

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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SENATE BILL 352

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

Sponsors: Senator Burgin (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 23, 2023

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 the chief district court judge or any district court judge of the chief district court judge's district court district designated by the chief district court judge, 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 with the consent of the clerk of superior court, may delegate the authority



1 to receive, hear, and pass on applications for excuses from jury duty to the clerk of superior court.
2 The chief district judge may also assign the duty of passing on applications for excuses from jury
3 service to judicial support staff. In all cases concerning excuses, the clerk of superior court or
4 judicial support staff shall notify prospective jurors of the disposition of their excuses.

5 ...
6 (e) The judge shall inform the clerk of superior court of persons excused under this
7 section, and the clerk of superior court shall keep a record of excuses separate from the master
8 jury list. ~~list~~ list in accordance with G.S. 9-6.2.

9"

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

11 "**§ 9-6.1. Requests to be excused.**

12 (a) Any person summoned as a juror who is a full-time student and who wishes to be
13 excused pursuant to G.S. 9-6(b1) or who is 72 years or older and who wishes to be excused,
14 deferred, or exempted, may make the request without appearing in person by filing a signed
15 statement of the ~~ground of grounds for~~ the request with the chief district court judge of that
16 district, or the district court ~~judge-judge, clerk of superior court,~~ or judicial support staff ~~member~~
17 member, if so designated by the chief district court judge pursuant to G.S. 9-6(b), at any time
18 five business days before the date ~~upon which~~ the person is summoned to appear.

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

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

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

43 "**§ 9-6.2. Reports of excusals from jury duty based on disqualification.**

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

50 (b) If a person is disqualified from jury duty because the person is not a citizen of the
51 United States, the clerk of superior court shall, on a quarterly basis, report this information

1 electronically to the State Board of Elections. The electronic file shall include the person's name,
2 address, date of birth, and other personal information from the master jury list, along with the
3 reasons for the person's disqualification and the date of disqualification. The State Board of
4 Elections shall use this information to conduct efforts to remove names from its list of registered
5 voters in accordance with G.S. 163-82.14. The records retained by the State Board of Elections
6 are public records under G.S. 132-1, notwithstanding the requirements of G.S. 20-43.4(c), except
7 as prohibited by federal statute. The State Board of Elections shall retain the electronic records
8 for four years and may destroy the records when they are no longer public records.

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

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

12 **"§ 163-82.14. List maintenance.**

13 ...

14 (c1) Noncitizens. –

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

19 (2) State Board of Elections review. – Within 30 days of receipt of the report
20 transmitted as provided in subdivision (1) of this subsection, the State Board
21 of Elections shall do each of the following:

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

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

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

43 a. The county board of elections shall give 30 days' written notice to the
44 voter by sending notice to the voter's residential address and, if
45 different from the voter's residential address, the voter's registration
46 address and mailing address. If the voter makes no objection, the
47 county board of elections shall remove the person's name from its
48 registration records and shall provide written notice of the removal to
49 the voter in the same manner as notice was previously provided under
50 this sub-subdivision. The county board of elections shall indicate
51 within the statewide computerized voter registration system any

- 1 individual removed from the voter registration records on the basis of
 2 noncitizenship status.
- 3 b. If, within 30 days of the date on which notice was sent of the removal
 4 of a voter's name from registration records pursuant to sub-subdivision
 5 a. of this subdivision, the voter notifies the county board of elections
 6 of the voter's objection to the removal, the chair of the county board
 7 of elections shall enter a challenge under G.S. 163-85(c)(7), and the
 8 notice provided to the county board of elections by the receipt of the
 9 report from the State Board of Elections pursuant to this subdivision
 10 shall be prima facie evidence in the preliminary hearing heard pursuant
 11 to G.S. 163-85(d) that the person is not a citizen of the United States.
 12 This presumption may be rebutted by evidence as presented by the
 13 person of either (i) citizenship naturalization occurring after the
 14 excusal from jury service due to disqualification or (ii) other federal
 15 documentation of citizenship.
- 16 (4) The records retained pursuant to this subsection are public records under
 17 G.S. 132-1, notwithstanding the requirements of G.S. 20-43.4(c), except as
 18 prohibited by federal statute. The State Board of Elections and county board
 19 of elections shall retain the electronic records for four years and may destroy
 20 the records when the records are no longer public records.
- 21 (d) Change of Address. – A county board of elections shall conduct a systematic program
 22 to remove from its list of registered voters those who have moved out of the county, and to update
 23 the registration records of persons who have moved within the county. The county board shall
 24 remove a person from its list if the registrant:
- 25 (1) Gives confirmation in writing of a change of address for voting purposes out
 26 of the county. "Confirmation in writing" for purposes of this subdivision shall
 27 ~~include~~include any of the following:
- 28 a. A report to the county board from the Department of Transportation
 29 or from a voter registration agency listed in G.S.163-82.20 that the
 30 voter has reported a change of address for voting purposes outside the
 31 ~~county~~county.
- 32 b. A notice of cancellation received under ~~G.S. 163-82.9;~~
 33 ~~or~~G.S. 163-82.9.
- 34 ...
- 35 (2) Fails to respond to a confirmation mailing sent by the county board in
 36 accordance with this subdivision and does not vote or appear to vote in an
 37 election beginning on the date of the notice and ending on the day after the
 38 date of the second general election for the United States House of
 39 Representatives that occurs after the date of the notice. A county board sends
 40 a confirmation notice in accordance with this subdivision if the ~~notice~~notice
 41 meets each of the following criteria:
- 42 a. ~~Is~~The notice is a postage prepaid and preaddressed return card, sent
 43 by forwardable mail, on which the registrant may state current
 44 ~~address~~address.
- 45 b. ~~Contains~~The notice contains or is accompanied by a notice to the
 46 effect that if the registrant did not change residence but remained in
 47 the county, the registrant should return the card not later than the
 48 deadline for registration by mail in ~~G.S. 163-82.6(d)(1);~~
 49 ~~and~~G.S. 163-82.6(d)(1).

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

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

7"

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

13 **SECTION 7.** This act becomes effective January 1, 2024.