



# SENATE BILL 250: Remove Foreign Citizens from Voting Rolls.

2019-2020 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	August 20, 2019
<b>Introduced by:</b>	Sens. Krawiec, Sanderson, Burgin	<b>Prepared by:</b>	Brad Krehely
<b>Analysis of:</b>	PCS to Fourth Edition S250-CSRN-54		Staff Attorney

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) for Senate Bill 250 would allow a chief district court judge to delegate hearing jury excuses to the clerk of court, require clerks to maintain records of persons asking to be excused from jury duty due to disqualification, and share those records with the State Board of Elections (State Board) if the disqualification is due to citizenship. The PCS would remove the requirement that the clerk share records with the State Board if the disqualification from jury duty was due to residency or criminal history, would provide records of disqualification from jury duty due to citizenship are public records in the hands of the State Board or a county board of elections, would change the short title, and would make other technical and clarifying changes.*

**CURRENT LAW:** Chapter 9 of the General Statutes governs the process of summoning prospective jurors for trials of cases in superior and district courts, including the compilation of a jury list and the selection of jurors. G.S. 9-6 allows a chief district court judge to delegate the authority to receive, hear, and pass on applications for excuses from jury duty, to another district court judge.

## BILL ANALYSIS:

**Section 1** would allow a chief district court judge to delegate authority to the clerk of superior court to approve requests to be excused from jury service. It also would cite the newly created section in the statute requiring the clerk to keep a record of excusals from jury duty.

**Section 2** would make conforming changes to reflect that the clerk is included in the list of possible designees to hear requests to be excused from jury duty.

**Section 3** would add a new section to Article 1 of Chapter 9 of the General Statutes. The provisions would address all of the following:

- The clerk of superior court would be required to retain the name and address provided by each person who requests to be excused from jury duty because the person is not qualified to serve as a juror, along with the reason for the request. The clerk would be required to maintain the records for the remainder of the biennium. The records retained by the clerk would not be public records.
- If a person is disqualified from jury duty because the person is not a citizen of the United States, the clerk of superior court would be required to record the name, address provided, reason for the disqualification, and the date of disqualification. The clerk also would be required to report this information electronically to the State Board quarterly. The State Board would be required use this information to conduct efforts to remove names from the list of registered voters. The records retained by the State Board would be public records; the State Board would be required to retain the records for four years.

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**Section 3.5** would require the State Board to use the clerk's report and distribute to the county board of elections the names of individuals registered to vote in that county who were excused from jury duty based on disqualification because the person is not a citizen of the United States. Each county board of elections would be required to use the report in efforts to remove ineligible voters from official lists of eligible voters. The records retained by a county board of elections would be public records; a county board of elections would be required to retain the records for four years.

**Section 4** would direct the Administrative Office of the Courts to adopt rules to implement the provisions of the act.

**EFFECTIVE DATE:** This act would become effective January 1, 2020.

**BACKGROUND:** Qualifications of prospective jurors under **G.S. 9-3** that overlap with qualifications to vote under **G. S. 163A-841** are related to age, citizenship, residency, and criminal history.

## **G.S. 9-3. Qualifications of prospective jurors.**

- Qualified jurors must:
  - Be a U.S. citizen.
  - Be a resident of the county where the summons was issued.
  - Be at least 18 years old.
  - Be physically and mentally competent.
  - Be able to understand English.
  
- Qualified jurors must NOT:
  - Have served as a juror during the previous two years.
  - Have served a full term as a grand juror in the last six years.
  - Have a felony conviction unless citizenship rights have been restored. (Citizenship and voting rights are automatically restored upon completion of the sentence. No special document is needed.)

## **G.S. 163A-841. Qualifications to vote; exclusion from electoral franchise.**

- Qualified voters must:
  - Be a U.S. citizen.
  - Be registered to vote.
  - Be a resident of the county, and prior to voting in an election, must have resided at his or her residential address for at least 30 days prior to the date of the election.
  - Be at least 18 years old, or will be at the time of the next general election, or be at least 16 years old and understand that you must be at least 18 years old on Election Day of the general election in order to vote.
  - Rescind any previous registration in another county or state.
  
- Qualified voters must NOT:
  - Be serving a sentence for a felony conviction (including probation or on parole).

*\*Jennifer Bedford and Jessica Sammons, Staff Attorneys for the Legislative Analysis Division, substantially contributed to this summary.*