

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

4

SENATE BILL 250
Judiciary Committee Substitute Adopted 4/3/19
Third Edition Engrossed 4/10/19
House Committee Substitute Favorable 6/27/19

Short Title: Records of Excusals for Jury Duty.

(Public)

Sponsors:

Referred to:

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW A CLERK OF COURT TO HEAR JURY EXCUSES IF DESIGNATED TO BY THE CHIEF DISTRICT COURT JUDGE AND TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION SHALL BE RETAINED BY THE CLERK OF SUPERIOR COURT FOR THE REMAINDER OF THE BIENNIUM AND IN SOME CASES SHARED WITH THE BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 9-6 reads as rewritten:

"§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases; procedure.

...

(b) Pursuant to the foregoing policy, each chief district court judge shall promulgate procedures whereby ~~he or the chief or any~~ district court judge of ~~his district court district designated by him, the district designated by the chief,~~ prior to the date that a jury session (or sessions) of superior or district court convenes, shall receive, hear, and pass on applications for excuses from jury duty. The procedures shall provide for the time and place, publicly announced, at which applications for excuses will be heard, and prospective jurors who have been summoned for service shall be so informed. The chief district court judge, after consultation with and the consent of the clerk of superior court, may also delegate the authority to receive, hear, and pass on applications for excuses from jury duty to the clerk of superior court. In counties located in a district or set of districts as defined in G.S. 7A-41.1(a) which have a trial court administrator, the chief district judge may assign the duty of passing on applications for excuses from jury service to the administrator. In all cases concerning excuses, the clerk of superior court or the trial court administrator shall notify prospective jurors of the disposition of their excuses.

...."

SECTION 2. G.S. 9-6.1 reads as rewritten:

"§ 9-6.1. Requests to be excused.

(a) Any person summoned as a juror who is a full-time student and who wishes to be excused pursuant to ~~G.S. 9-6.1(b1) [G.S. 9-6(b1)]~~ G.S. 9-6(b1) or who is 72 years or older and who wishes to be excused, deferred, or exempted, may make the request without appearing in person by filing a signed statement of the ground of the request with the chief district court judge of that district, or the district court ~~judge or judge,~~ trial court ~~administrator designated~~ administrator, or clerk of superior court, if so delegated by the chief district court judge pursuant



1 to G.S. 9-6(b), at any time five business days before the date ~~upon which~~ the person is summoned
2 to appear.

3 (b) Any person summoned as a juror who has a disability that could interfere with the
4 person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may
5 make the request without appearing in person by filing a signed statement of the ground of the
6 request, including a brief explanation of the disability that interferes with the person's ability to
7 serve as a juror, with the chief district court judge of that district, or the district court ~~judge or~~
8 ~~judge, trial court administrator~~ administrator, or clerk of superior court if so designated by the
9 chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date
10 ~~upon which~~ the person is summoned to appear. ~~Upon~~ At the request of the court, medical
11 documentation of any disability may be submitted. Any privileged medical information or
12 protected health information described in this ~~section shall be~~ section is confidential and shall be
13 and is exempt from the provisions of Chapter 132 of the General Statutes or any other provision
14 requiring information and records held by State agencies to be made public or accessible to the
15 public.

16 (c) A person may request either a temporary or permanent exemption under this section,
17 and the ~~judge~~ judge, clerk of court, or trial court administrator may accept or reject either in the
18 exercise of discretion conferred by G.S. 9-6(b), including the substitution of a temporary
19 exemption for a requested permanent exemption. In the case of supplemental jurors summoned
20 under G.S. 9-11, notice may be given when summoned. In case the chief district court judge, or
21 the ~~judge~~ judge, clerk of court, or trial court administrator designated by the chief district court
22 judge pursuant to G.S. 9-6(b), rejects the request for exemption, the prospective juror shall be
23 immediately notified by the trial court administrator or the clerk of court by telephone, letter, or
24 personally."

25 **SECTION 3.** Article 1 of Chapter 9 of the General Statutes is amended by adding a
26 new section to read:

27 **"§ 9-6.2. Records of excusals from jury duty based on disqualification.**

28 (a) The name and address of each person who requests to be excused from jury duty on
29 the basis that the person is not qualified to serve as a juror under G.S. 9-3, along with the reason
30 for that request, shall be retained by the clerk of superior court for the remainder of the biennium.
31 The records retained by the clerk are not public records under G.S. 132-1.

32 (b) If a person is disqualified from jury duty due to citizenship, residency, or criminal
33 history as described in G.S. 9-3, the clerk of superior court shall record the person's name, address
34 provided, reason for disqualification, and the date of disqualification and report this information
35 electronically to the State Board of Elections quarterly. The State Board of Elections shall use
36 this information to conduct efforts to remove names from its list of registered voters in
37 accordance with G.S. 163A-877. The State Board of Elections shall retain the electronic record
38 for two years. The clerk of superior court may destroy the records at the end of each biennium.

39 (c) Nothing in this section should be construed to restrict the authority of a local board
40 of elections or the State Board of Elections to determine a person's eligibility to vote."

41 **SECTION 3.5.** G.S. 163A-877 reads as rewritten:

42 **"§ 163A-877. List maintenance.**

43 (a) Uniform Program. – The State Board shall adopt a uniform program that makes a
44 diligent effort not less than twice each year:

- 45 (1) To remove the names of ineligible voters from the official lists of eligible
46 voters, and
- 47 (2) To update the addresses and other necessary data of persons who remain on
48 the official lists of eligible voters.

49 That program shall be nondiscriminatory and shall comply with the provisions of the Voting
50 Rights Act of 1965, as amended, and with the provisions of the National Voter Registration Act.
51 The State Board, in addition to the methods set forth in this section, may use other methods

1 toward the ends set forth in subdivisions (1) and (2) of this subsection, including
2 address-updating services provided by the Postal Service, and entering into data sharing
3 agreements with other states to cross-check information on voter registration and voting records.
4 Any data sharing agreement shall require the other state or states to comply with G.S. 163A-871
5 and G.S. 163A-873. Each county board of elections shall conduct systematic efforts to remove
6 names from its list of registered voters in accordance with this section and with the program
7 adopted by the State Board. The county boards of elections shall complete their list maintenance
8 mailing program by April 15 of every odd-numbered year, unless the State Board approves a
9 different date for the county.

10 (a1) Records of Excusals from Jury Duty Based on Disqualification. – The clerk of
11 superior court shall report information on excusals from jury duty based on disqualification due
12 to citizenship, residency, or criminal history as described in G.S. 9-3 to the State Board quarterly,
13 as provided in G.S. 9-6.2. The State Board shall distribute to the county of board elections the
14 names on that report of individuals registered to vote in that county who were excused from jury
15 duty based on disqualification due to citizenship, residency, or criminal history as described in
16 G.S. 9-3. Upon receipt of these names, each county board of elections shall use this report in
17 conducting systematic efforts to remove the names of ineligible voters from the official lists of
18 eligible voters pursuant to this section.

19 ...

20 (c) Conviction of a Felony. –

21 (1) Report of Conviction Within the State. – The State Board, on or before the
22 fifteenth day of every month, shall report to the county board of elections of
23 that county the name, county of residence, and residence address if available,
24 of each individual against whom a final judgment of conviction of a felony
25 has been entered in that county in the preceding calendar month.

26 (2) Report of Federal Conviction. – The Executive Director of the State Board,
27 upon receipt of a notice of conviction sent by a United States Attorney
28 pursuant to section 8(g) of the National Voter Registration Act, shall notify
29 the appropriate county boards of elections of the conviction.

30 (3) County Board's Duty Upon Receiving Report of Conviction. – When a county
31 board of elections receives a notice pursuant to subdivision (1) or (2) of this
32 subsection relating to a resident of that ~~county~~ county, or receives notice of an
33 excusal from jury duty based on criminal history as described in G.S. 9-3 and
34 pursuant to subsection (a1) of this section, and that person is registered to vote
35 in that county, the board shall, after giving 30 days' written notice to the voter
36 at his registration address, and if the voter makes no objection, remove the
37 person's name from its registration records. If the voter notifies the county
38 board of elections of his objection to the removal within 30 days of the notice,
39 the chairman of the board of elections shall enter a challenge under
40 G.S. 163A-911(c)(5), and the notice the county board received pursuant to this
41 subsection shall be prima facie evidence for the preliminary hearing that the
42 registrant was convicted of a felony.

43 (d) Change of Address. – A county board of elections shall conduct a systematic program
44 to remove from its list of registered voters those who have moved out of the county, and to update
45 the registration records of persons who have moved within the county. The county board shall
46 remove a person from its list if the registrant:

47 (1) Gives confirmation in writing of a change of address for voting purposes out
48 of the county. "Confirmation in writing" for purposes of this subdivision shall
49 ~~include:~~ include any of the following:

50 a. A report to the county board from the Department of Transportation
51 or from a voter registration agency listed in G.S. 163A-884 that the

- 1 voter has reported a change of address for voting purposes outside the
 2 ~~county;~~county.
 3 b. A notice of cancellation received under ~~G.S. 163A-870;~~
 4 ~~or~~G.S. 163A-870.
 5 c. A notice of cancellation received from an election jurisdiction outside
 6 the State.
 7 (2) Fails to respond to a confirmation mailing sent by the county board in
 8 accordance with this subdivision and does not vote or appear to vote in an
 9 election beginning on the date of the notice and ending on the day after the
 10 date of the second general election for the United States House of
 11 Representatives that occurs after the date of the notice. A county board sends
 12 a confirmation notice in accordance with this subdivision if the ~~notice;~~notice
 13 meets all of the following:
 14 a. ~~Is~~The notice is a postage prepaid and preaddressed return card, sent
 15 by forwardable mail, on which the registrant may state current
 16 ~~address;~~address.
 17 b. ~~Contains~~The notice contains or is accompanied by a notice to the
 18 effect that if the registrant did not change residence but remained in
 19 the county, the registrant should return the card not later than the
 20 deadline for registration by mail in ~~G.S. 163A-865(d)(1);~~
 21 ~~and~~G.S. 163A-865(d)(1).
 22 c. ~~Contains~~The notice contains or is accompanied by information as to
 23 how the registrant may continue to be eligible to vote if the registrant
 24 has moved outside the county.
 25 A county board shall send a confirmation mailing in accordance with this
 26 subdivision to every registrant after every congressional election if the county
 27 board has not confirmed the registrant's address by another means.
 28 (2a) Is included on a report of excusals from jury duty based on disqualification
 29 due to residency outside of the county received under G.S. 9-6.2, upon
 30 verification by the county board that the registrant does reside outside of the
 31 county.
 32 (3) Any registrant who is removed from the list of registered voters pursuant to
 33 this subsection shall be reinstated if the voter appears to vote and gives oral or
 34 written affirmation that the voter has not moved out of the county but has
 35 maintained residence continuously within the county. That person shall be
 36 allowed to vote as provided in G.S. 163A-878(f).
 37"

38 **SECTION 4.** G.S. 9-6(e) reads as rewritten:

39 "(e) The judge shall inform the clerk of superior court of persons excused under this
 40 section, and the clerk shall keep a record of excuses separate from the master jury ~~list;~~list in
 41 accordance with G.S. 9-6.2."

42 **SECTION 5.** The Administrative Office of the Courts shall amend the Rules of
 43 Recordkeeping to include procedures to implement the provisions of G.S. 9-6.2, as enacted by
 44 Section 3 of this act.

45 **SECTION 6.** This act becomes effective January 1, 2020.