applicant shall be
12 so notified. The reminder shall include the voter's precinct and polling place.

13 (h) If the voter has listed a previous registration not in that county, the county
14 board of elections shall treat it as an authorization to cancel the previous registration and
15 also process it as such under the procedures of G.S. 163-72.1(c) through (e).

16 (i) The application shall require that the applicant pay the full postage, except
17 that if federal law provides that it may be carried without postage, the application shall
18 contain the appropriate franking language to allow it to be carried without postage."

19 Sec. 3. Chapter 163 of the General Statutes is amended by adding a new
20 section to read:

21 **"§ 163-72.5. Agency-based voter registration.**

22 (a) Notwithstanding any other provision of law, State or county employees taking
23 application for benefits under any of the following programs are ex officio special
24 registration commissioners, without taking any additional oath, for the purpose of this
25 section:

- 26 (1) Aid to families with dependent children (G.S. 108A-25(a)(1));
- 27 (2) State-county special assistance for adults (G.S. 108A-25(a)(2));
- 28 (3) Food stamp program (G.S. 108A-25(a)(3));
- 29 (4) Foster care and adoption assistance payments (G.S. 108A-25(a)(4));
- 30 (5) Low income energy assistance program (G.S. 108A-25(a)(5));
- 31 (6) Medical assistance program (G.S. 108A-54); and
- 32 (7) Unemployment benefits (Article 2 of Chapter 96 of the General
33 Statutes).

34 (b) Special registration commissioners serving under this section may accept
35 applications to register persons who are qualified for registration regardless of that
36 person's voting precinct or county of residence in the State. The special registration
37 commissioners appointed pursuant to this section shall have the same authority to accept
38 applications to register voters as is conferred upon registration officials in this Chapter.

39 (c) At any location where applications for benefits for any of the programs listed
40 in subsection (a) of this section are accepted, applicants shall be asked if they wish to
41 register to vote, or update their registration to report a change of address within a
42 county, and if they indicate affirmatively and are eligible, the employee accepting
43 application for benefits shall provide an application and assist the applicant in
44 completing the form.

1 Such application shall be under oath. The necessary forms shall be prescribed by the
2 State Board of Elections. All applications shall be forwarded by the agency accepting
3 the application to the appropriate county board of elections. The form must ask for the
4 previous voter registration address of the voter, if any. If a previous address is listed,
5 and it is not in the county of residence of the applicant, the appropriate county board of
6 elections shall treat it as an authorization to cancel the previous registration and also
7 process it as such under the procedures of G.S. 163-72.1(c) through (e).

8 Registration shall become effective as provided in G.S. 163-67(a).

9 (d) The State Board of Elections may promulgate rules necessary to implement
10 the provisions of this section."

11 Sec. 4. G.S. 163-80 reads as rewritten:

12 **"§ 163-80. Officers authorized to register voters.**

13 (a) Only the following election officials shall be authorized to register voters:

- 14 (1) Any member of a county board of elections who has been duly
15 appointed pursuant to G.S. 163-22(c) and properly installed as required
16 by G.S. 163-30 and 163-31.
- 17 (2) The supervisor of elections of a county board of elections appointed
18 pursuant to the provisions of G.S. 163-35.
- 19 (3) Precinct registrars and judges of election appointed pursuant to the
20 provisions of G.S. 163-41.
- 21 (4) Special registration commissioners appointed pursuant to the authority
22 and limitation contained in G.S. 163-41(b) , or serving ex officio
23 pursuant to G.S. 163-81 or G.S. 163-72.5.
- 24 (5) Full-time and salaried deputy supervisors of elections employed by the
25 county board of elections and who work under the direct supervision
26 of the board's supervisor of elections appointed pursuant to the
27 provisions contained in G.S. 163-35.
- 28 (6) Local public library employees designated by the governing board of
29 such public library to be appointed by the county board of elections as
30 special library registration deputies. Appointment of such deputies is
31 mandatory for libraries covered by G.S. 153A-272; appointment is
32 optional for other libraries. Persons appointed under this subsection
33 shall be given the oath contained in G.S. 163-41(b), and shall be
34 authorized to accept applications to register on those days and during
35 those hours said special deputies are on duty with their respective
36 libraries. If, for good and valid reasons, the local public library director
37 shall request that the county board of elections appoint 'replacement'
38 special library registration deputies before the two-year term ends, the
39 county board of elections shall do so.
- 40 (7) Public high school employees appointed under this subdivision. A
41 local board of education may, but is not required to, designate high
42 school employees to be appointed by the county board of elections as
43 special high school registration commissioners. Only employees who
44 volunteer for this duty, and who are acceptable to the county board of

1 elections, may be designated by boards of education. A special high
2 school registration commissioner may register voters only while on
3 duty as a high school employee and only at times and under
4 arrangements approved by the local school board of education. A
5 person appointed under this subdivision shall take the oath prescribed
6 in G.S. 163-41(b).

7 (b) All election officials authorized to register voters under authority of this
8 section shall not be authorized to register voters who reside outside the boundaries of
9 their respective counties except in those specific instances involving municipalities
10 which lie within the boundaries of two or more counties and except as provided by G.S.
11 163-72.5 or G.S. 163-81. The State Board of Elections shall have authority to
12 promulgate rules for the processing of voters in such instances.

13 (c) All election officials authorized by this section to register voters shall register
14 any qualified voter without regard to political party affiliation and without
15 discrimination in any manner whatsoever.

16 (d) The State Board of Elections shall promulgate rules for the proper training of
17 those persons qualifying under this section as registrars."

18 Sec. 5. Section 1 of this act shall become effective with respect to all
19 applications for issuance, renewal, or correction of driver's licenses or special
20 identification cards issued by the Department of Transportation on or after January 1,
21 1990. Sections 2 through 4 of this act shall become effective January 1, 1990.