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SENATE BILL 250
Judiciary Committee Substitute Adopted 4/3/19
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House Committee Substitute #2 Favorable 8/20/19

Short Title: Remove Foreign Citizens from Voting Rolls.

(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 SO DESIGNATED 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 SHARED WITH THE BOARD OF ELECTIONS IF THE DISQUALIFICATION IS DUE TO CITIZENSHIP.

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.

...

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

...."

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

"§ 9-6.1. Requests to be excused.



1 (a) Any person summoned as a juror who is a full-time student and who wishes to be
2 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
3 who wishes to be excused, deferred, or exempted, may make the request without appearing in
4 person by filing a signed statement of the ground of the request with the chief district court judge
5 of that district, or the district court ~~judge or judge,~~ trial court ~~administrator designated~~
6 administrator, or clerk of superior court, if so delegated by the chief district court judge pursuant
7 to G.S. 9-6(b), at any time five business days before the date ~~upon which~~ the person is summoned
8 to appear.

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

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

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

33 **"§ 9-6.2. Records of excusals from jury duty based on disqualification.**

34 (a) The name and address provided by each person who requests to be excused from jury
35 duty on the basis that the person is not qualified to serve as a juror, along with the reason for that
36 request, shall be retained by the clerk of superior court for the remainder of the biennium as
37 described in G.S. 9-2. The records retained by the clerk are not public records under G.S. 132-1.
38 The clerk of superior court may destroy the records at the end of each biennium as described in
39 G.S. 9-2.

40 (b) If a person is disqualified from jury duty because the person is not a citizen of the
41 United States, the clerk of superior court shall record the person's name, address provided, reason
42 for disqualification, and the date of disqualification and report this information electronically to
43 the State Board of Elections quarterly. The State Board of Elections shall use this information to
44 conduct efforts to remove names from its list of registered voters in accordance with
45 G.S. 163A-877. The records retained by the State Board of Elections are public records under
46 G.S. 132-1. The State Board of Elections shall retain the electronic records for four years and
47 may destroy the records when they are no longer public records.

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

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

51 **"§ 163A-877. List maintenance.**

1 ...

2 (a1) Records of Excusals from Jury Duty Based on Disqualification Due to United States
3 Citizenship. – The clerk of superior court shall report information on excusals from jury duty
4 based on disqualification because the person is not a citizen of the United States to the State
5 Board quarterly as provided in G.S. 9-6.2. The State Board shall distribute to the county board
6 of elections the names on that report of individuals registered to vote in that county who were
7 excused from jury duty based on disqualification because the person is not a citizen of the United
8 States. Upon receipt of these names, each county board of elections shall use this report in
9 conducting systematic efforts to remove the names of ineligible voters from the official lists of
10 eligible voters pursuant to this section. The records retained by a county board of elections are
11 public records under G.S. 132-1. A county board of elections shall retain the electronic records
12 for four years and may destroy the records when they are no longer public records.

13 ...

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

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

21 a. A report to the county board from the Department of Transportation
22 or from a voter registration agency listed in G.S. 163A-884 that the
23 voter has reported a change of address for voting purposes outside the
24 ~~county;~~county.

25 b. A notice of cancellation received under ~~G.S. 163A-870;~~
26 ~~or~~G.S. 163A-870.

27 c. A notice of cancellation received from an election jurisdiction outside
28 the State.

29 (2) Fails to respond to a confirmation mailing sent by the county board in
30 accordance with this subdivision and does not vote or appear to vote in an
31 election beginning on the date of the notice and ending on the day after the
32 date of the second general election for the United States House of
33 Representatives that occurs after the date of the notice. A county board sends
34 a confirmation notice in accordance with this subdivision if the ~~notice;~~notice
35 meets all of the following:

36 a. ~~Is~~The notice is a postage prepaid and preaddressed return card, sent
37 by forwardable mail, on which the registrant may state current
38 ~~address;~~address.

39 b. ~~Contains~~The notice contains or is accompanied by a notice to the
40 effect that if the registrant did not change residence but remained in
41 the county, the registrant should return the card not later than the
42 deadline for registration by mail in ~~G.S. 163A-865(d)(1);~~
43 ~~and~~G.S. 163A-865(d)(1).

44 c. ~~Contains~~The notice contains or is accompanied by information as to
45 how the registrant may continue to be eligible to vote if the registrant
46 has moved outside the county.

47 A county board shall send a confirmation mailing in accordance with this
48 subdivision to every registrant after every congressional election if the county
49 board has not confirmed the registrant's address by another means.

50 (3) Any registrant who is removed from the list of registered voters pursuant to
51 this subsection shall be reinstated if the voter appears to vote and gives oral or

1 written affirmation that the voter has not moved out of the county but has
2 maintained residence continuously within the county. That person shall be
3 allowed to vote as provided in G.S. 163A-878(f).

4 "

5 **SECTION 4.** The Administrative Office of the Courts shall amend the Rules of
6 Recordkeeping to include procedures to implement the provisions of G.S. 9-6.2, as enacted by
7 Section 3 of this act.

8 **SECTION 5.** This act becomes effective January 1, 2020.