

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 839

Short Title: Whiz Kids/Slow Pokes Voter Registration. (Public)

Sponsors: Representatives Meyer and Dahle (Primary Sponsors).

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

Referred to: Election Law and Campaign Finance Reform, if favorable, Rules, Calendar, and Operations of the House

May 5, 2021

A BILL TO BE ENTITLED

AN ACT TO ENSURE PROCRASTINATORS THEIR RIGHT TO VOTE BY REESTABLISHING SAME-DAY REGISTRATION, INCLUDING ON ELECTION DAY, AND TO ENGAGE OVERACHIEVING TEENAGERS IN VOTING BY REESTABLISHING THE PROGRAM TO PREREGISTER INDIVIDUALS SIXTEEN AND SEVENTEEN YEARS OF AGE.

The General Assembly of North Carolina enacts:

PART I. SAME-DAY VOTER REGISTRATION

SECTION 1.1. Article 7A of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-82.6B. In-person registration and voting.

(a) Who May Register in Person. – In accordance with the provisions in this section, an individual who is qualified to register to vote may register in person and then vote in the person's county of residence on election day or during the period for one-stop voting provided under G.S. 163-227.2. For purposes of this section, a one-stop voting site includes the county board of elections office if that office is used for one-stop voting.

(b) Both Attestation and Proof of Residence Required. – To register and vote under this section, the person shall do both of the following:

(1) Complete a voter registration form as prescribed in G.S. 163-82.4, including the attestation requirement of G.S. 163-82.4(c) that the person meets each eligibility requirement. The attestation is signed under penalty of a Class I felony under G.S. 163-275(13).

(2) Provide proof of residence by presenting any of the following valid documents that show the person's current name and current residence address: a North Carolina drivers license, a photo identification from a government agency, or any of the documents listed in G.S. 163-166.12(a)(2). The State Board of Elections may designate additional documents or methods that suffice and shall prescribe procedures for establishing proof of residence.

(c) Voting With Retrieval Ballot. – A person who registers under this section shall vote a retrieval ballot immediately after registering. If a person declines to vote immediately, the registration shall be processed, and the person may later vote at a one-stop voting site under this section in the same election, if the early one-stop period has not closed.



1 (d) Verification of Registration; Counting of Ballot. – Within two business days of the
2 person's registration under this section, the county board of elections in conjunction with the
3 State Board of Elections shall verify the North Carolina drivers license or social security number
4 in accordance with G.S. 163-82.11, update the statewide registration database and search for
5 possible duplicate registrations, and proceed under G.S. 163-82.7 to verify the person's address.
6 The person's vote shall be counted unless the county board determines that the applicant is not
7 qualified to vote in accordance with the provisions of this Chapter.

8 (e) Voting in Primary. – Any person who will become qualified by age to register and
9 vote in the general election for which a partisan or nonpartisan primary is held, even though not
10 so qualified by the date of the primary, may register for the primary and general election prior to
11 the primary and then vote in the primary and general election after being registered in accordance
12 with the provisions of this section."

13 **SECTION 1.2.** G.S. 163-59 reads as rewritten:

14 "**§ 163-59. Right to participate or vote in party primary.**

15 No person shall be entitled to vote or otherwise participate in the primary election of any
16 political party unless that person complies with all of the following:

- 17 (1) Is a registered voter.
- 18 (2) Has declared and has had recorded on the registration book or record the fact
19 that the voter affiliates with the political party in whose primary the voter
20 proposes to vote or participate.
- 21 (3) Is in good faith a member of that party.

22 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under
23 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that primary
24 except for subdivisions (2) and (3) of the previous paragraph.

25 Any person who will become qualified by age to register and vote in the general election for
26 which the primary is held, even though not so qualified by the date of the primary, shall be
27 entitled to register for the primary and general election prior to the primary and then to vote in
28 the primary after being registered. Such person may register not earlier than 60 days nor later
29 than the last day for making application to register under G.S. 163-82.6(d) prior to the primary.
30 In addition, persons who will become qualified by age to register and vote in the general election
31 for which the primary is held, who do not register during the special period may register to vote
32 after such period as if they were qualified on the basis of age, but until they are qualified by age
33 to vote, they may vote only in primary elections. The person also may register and vote in the
34 primary and general election pursuant to G.S. 163-82.6B."

35 **SECTION 1.3.** G.S. 163-82.6(d) reads as rewritten:

36 "(d) Registration Deadlines for a Primary or Election. – In order to be valid for a primary
37 or election, except as provided in G.S. 163-82.6B, the form:

- 38 (1) If submitted by mail, must be postmarked at least 25 days before the primary
39 or election, except that any mailed application on which the postmark is
40 missing or unclear is validly submitted if received in the mail not later than 20
41 days before the primary or election,
- 42 (2) If submitted in person, by facsimile transmission, or by transmission of a
43 scanned document, must be received by the county board of elections by a
44 time established by that board, but no earlier than 5:00 P.M., on the
45 twenty-fifth day before the primary or election,
- 46 (3) If submitted through a delegatee who violates the duty set forth in subsection
47 (a) of this section, must be signed by the applicant and given to the delegatee
48 not later than 25 days before the primary or election, except as provided in
49 subsection (f) of this section."

50 **SECTION 1.4.** G.S. 163-166.12(d) reads as rewritten:

1 "(d) Voting When Identification Numbers Do Not Match. – Regardless of whether an
2 individual has registered by mail or by another method, if the individual has provided with the
3 registration form a drivers license number or last four digits of a Social Security number but the
4 computer validation of the number as required by G.S. 163-82.12 did not result in a match, and
5 the number has not been otherwise validated by the board of elections, in the first election in
6 which the individual votes that individual shall submit with the ballot the form of identification
7 described in subsection (a) or subsection (b) of this section, depending upon whether the ballot
8 is voted in person or absentee. If that identification is provided and the board of elections does
9 not determine that the individual is otherwise ineligible to vote a ballot, the failure of
10 identification numbers to match shall not prevent that individual from registering to vote and
11 having that individual's vote counted. If the individual registers and votes under G.S. 163-82.6B,
12 the identification documents required in that section, rather than those described in subsection
13 (a) or (b) of this section, apply."

14 **SECTION 1.5.** G.S. 163-227.2(a) reads as rewritten:

15 "(a) Any voter eligible to vote by absentee ballot under G.S. 163-226 may request an
16 application for absentee ballots, complete the application, and vote under the provisions of
17 G.S. 163-227.5 and G.S. 163-227.6. this section and G.S. 163-82.6B, 163-227.5, and 163-227.6."

18 **SECTION 1.6.** G.S. 163-283 reads as rewritten:

19 **"§ 163-283. Right to participate or vote in party primary.**

20 No person shall be entitled to vote or otherwise participate in the primary election of any
21 political party unless that person complies with all of the following:

- 22 (1) Is a registered voter.
- 23 (2) Has declared and has had recorded on the registration book or record the fact
24 that the voter affiliates with the political party in whose primary the voter
25 proposes to vote or participate.
- 26 (3) Is in good faith a member of that party.

27 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized under
28 G.S. 163-119 may also vote in the primary if the voter is otherwise eligible to vote in that primary
29 except for subdivisions (2) and (3) of the previous paragraph.

30 Any person who will become qualified by age to register and vote in the general election for
31 which the primary is held, even though not so qualified by the date of the primary election, shall
32 be entitled to register while the registration books are open during the regular registration period
33 prior to the primary and then to vote in the primary after being registered, provided however,
34 under full-time and permanent registration, such an individual may register not earlier than 60
35 days nor later than the last day for making application to register under G.S. 163-82.6(d) prior to
36 the primary. In addition, persons who will become qualified by age to register and vote in the
37 general election for which the primary is held, who do not register during the special period may
38 register to vote after such period as if they were qualified on the basis of age, but until they are
39 qualified by age to vote, they may vote only in primary elections. The person also may register
40 and vote in the primary and general election pursuant to G.S. 163-82.6B."

41 **SECTION 1.7.** G.S. 163-283.1 reads as rewritten:

42 **"§ 163-283.1. Voting in nonpartisan primary.**

43 Any person who will become qualified by age to register and vote in the general election for
44 which a nonpartisan primary is held, even though not so qualified by the date of the primary,
45 shall be entitled to register for the primary and general election prior to the primary and then to
46 vote in the primary after being registered. Such a person may register not earlier than 60 days nor
47 later than the last day for making application to register under G.S. 163-82.6(d) prior to the
48 primary. The person also may register and vote in the primary and general election pursuant to
49 G.S. 163-82.6B."

50
51 **PART II. PREREGISTRATION**

1 **SECTION 2.1.** G.S. 163-82.1 is amended by adding a new subsection to read:
2 "(d) Preregistration. – A person who is at least 16 years of age but will not be 18 years of
3 age by the date of the next election and who is otherwise qualified to register may preregister to
4 vote and shall be automatically registered upon reaching the age of eligibility following
5 verification of the person's qualifications and address in accordance with G.S. 163A-867."

6 **SECTION 2.2.** G.S. 163-82.3(a) is amended by adding a new subdivision to read:

7 "(5) Preregister to vote."

8 **SECTION 2.3.** G.S. 163-82.4(e) reads as rewritten:

9 "(e) Citizenship and Age Questions. – Voter registration application forms shall include
10 all of the following:

11 (1) The following question and statement:

12 a. "Are you a citizen of the United States of America?" and boxes for the
13 applicant to check to indicate whether the applicant is or is not a citizen
14 of the United States.

15 b. "If you checked 'no' in response to this question, do not submit this
16 form."

17 (2) The following ~~question~~questions and statement:

18 a. "Will you be 18 years of age on or before election day?" and boxes for
19 the applicant to check to indicate whether the applicant will be 18
20 years of age or older on election day.

21 b. "Are you at least 16 years of age and understand that you must be 18
22 years of age on or before election day to vote?" and boxes for the
23 applicant to check to indicate whether the applicant is at least 16 years
24 of age and understands that the applicant must be at least 18 years of
25 age or older by election day to vote.

26 c. "If you checked 'no' in response to ~~this question,~~ both of these
27 questions, do not submit this form."

28 **SECTION 2.4.** G.S. 163-82.19(a) reads as rewritten:

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

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

1 All applications shall be forwarded by the Department of Transportation to the appropriate
2 board of elections not later than five business days after the date of acceptance, according to rules
3 which shall be promulgated by the State Board of Elections. Those rules shall provide for a
4 paperless, instant, electronic transfer of applications to the appropriate board of elections. All
5 applications for preregistration shall be forwarded to the State Board of Elections."

6 **SECTION 2.5.** G.S. 163-82.20 reads as rewritten:

7 "**§ 163-82.20. Voter registration at other public agencies.**

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

9 ...

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, to register or
12 preregister to ~~vote~~: vote, do each of the following:

13 (1) Distribute with each application for service or assistance, and with each
14 recertification, renewal, or change of address relating to such service or
15 assistance:

16 a. The voter registration application form described in G.S. 163-82.3(a)
17 or (b); or

18 b. The voter registration agency's own form, if it is substantially
19 equivalent to the form described in G.S. 163-82.3(a) or (b) and has
20 been approved by the State Board of Elections, provided that the
21 agency's own form may be a detachable part of the agency's paper
22 application or may be a paperless computer process, as long as the
23 applicant is required to sign an attestation as part of the application to
24 ~~register~~: register or preregister.

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

27 (3) Provide to each applicant who does not decline to register or preregister to
28 vote the same degree of assistance with regard to the completion of the
29 registration application as is provided by the office with regard to the
30 completion of its own forms.

31 ...

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

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

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

39 (3) Make any statement to an applicant or take any action the purpose or effect of
40 which is to discourage the applicant from registering or preregistering to vote;
41 or

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

46 (f) Confidentiality of Declination to Register. – No information relating to a declination
47 to register or preregister to vote in connection with an application made at a voter registration
48 agency may be used for any purpose other than voter registration.

49 (g) Transmittal From Agency to Board of Elections. – Any voter registration or
50 preregistration application completed at a voter registration agency shall be accepted by that
51 agency in lieu of the applicant's mailing the application. Any such application so received shall

1 be transmitted to the appropriate board of elections not later than five business days after
2 acceptance, according to rules which shall be promulgated by the State Board of Elections.

3 ...

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

7 **SECTION 2.6.** G.S. 163-82.23 reads as rewritten:

8 "**§ 163-82.23. Voter registration at public high schools.**

9 Every public high school shall make available to its students and others who are eligible to
10 register and preregister to vote the application forms described in G.S. 163-82.3, and shall keep
11 a sufficient supply of the forms so that they are always available. A local board of education may,
12 but is not required to, designate high school employees to assist in completing the forms. Only
13 employees who volunteer for this duty may be designated by boards of education."

14 **SECTION 2.7.** G.S. 115C-81.45(d)(1b) reads as rewritten:

15 "(1b) The State Board of Education is strongly encouraged to include the following
16 components in the course required by subdivision (1) of this subsection:

- 17 a. That students write to a local, State, or federal elected official about
18 an issue that is important to them.
- 19 b. Instruction on the importance of voting and otherwise participating in
20 the democratic process, including instruction on voter
21 ~~registration.~~registration and preregistration.
- 22 c. Information about current events and governmental structure.
- 23 d. Information about the democratic process and how laws are made."

24 **SECTION 2.8.** G.S. 115C-47(59) reads as rewritten:

25 "(59) To Encourage Student Voter ~~Registration.~~Registration and Preregistration. –
26 Local boards of education are encouraged to adopt policies to promote student
27 voter ~~registration.~~registration and preregistration. These policies may include
28 collaboration with county boards of elections to conduct voter registration and
29 preregistration in high schools. Completion and submission of voter
30 registration and preregistration forms shall not be a course requirement or
31 graded assignment for students."

32 **SECTION 2.9.** The State Board of Elections and the Department of Public
33 Instruction are encouraged to improve outreach to high school students on voter registration and
34 preregistration programs when students are eligible to do either, including the curriculum element
35 on instruction in voter registration and preregistration, as provided by G.S. 115C-47(59) and
36 voter registration in public high schools authorized in G.S. 163-82.23.

37
38 **PART III. EFFECTIVE DATE**

39 **SECTION 3.1.** This act is effective when it becomes law.