

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 377

Short Title: Remove Foreign Citizens from Voting Rolls. (Public)

Sponsors: Senators Burgin, Krawiec, and Sanderson (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 30, 2021

A BILL TO BE ENTITLED

AN ACT TO CODIFY THE COMMON LAW REQUIREMENT FOR UNITED STATES
CITIZENSHIP TO QUALIFY AS A JUROR, 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 SHARED WITH THE STATE BOARD OF
ELECTIONS IF THE DISQUALIFICATION IS DUE TO UNITED STATES
CITIZENSHIP.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 9-3 reads as rewritten:

"§ 9-3. Qualifications of prospective jurors.

All persons are qualified to serve as jurors and to be included on the master jury list who are citizens of the ~~State~~ United States, residents of the State, and residents of the county, who have not served as jurors during the preceding two years or who have not served a full term of service as grand jurors during the preceding six years, who are 18 years of age or over, who are physically and mentally competent, who can understand the English language, who have not been convicted of a felony or pleaded guilty or nolo contendere to an indictment charging a felony (or if convicted of a felony or having pleaded guilty or nolo contendere to an indictment charging a felony have had their citizenship restored pursuant to law), and who have not been adjudged non compos mentis. Persons not qualified under this section are subject to challenge for cause."

SECTION 2. G.S. 9-6 reads as rewritten:

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

...

(a1) All applications for excuses from jury duty, including applications based on disqualification under G.S. 9-3, shall be made on a form developed and furnished by the Administrative Office of the Courts. Applications shall allow prospective jurors to specify the reason for excusal based on disqualification, including lack of United States citizenship.

(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



1 on applications for excuses from jury duty to the clerk of superior court. In counties located in a
2 district or set of districts as defined in G.S. 7A-41.1(a) which have a trial court administrator, the
3 chief district judge may assign the duty of passing on applications for excuses from jury service
4 to the administrator. In all cases concerning excuses, the clerk of superior court or the trial court
5 administrator shall notify prospective jurors of the disposition of their excuses.

6 ...
7 (e) The judge shall inform the clerk of superior court of persons excused under this
8 section, and the clerk of superior court shall keep a record of excuses separate from the master
9 jury ~~list~~list in accordance with G.S. 9-6.2.

10"

11 **SECTION 3.** G.S. 9-6.1 reads as rewritten:

12 **"§ 9-6.1. Requests to be excused.**

13 (a) Any person summoned as a juror who is a full-time student and who wishes to be
14 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
15 who wishes to be excused, deferred, or exempted, may make the request without appearing in
16 person by filing a signed statement of the ~~ground of~~ grounds for the request with the chief district
17 court judge of that district, or the district court ~~judge or judge,~~ trial court ~~administrator designated~~
18 administrator, or clerk of superior court, if so delegated by the chief district court judge pursuant
19 to G.S. 9-6(b), at any time five business days before the date ~~upon which~~ the person is summoned
20 to appear.

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

34 (c) A person may request either a temporary or permanent exemption under this section,
35 and the ~~judge-judge,~~ clerk of superior court, or trial court administrator may accept or reject either
36 in the exercise of discretion conferred by G.S. 9-6(b), including the substitution of a temporary
37 exemption for a requested permanent exemption. In the case of supplemental jurors summoned
38 under G.S. 9-11, notice may be given when summoned. In case the chief district court judge, or
39 the ~~judge-judge,~~ clerk of superior court, or trial court administrator designated by the chief district
40 court judge pursuant to G.S. 9-6(b), rejects the request for exemption, the prospective juror shall
41 be immediately notified by the trial court administrator or the clerk of court by telephone, letter,
42 or personally."

43 **SECTION 4.** Article 1 of Chapter 9 of the General Statutes is amended by adding a
44 new section to read:

45 **"§ 9-6.2. Reports of excusals from jury duty based on disqualification.**

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

1 **(b)** If a person is disqualified from jury duty because the person is not a citizen of the
2 United States, the clerk of superior court shall report this information electronically to the State
3 Board of Elections quarterly. The electronic file shall include the person's name, address, date of
4 birth, and other personal information from the master jury list, along with the reasons for the
5 person's disqualification and the date of disqualification. The State Board of Elections shall use
6 this information to conduct efforts to remove names from its list of registered voters in
7 accordance with G.S. 163-82.14. The records retained by the State Board of Elections are public
8 records under G.S. 132-1, notwithstanding the requirements of G.S. 20-43.4(c), except as
9 prohibited by federal statute. The State Board of Elections shall retain the electronic records for
10 four years and may destroy the records when they are no longer public records.

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

13 **SECTION 5.** G.S. 163-82.14 reads as rewritten:

14 "**§ 163-82.14. List maintenance.**

15 ...

16 **(c1)** Noncitizens. –

17 **(1)** Report of disqualification from jury duty from clerk of superior court. – As
18 provided in G.S. 9-6.2, the clerk of superior court shall transmit quarterly to
19 the State Board an electronic file for each person disqualified from jury duty
20 on the basis the person is not a citizen of the United States.

21 **(2)** State Board review. – Within 30 days of receipt of the report transmitted as
22 provided in subdivision (1) of this subsection, the State Board shall do all of
23 the following:

24 **a.** Review the voter registration and citizenship status of each person
25 identified as provided in subdivision (1) of this subsection, including
26 matching of available information in State and federal databases.

27 **b.** Distribute to each county board of elections a report of the persons
28 identified as provided in subdivision (1) of this subsection who are
29 registered to vote in that county. The report shall include the
30 information in the electronic file provided by the clerk of superior
31 court under G.S. 9-6.2(a), the voter registration number of the person,
32 and the results of the State Board's review of the person's voter
33 registration and citizenship status. The State Board shall not include a
34 person's name in the report if the State Board's review determines that
35 the individual became a citizen of the United States after the date of
36 that person's jury disqualification, unless the prospective juror voted
37 prior to obtaining that person's United States citizenship. In the event
38 that the prospective juror voted prior to becoming a United States
39 citizen, the State Board of Elections shall furnish the district attorney
40 a copy of its investigation for prosecution of the violation as provided
41 in G.S. 163-278.

42 **(3)** County board's duty upon receiving report. – Within 30 days of receipt by a
43 county board of elections of a report pursuant to this subsection relating to a
44 person registered to vote in that county, the following shall occur:

45 **a.** The county board shall give 30 days' written notice to the voter at the
46 voter's registration address or mailing address if different from the
47 voter's residential address. If the voter makes no objection, the county
48 board shall remove the person's name from its registration records. The
49 county board of elections shall indicate within the statewide
50 computerized voter registration system any individual removed from
51 the voter registration records on the basis of noncitizenship status.

1 b. If the voter notifies the county board of elections of the voter's
2 objection to the removal within 30 days of the notice, the chair of the
3 county board of elections shall enter a challenge under
4 G.S. 163-85(c)(7), and the notice the county board received pursuant
5 to this subdivision shall be prima facie evidence for the preliminary
6 hearing that the person is not a citizen of the United States. This
7 presumption may be rebutted by evidence as presented by the person
8 of citizenship naturalization following the excusal from jury service or
9 other federal documentation of citizenship.

10 (4) The records retained pursuant to this subsection are public records under
11 G.S. 132-1, notwithstanding the requirements of G.S. 20-43.4(c), except as
12 prohibited by federal statute. The State Board and county board of elections
13 shall retain the electronic records for four years and may destroy the records
14 when they are no longer public records.

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

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

22 a. A report to the county board from the Department of Transportation
23 or from a voter registration agency listed in G.S.163-82.20 that the
24 voter has reported a change of address for voting purposes outside the
25 ~~county~~:county.

26 b. A notice of cancellation received under ~~G.S. 163-82.9;~~
27 ~~or~~G.S. 163-82.9.

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

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

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

40 b. ~~Contains~~-The notice contains or is accompanied by a notice to the
41 effect that if the registrant did not change residence but remained in
42 the county, the registrant should return the card not later than the
43 deadline for registration by mail in ~~G.S. 163-82.6(d)(1);~~
44 ~~and~~G.S. 163-82.6(d)(1).

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

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

1 (3) Any registrant who is removed from the list of registered voters pursuant to
2 this subsection shall be reinstated if the voter appears to vote and gives oral or
3 written affirmation that the voter has not moved out of the county but has
4 maintained residence continuously within the county. That person shall be
5 allowed to vote as provided in G.S. 163-82.15(f).

6 "

7 **SECTION 6.** The Administrative Office of the Courts shall amend the Rules of
8 Recordkeeping to include procedures to implement the provisions of G.S. 9-6.2, as enacted by
9 Section 4 of this act. Nothing in this act shall be construed to exempt records held by the
10 Administrative Office of the Courts from Chapter 132 of the General Statutes, except as provided
11 in G.S. 9-6.2, as enacted by this act.

12 **SECTION 7.** This act becomes effective January 1, 2022.