

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

FILED SENATE
Mar 25, 2021
S.B. 364
PRINCIPAL CLERK

S

D

SENATE BILL DRS55028-LU-26A

Short Title: Automatic Voter Registration. (Public)

Sponsors: Senators Woodard, Batch, and Clark (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE 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 TO REQUIRE THE STATE BOARD OF ELECTIONS TO IMPLEMENT AN
6 OUTREACH CAMPAIGN INFORMING CITIZENS ABOUT AUTOMATIC VOTER
7 REGISTRATION.

8 The General Assembly of North Carolina enacts:

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

10 "§ 163-82.3. **Voter registration application forms-forms; automatic voter registration at**
11 **certain agencies.**

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

15 ...

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

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

21 "§ 163-82.6. **Acceptance of application forms.**

22 (a) How the Form May Be Submitted. – The county board of elections shall accept any
23 form described in G.S. 163-82.3 if the applicant submits the form by mail, facsimile transmission,
24 transmission of a scanned document, or in ~~person.~~ person or by automatic voter registration
25 pursuant to G.S. 163-82.19, 163-82.20, 115D-5, or 116-11. The applicant may delegate the
26 submission of the form to another person. Any person who communicates to an applicant
27 acceptance of that delegation shall deliver that form so that it is received by the appropriate
28 county board of elections in time to satisfy the registration deadline in subdivision (1) or (2) of
29 subsection (d) of this section for the next election. It shall be a Class 2 misdemeanor for any
30 person to communicate to the applicant acceptance of that delegation and then fail to make a
31 good faith effort to deliver the form so that it is received by the county board of elections in time
32 to satisfy the registration deadline in subdivision (1) or (2) of subsection (d) of this section for
33 the next election. It shall be an affirmative defense to a charge of failing to make a good faith
34 effort to deliver a delegated form by the registration deadline that the delegatee informed the
35 applicant that the form would not likely be delivered in time for the applicant to vote in the next



1 election. It shall be a Class 2 misdemeanor for any person to sell or attempt to sell a completed
2 voter registration form or to condition its delivery upon payment.

3 ...
4 (d) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
5 or election, the ~~form~~form must comply with one of the following:

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

18"

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

20 "**§ 163-82.19. ~~Voter~~Automatic voter registration at drivers license offices; coordination on**
21 **data interface.**

22 (a) Automatic Voter Registration at Drivers License Offices. – ~~The~~Beginning January 1,
23 2022, the Division of Motor Vehicles shall, pursuant to the rules adopted by in consultation with
24 the State Board of Elections, modify its forms so that implement a method by which any eligible
25 person who applies for original issuance, renewal or correction of a drivers license, or special
26 identification card issued under G.S. 20-37.7 may, on a part of the form, complete an application
27 to register shall be automatically registered to vote, or able to update the voter's registration if
28 the voter has changed his or her address or moved from one precinct to another or from one
29 county to another. The person taking the application shall ask if the applicant is a citizen of the
30 United States. If the applicant states that the applicant is not a citizen of the United States, or
31 declines to answer the question, the person taking the application shall inform the applicant that
32 it is a felony for a person who is not a citizen of the United States to apply to register to vote. The
33 application shall state in clear language the penalty for violation of this section. The necessary
34 forms shall be prescribed by the State Board of Elections. The form must ask for the previous
35 voter registration address of the voter, if any. If a previous address is listed, and it is not in the
36 county of residence of the applicant, the appropriate county board of elections shall treat the
37 application as an authorization to cancel the previous registration and also process it as such
38 under the procedures of G.S. 163-82.9. If a previous address is listed and that address is in the
39 county where the voter applies to register, the application shall be processed as if it had been
40 submitted under G.S. 163-82.9. inform the applicant of the following:

- 41 (1) That the applicant shall be registered to vote or have the applicant's voter
42 registration record updated, as applicable, unless the applicant declines.
43 (2) The qualifications to vote under G.S. 163-55.
44 (3) That the applicant should not register if the applicant does not meet the
45 qualifications described under subdivision (2) of this subsection.
46 (4) That any person who willfully and knowingly and with fraudulent intent gives
47 false information on the application is guilty of a Class I felony.
48 (5) That if the applicant declines to register to vote, the fact that the applicant has
49 declined to register will remain confidential and be used for voter registration
50 purposes only.

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

4 (a1) Requirements. – If the applicant does not decline voter registration, the person taking
 5 the application shall require the applicant to provide all information requested of the applicant
 6 under G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a
 7 preference to be an unaffiliated voter. If the applicant fails to declare a political party affiliation,
 8 the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide
 9 an electronic signature as required under G.S. 163-82.6(c), subject to the penalty of perjury, by
 10 which the applicant attests that the information provided by the applicant is true and the applicant
 11 meets all qualifications to become a registered voter.

12 (a2) When Registration Effective. – Registration shall become effective as provided in
 13 G.S. 163-82.7. Applications to register to vote accepted at a drivers license office under this
 14 section until the deadline established in G.S. 163-82.6(d)(2) shall be treated as timely made for
 15 an election, and no person who completes an application at that drivers license office shall be
 16 denied the vote in that election for failure to apply earlier than that deadline.

17 (a3) ~~All applications shall be forwarded by the Transmittal from Department of~~
 18 Transportation to Board of Elections. – The Department of Transportation shall electronically
 19 transmit the applications of applicants who have not declined voter registration to the appropriate
 20 board of elections not later than five business days after the date of acceptance, according to rules
 21 which shall be promulgated by the State Board of Elections. Those rules shall provide for a
 22 paperless, instant, electronic transfer of applications to the appropriate board of elections.

23 (a4) Confidentiality of Declination to Register. – No information relating to a declination
 24 to register to vote in connection with a voter registration application at a Division of Motor
 25 Vehicles office may be used for any purpose other than voter registration. The State Board shall
 26 ensure that information acquired for purposes of automatic voter registration under this section
 27 is kept confidential in accordance with G.S. 163-82.4(c), including compliance with any voter
 28 registration requirements under G.S. 163-82.10.

29 (b) ~~Any Ineligible Applications Prohibited. – If a person who is ineligible to vote~~
 30 becomes registered to vote pursuant to this section, the presumption shall be that the person's
 31 registration is deemed officially authorized and shall not be attributed to any fault of the person.
 32 However, any person who willfully and knowingly and with fraudulent intent gives false
 33 information on the application [described in subsection (a) of this section] described under this
 34 section is guilty of a Class I felony.

35 ...

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

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

40 "**§ 163-82.20. Voter registration at other public ~~agencies.~~agencies; automatic voter**
 41 **registration.**

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

43 ...

44 (b) Duties of Voter Registration ~~Agencies.~~Agencies; Automatic Voter Registration
 45 Information. – A-Beginning January 1, 2023, a voter registration agency described in subsection
 46 (a) of this section shall, ~~unless the applicant declines, in writing, to register to vote;~~in consultation
 47 with the State Board, provide, with each application for service or assistance, and with each
 48 recertification, renewal, or change of address relating to such service or assistance, an application
 49 process for automatic voter registration. The person taking the application shall inform the
 50 applicant of the following:

- 1 (1) ~~Distribute with each application for service or assistance, and with each~~
2 ~~recertification, renewal, or change of address relating to such service or~~
3 ~~assistance:~~
4 a. ~~The voter registration application form described in G.S. 163-82.3(a)~~
5 ~~or (b); or~~
6 b. ~~The voter registration agency's own form, if it is substantially~~
7 ~~equivalent to the form described in G.S. 163-82.3(a) or (b) and has~~
8 ~~been approved by the State Board of Elections, provided that the~~
9 ~~agency's own form may be a detachable part of the agency's paper~~
10 ~~application or may be a paperless computer process, as long as the~~
11 ~~applicant is required to sign an attestation as part of the application to~~
12 ~~register.~~

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

- 15 (2) ~~Provide a form that contains the elements required by section 7(a)(6)(B) of~~
16 ~~the National Voter Registration Act; and~~The qualifications to vote under
17 G.S. 163-55.
18 (3) ~~Provide to each applicant who does not decline to register to vote the same~~
19 ~~degree of assistance with regard to the completion of the registration~~
20 ~~application as is provided by the office with regard to the completion of its~~
21 ~~own forms.~~That the applicant should not register if the applicant does not meet
22 the qualifications described under subdivision (2) of this subsection.
23 (4) That any person who willfully and knowingly and with fraudulent intent gives
24 false information on the application is guilty of a Class I felony.
25 (5) That if the applicant declines to register to vote, the fact that the applicant has
26 declined to register will remain confidential and be used for voter registration
27 purposes only.
28 (6) Information regarding the address confidentiality program under Chapter 15C
29 of the General Statutes, including how to register for the program and how
30 voter registration may impact participation in the program.

31 (b1) Requirements. – If the applicant does not decline voter registration, the person taking
32 the application shall require the applicant to provide all information requested of the applicant
33 under G.S. 163-82.4, including declaring a preference to be affiliated with a political party or a
34 preference to be an unaffiliated voter. If the applicant fails to declare a political party affiliation,
35 the applicant's political affiliation shall be designated as unaffiliated. The applicant shall provide
36 an electronic signature as required under G.S. 163-82.6(c), subject to the penalty of perjury, by
37 which the applicant attests that the information provided by the applicant is true and the applicant
38 meets all qualifications to become a registered voter.

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

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

47 ...

48 (f) Confidentiality of Declination to Register. – No information relating to a declination
49 to register to vote in connection with an application made at a voter registration agency may be
50 used for any purpose other than voter registration. The State Board shall ensure that information
51 acquired for purposes of automatic voter registration under this section is kept confidential in

1 accordance with G.S. 163-82.4(c), including compliance with any voter registration requirements
 2 under G.S. 163-82.10.

3 (g) ~~Transmittal From Agency to Board of Elections. – Any voter registration application~~
 4 ~~completed at a voter registration agency shall be accepted by that agency in lieu of the applicant's~~
 5 ~~mailing the application. Any such application so received shall be transmitted.~~ The agency shall
 6 electronically transmit the applications of applicants who did not decline voter registration to the
 7 appropriate board of elections not later than five business days after acceptance, according to
 8 rules which shall be promulgated by the State Board of Elections.

9 ...

10 (i) Ineligible Applications Prohibited. – No person shall make application to register to
 11 vote under this section if that person is ineligible on account of age, citizenship, lack of residence
 12 for the period of time provided by law, or because of conviction of a felony. However, if a person
 13 who is ineligible to vote becomes registered to vote pursuant to this section, the presumption
 14 shall be that the person's registration is deemed officially authorized and shall not be attributed
 15 to any fault of the person.

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

18 **SECTION 5.(a)** G.S. 163-82.20A reads as rewritten:

19 **"§ 163-82.20A. Voter registration upon restoration of citizenship.**

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

- 26 (1) Inform the person that the restoration of rights removes the person's
 27 disqualification from voting, but that in order to vote the person must register
 28 to vote.
- 29 (2) Provide an opportunity to that person to register to ~~vote~~ vote, including
 30 informing the person of automatic voter registration in accordance with
 31 G.S. 163-82.19 or G.S. 163-82.20.

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

35 **SECTION 5.(b)** G.S. 163-82.20A, as amended by subsection (a) of this section,
 36 reads as rewritten:

37 **"§ 163-82.20A. Voter registration upon restoration of citizenship.**

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

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

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

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

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

10 (a) The State Board of Community Colleges may adopt and execute such policies,
11 regulations and standards concerning the establishment, administration, and operation of
12 institutions as the State Board may deem necessary to insure the quality of educational programs,
13 to promote the systematic meeting of educational needs of the State, and to provide for the
14 equitable distribution of State and federal funds to the several institutions.

15 ...

16 (z) Automatic Voter Registration. – Beginning January 1, 2023, the State Board of
17 Community Colleges, in consultation with the State Board of Elections, shall provide each person
18 who is enrolled and registering for courses as a student in a State community college the option
19 for automatic voter registration as follows:

20 (1) Information provided to student. – In providing an automatic voter registration
21 application process, the person taking the application shall inform the student
22 of the following:

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

25 b. The qualifications to vote under G.S. 163-55.

26 c. That the student should not register if the student does not meet the
27 qualifications described under sub-subdivision b. of this subdivision.

28 d. That any person who willfully and knowingly and with fraudulent
29 intent gives false information on the application is guilty of a Class I
30 felony.

31 e. That if the student declines to register to vote, the fact that the student
32 has declined to register will remain confidential and be used for voter
33 registration purposes only.

34 f. Information regarding the address confidentiality program under
35 Chapter 15C of the General Statutes, including how to register for the
36 program and how voter registration may impact participation in the
37 program.

38 (2) Requirements. – If the student does not decline voter registration, the person
39 taking the application shall require the student to provide all information
40 requested of the student under G.S. 163-82.4, including declaring a preference
41 to be affiliated with a political party or a preference to be an unaffiliated voter.
42 If the student fails to declare a political party affiliation, the student's political
43 affiliation shall be designated as unaffiliated. The student shall provide an
44 electronic signature as required under G.S. 163-82.6(c), subject to the penalty
45 of perjury, by which the student attests that the information provided by the
46 student is true, and the student meets all qualifications to become a registered
47 voter.

48 (3) Confidentiality of declination to register. – No information relating to a
49 declination to register to vote in connection with an application made at a State
50 community college may be used for any purpose other than voter registration.
51 The State Board shall ensure that information acquired for purposes of

1 automatic voter registration under this section is kept confidential in
2 accordance with G.S. 163-82.4, including compliance with any voter
3 registration requirements under G.S. 163-82.10.

4 (4) Transmittal from State community college to board of elections. – The State
5 community college shall electronically transmit the applications of students
6 who did not decline voter registration to the appropriate board of elections not
7 later than five business days after acceptance, according to rules which shall
8 be promulgated by the State Board.

9 (5) Twenty-five-day deadline for an election. – Applications to register accepted
10 by a State community college shall entitle a registrant to vote in any primary,
11 general, or special election unless the registrant shall have made application
12 later than the twenty-fifth calendar day immediately preceding the primary,
13 general, or special election, provided that nothing shall prohibit State
14 community colleges from continuing to accept applications during that period.

15 (6) Ineligible applications prohibited. – No person shall make application to
16 register to vote under this subsection if that person is ineligible because of age,
17 citizenship, lack of residence for the period of time provided by law, or
18 conviction of a felony. However, if a person who is ineligible to vote becomes
19 registered to vote pursuant to this subsection, the presumption shall be that the
20 person's registration is deemed officially authorized and shall not be attributed
21 to any fault of the person.

22 (7) No requirement to determine eligibility. – Nothing in this subsection shall be
23 construed as requiring State community colleges to determine eligibility for
24 voter registration and voting."

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

26 **"§ 116-11. Powers and duties generally.**

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

28 ...

29 (15) Automatic voter registration. – Beginning January 1, 2023, the Board of
30 Governors, in consultation with the State Board of Elections, shall provide
31 each person who is enrolled and registering for courses as a student in a State
32 college or university in The University of North Carolina System the option
33 for automatic voter registration as follows:

34 a. Information provided to student. – In providing an automatic voter
35 registration application process, the person taking the application shall
36 inform the student of the following:

37 1. That the student shall be registered to vote or have the student's
38 voter registration record updated, as applicable, unless the
39 student declines.

40 2. The qualifications to vote under G.S. 163-55.

41 3. That the student should not register if the student does not meet
42 the qualifications described under sub-sub-subdivision 2. of
43 this sub-subdivision.

44 4. That any person who willfully and knowingly and with
45 fraudulent intent gives false information on the application is
46 guilty of a Class I felony.

47 5. That if the student declines to register to vote, the fact that the
48 student has declined to register will remain confidential and be
49 used for voter registration purposes only.

50 6. Information regarding the address confidentiality program
51 under Chapter 15C of the General Statutes, including how to

1 **SECTION 9.** Sections 1 through 3 and Section 5(a) of this act become effective
2 January 1, 2022. Sections 4, 5(b), 6, and 7 of this act become effective January 1, 2023. The
3 remainder of this act is effective when it becomes law.