



HOUSE BILL 259: Election Integrity Act.

2021-2022 General Assembly

Committee:		Date:	November 18, 2021
Introduced by:	Reps. Kidwell, K. Hall, McNeely, Cleveland	Prepared by:	Erika Churchill
Analysis of:	Third Edition		Staff Attorney

OVERVIEW: *House Bill 259 would do the following:*

- *Require that all voting systems purchased for use in this State be manufactured in the United States by a company organized and doing business in the United States.*
- *Require that jurors be citizens of the United States.*
- *Allow a chief district court judge to delegate hearing jury excuses to the clerk of court.*
- *Require applications for excusals from jury duty be made on a form developed by the Administrative Office of the Courts.*
- *Require clerks to maintain records of persons requesting excusal from jury duty due to disqualification, and share those records with the State Board of Elections (State Board) for use in voter list maintenance efforts if the disqualification is due to lack of citizenship.*
- *Create a process for voter list maintenance removal of non-citizens reported as disqualified from jury duty.*
- *Specify that post-election audits be conducted and specify the information to be included in the post-election audit report following a general election.*

CURRENT LAW and BILL ANALYSIS:

Purchase of Voting Equipment. Before a board of county commissioners can approve the adoption and acquisition of any voting system, the county board of elections must first test the proposed voting system during an election in at least one precinct in the county where the voting system would be used or during an election or during a simulated election that meets standards established by the State Board of Elections. The county board of elections cannot recommend any voting system that is not approved by the State Board of Elections.

The bill would require that all voting systems approved for use in this by the State Board of Elections, including any software used for those voting systems, be manufactured in the United States of America by a company organized and doing business in the United States of America. This would become effective January 1, 2022, and apply to the acquisition of new voting systems after that date and not apply to the repair or maintenance of voting systems in use by a county on January 1, 2022. See Section 1.

Jurors. 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. With respect to juror service, the qualifications are codified in G.S. 9-3. With respect to voting, the

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578

House Bill 259

Page 2

qualifications are codified in G.S. 163-55. Some qualifications of prospective jurors under G.S. 9-3 overlap with qualifications to vote under G.S. 163-55; those are related to age, citizenship, residency, and criminal history.

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

Qualified jurors must:

- 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. 163-55. Qualifications to vote; exclusion from electoral franchise.

Qualified voters must:

- Be registered to vote.
- Be a resident of the county, and prior to voting in an election, 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 he or she 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 adjudged guilty of a felony against this State or the United States unless citizenship rights have been restored.

G.S. 163-82.14 provides the process for periodic removal of ineligible voters from the voter registration rolls, including removal of deceased voters, those convicted of a felony, and those who have moved out of the county.

The bill would do all of the following:

- Codify the holding of the North Carolina Supreme Court in Hinton v. Hinton, 196 N.C. 341 (1928) requiring United States citizenship as a qualification for jury service. See Section 2.
- Require applications for excuses from jury duty to be made on a form developed and furnished by the Administrative Office of the Courts. It 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. See Sections 3 and 4.
- Establish processes for the clerk of superior court 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. See Section 5.

House Bill 259

Page 3

- Require the clerk of superior court to record the name, address, date of birth, and other personal information from the master jury list, reason for the disqualification, and the date of disqualification if a person is disqualified from jury duty because the person is not a citizen of the United States. The clerk would be required to report this information electronically to the State Board quarterly. The State Board would be required to 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, except the personal identifying information protected by State law, and the State Board would be required to retain the records for a minimum of four years. See Section 5.
- Establish a process for removal of non-citizens excused from jury duty on that basis from voter registration roles as follows:
 - Within 30 days of receipt of the report from the clerk of superior court, the State Board would be required to review the voter registration and citizenship status of persons identified in the report. Except for persons that the State Board determines have become United States citizens after the date of those persons' jury disqualification, the State Board would then distribute to the county boards of elections the list of those persons identified by the clerk of superior court who are registered to vote in that county. The report must include the information in the electronic file provided by the clerk of superior court, the voter registration number of each person, and the results of the State Board's review of each person's voter registration and citizenship status.
 - Within 30 days of receiving the report from the State Board, the county board of elections would be required to do the following:
 - Give 30 days' written notice to the voter's registration address or mailing address if different from the voter's residential address.
 - If the voter does not object, the county board would remove the person's name from its registration records, and indicate within the statewide computerized voter registration system individuals removed on the basis on non-citizenship status.
 - If the voter objects within 30 days, the chair of the county board of elections would enter a challenge. The notice the county board received from the State Board would be prima facie evidence for the preliminary hearing that the person is not a citizen of the United States. This presumption could be rebutted by evidence as presented by the person of citizenship naturalization following the excusal from jury service or other federal documentation of citizenship.
 - If the State Board determines a prospective juror voted prior to obtaining that person's United States citizenship status, the State Board must furnish the district attorney a copy of its investigation for prosecution of the violation. See Section 6.
- Direct the Administrative Office of the Courts to adopt rules to implement the provisions of the act. See Section 7.

Post-Election Audits. Beginning October 30, 2019, the State Board of Elections is required to prepare a report after conducting a post-election audit and submit that report to the Joint Legislative Elections

House Bill 259

Page 4

Oversight Committee and the Joint Legislative Oversight Committee on General Government within 10 business days of the completion date.

The bill would specify that the State Board must adopt rules to establish how the county boards conduct post-election audits, and that the State Board is conduct a post-election audit in at least one third of counties each general election. The State Board would also be required to poroduc a post-election audit report for the general election to include at least the following:

- A description and requirements of each of the post-election audits, along with any issues identified that could have affected the election outcome and how the issues were resolved.
- A description of any systemic issues identified in the post-election audits and recommendations regarding how to address the issues.
- The ways the public was allowed to participate in post-election audits.
- Any other matters deemed appropriate by the State Board. See Section 8.

EFFECTIVE DATE: Sections 2 through 7 would become effective January 1, 2022. The remainder would become effective when it becomes law.