



SENATE BILL 747: Elections Law Changes.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2023-2024 General Assembly

Committee: Senate Redistricting and Elections. **If Date:** June 14, 2023
favorable, re-refer to Rules and Operations of the Senate

Introduced by: Sens. Hise, P. Newton, Daniel **Prepared by:** Jessica Sammons
Analysis of: PCS to First Edition Staff Attorney
S747-CSBK-30

OVERVIEW: *The PCS to Senate Bill 747 would do all of the following:*

- *Require the State Board of Elections (State Board) and county boards of elections (county boards) to retain and preserve voted ballots, election results tapes, executed ballot applications, and challenged ballots for 22 months after an election.*
- *Prohibit the State Board and county boards from accepting private monetary donations for the purpose of administering elections or employing individuals on a temporary basis.*
- *Allow an observer serving less than four hours to serve an additional four hours on election day at any voting place in the same county.*
- *Allow chief judges and judges at a precinct to leave the voting place prior to the completion of all duties for an election, and to allocate precinct officials for early voting sites, other than the office of the county board, in the same manner as at precincts on election day.*
- *Require a provisional ballot for voters utilizing same-day registration if the address on the voter's photo ID does not match the address on a HAVA document provided by the voter.*
- *Allow any registered voter of the same county as the absentee voter to challenge that absentee voter's ballot.*
- *Provide that if an appeal to a voter challenge is made by the State Board, that appeal is to the Superior Court of the county in which the challenge originated.*
- *Provide that the write-in qualification requirement does not apply to special district elections or nonpartisan elections for boards of education.*
- *Provide that if the time for voting is extended by a court order in one or more counties, the time for voting is extended in all counties by an equal amount of time.*
- *Require precinct officials to maintain a log of anyone who is not a near relative of the voter who goes into the voter booth to assist the voter in marking that voter's ballot.*
- *Require the type of identification submitted by certain first-time voters to be listed on the voter rolls and available to the public.*
- *Provide a process for county boards to issue certificates of elections for municipal offices when that municipality lies within more than one county.*

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Director



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- *Require the State Board to submit an annual report on any revisions to a voter's voter history record after an election has been certified.*
- *Make modifications to the electoral college process for electing President and Vice President of the United States.*
- *Amend the law regarding mail-in absentee ballots to require the following:*
 - *Except for military and overseas voters, all completed applications and marked absentee ballots be returned to the county board by 7:30 P.M. on the day of the election.*
 - *All absentee ballots received prior to election day to be counted on election day, and absentee ballots received on election day may be counted at a county board meeting between election day and the day of canvass.*
 - *The county board to meet at 5:00 P.M. on election day to count absentee ballots received on election day, but to not conclude the meeting until after 7:30 P.M. to allow for challenges to be received between 5:00 P.M. and 7:30 P.M.*
 - *Each witness witnessing an absentee ballot to print his or her name on the application.*
 - *Applications for absentee ballots to be retained for 22 months after an election.*
 - *Absentee ballots received by the county board by 7:30 P.M. on election day to be challenged by 7:30 P.M. on election day and allow any registered voter of the same county as the absentee voter to make the challenge.*
 - *A process for curing deficiencies in absentee ballots.*
 - *The county boards to use signature verification software to check the signatures of executed absentee ballots.*
 - *Two-factor authentication for executed absentee ballots.*
 - *Reporting of the dates for deadlines regarding absentee ballots and the method for returning absentee ballots.*
- *Make it a Class 1 misdemeanor to impersonate a precinct official or for anyone other than the State Board or county board to affix or print a barcode on any absentee ballot request form.*
- *Require the State Bureau of Investigation to investigate election-related crimes.*
- *Require a person to vote in an election knowing that the voter's right of citizenship has not been restored in order to be guilty of a Class I felony.*
- *Require that jurors be citizens of the United States and create a process for voter list maintenance removal of non-citizens reported as disqualified from jury duty.*
- *Require list maintenance efforts to be conducted on a weekly basis.*
- *Require notices regarding photo ID to state that the voter must show photo ID in order to cast a ballot and the means by which a voter without a photo ID can obtain a photo ID.*
- *Require a study on replacing the statewide voter registration system.*

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CURRENT LAW & BILL ANALYSIS:

Retention of Elections Records (Sections 1-2, 7):

Sections 1-2 would provide that the State Board and county boards of elections to retain and preserve voted ballots, election results tapes, and executed ballot applications for 22 months after an election.

Currently, on the day of an election, any registered voter of the county may challenge the right of any other registered voter in the county to vote at the time the challenged voter offers to vote. If a challenge entered on the day of a primary or election is sustained by a chief judge and judges, the challenged voter may request a challenged ballot. The challenged voter may vote the ballot, seal the voted ballot in an envelope marked as a challenged ballot. The chair of the county board of elections preserves the challenged ballot in the sealed envelope for a period of six months after the election. If the election is contested, either party may request the court to order that the sealed envelopes containing the challenged ballots be delivered to the county board, and the county board would convene to consider the challenged ballots and rule as to which challenged ballots should be counted. G.S. 163-88.1.

Section 7 would require the chair of the county board to preserve challenge ballots for 22 months after an election.

Prohibit Private Money in Elections Administration (Sections 1-3):

Generally, State and local government entities involved in administering elections receive funding from public sources. However, nothing prohibits State and local entities from seeking grants or otherwise accepting funds from private sources for the purpose of conducting elections.

Each county board of elections has supervisory authority over the conduct of elections within the county. Specifically, the county boards of commissioners are responsible for appropriating "reasonable and adequate funds necessary for the legal functions of the county board of elections." G.S. 163-37. With respect to municipal elections conducted by the county board of elections, "[e]ach municipality and special district shall reimburse the county board of elections for the actual cost involved in the administration" of that election. G.S. 163-284.

Sections 1-3 would provide that the State Board of Elections and county boards of elections do not have the authority to accept private monetary donations for the purpose of administering elections or employing individuals on a temporary basis.

Poll Observers (Section 4):

Under G.S. 163-45, the chair of each political party in each county has the right to designate two observers to attend each voting place at each primary and election. The chair of each political party in the county also has the right to designate 10 additional at-large observers who are residents of that county who may attend any voting place in that county, by providing a list to the county director of elections. This right does not extend to a political party during a primary unless that party is participating in that primary. In any election in which an unaffiliated candidate is on the ballot, the candidate or the candidate's campaign manager has the right to appoint two observers for each voting place.

Individuals appointed as observers must be a registered voter of the county and have good moral character. No candidate on the ballot in a primary or election may serve as an observer.

The chair of the county board of elections, or the chief judge and judges for each affected precinct, may for good cause reject any observer and require that another be appointed. Observers may be appointed at early voting one-stop sites, and at-large observers may serve at any early voting one-stop site. Not more

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than two observers from the same political party are permitted in the voting enclosure at any time, except that one of the at-large observers from each party may also be in the voting enclosure.

Observers may not do any of the following:

- Electioneering at the voting place.
- Impede the voting process.
- Interfere or communicate with or observe any voter in casting a ballot.

The chief judge and judges of elections are required to permit the observer to make such observation and take such notes as the observer may desire.

Each observer may be relieved during the day after serving a minimum of four hours, at the option of the party chair, provided all names are included on the list the chair of the political party is required to file.

Observers are entitled to obtain a list of the persons who have voted in the precinct that election day. This is to occur at times specified by the State Board, but not less than three times each election day with the spacing not less than one hour apart. Runners may also be sent by the county party chair for this purpose, even if an observer has not been appointed for that precinct.

Section 4 would provide that, if so designated by the party chair, an observer relieved after serving a minimum of four hours may serve an additional four hours during the same primary or election at any voting place in that same county.

Precinct Officials (Section 5 & 17):

Each county board of elections must appoint one person to act as chief judge and two other persons to act as judges of election for each precinct in that county. In its discretion, each county board is authorized to appoint two or more assistants for each precinct to aid the chief judge and judges. Collectively, chief judges, judges, and assistants are referred to as "precinct officials." G.S. 163-41. The assistants perform many of the same duties as the chief judge and the judges, but they do not enter into the quasi-judicial duties of the chief judge and judges, such as making an initial ruling on a challenge to a voter.

Precinct officials must comply with the following requirements:

- Be a registered voter in the county in which their assigned precinct is located.
- Not be a candidate or relative of a candidate in the election for which they are serving.
- Not be an elected government official, hold office with a political party, or be manager or treasurer for a candidate or political party.
- Not serve at the same precinct as a spouse, child, spouse of a child, or sibling.
- Attend an instructional meeting conducted by the chair of the county board and the director of elections prior to each primary and general election.

Precinct officials are appointed by county boards from nominations made by the chairs of the county political parties.

G.S. 163-41 requires that, when making appointments for chief judge and judge for each precinct, residents of the precinct must be appointed to at least two of the three positions. G.S. 163-42 requires that, in making appointments for precinct assistants, residents of the precinct must be appointed to a majority of the positions. An equal number of assistants shall be appointed from different political parties, unless the requirement as to party affiliation cannot be met because of an insufficient number of voters of

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different political parties within the county. The spouse, parent, child, or sibling of a candidate cannot serve as a precinct official during any primary or election in which the candidate is on the ballot.

On the day of the election, the chief judge and the judges must remain at the voting place from the time they begin their duties until all duties for that election have been completed and may not leave the voting place except for unavoidable necessity.

Section 5 would remove the requirement that an individual chief judge and judges must remain at the voting place for the duration of the day, but rather county boards must ensure that the positions are filled throughout the day.

Section 17 would require, effective January 1, 2024, at each voting site other than the county board office, precinct officials to be allocated in the same manner as is required at each precinct on election day, including the residency requirement for judges and the equal party affiliation requirement for assistants.

Same-Day Registration (Section 6):

Individuals may register to vote or update the individual's name and address and cast a ballot via same-day registration at an early voting site during the "one-stop" early voting period.

In order to register and vote, the individual would have to do both of the following:

- Complete the standard voter registration form, including the attestation that the individual is a U.S. citizen and reside at the address given.
- Provide "proof of residence," through a valid document that has the person's name and current residence address: a NC drivers license, a photo I.D. from a government agency, a utility bill, bank statement, paycheck, government check, or other government document (HAVA document).

Within two business days after the individual has registered at the one-stop site, the county board must proceed to verify the individual's identity and address. The individual's one-stop ballot must be counted unless the county board determines that the applicant is not qualified to vote.

Section 6 would require any individual who registers to vote and votes at an early voting site during the early voting period to vote a provisional ballot if the address on the individual's photo ID does not match the address listed on a copy of a current HAVA document showing the name and address of the individual provided by the individual. In order for that provisional ballot to be counted, the individual would have to return to the county board prior to the day of canvass and show either (i) a photo ID and a copy of a HAVA document with the same address on both, or (ii) two different copies of a current HAVA document with the same address on both.

Voter Challenges (Section 9):

Article 8 of Chapter 163 provides the procedures for any registered voter in the county to challenge the voter registration of any other voter in the county. Challenges must be made to the county board before the 25th day before each election. The county boards hold a preliminary hearing on the challenge, taking testimony under oath and receiving evidence from the challenger. The burden of proof is on the challenger. If the challenger presents evidence and if the county board finds probable cause that the person challenged is not qualified to vote, then the board must schedule a hearing on the challenge.

A challenge is not to be sustained unless the challenge is substantiated by affirmative proof. In the absence of such proof, the presumption is that the voter is properly registered. If a challenge is sustained, the county board will cancel or correct the voter registration of the voter. A decision of the county board on a challenge is appealable within 10 days to the Superior Court of the county in which that county board is located.

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Section 9 would provide that if an appeal is made by the State Board, that appeal is to the Superior Court of the county in which the challenge originated.

Write-In Votes (Section 10):

Under G.S. 163-123, a person may have votes counted as a write-in candidate in a general election if the person files a declaration of intent to be a candidate along with a small number of signatures on a written petition by the 90th day before the election. Individuals appearing on the primary ballot are not eligible to have votes counted for that individual as a write-in candidate for the same office in that year. The write-in qualification requirement does not apply in municipal elections.

Section 10 would provide that the write-in qualification requirement does not apply to special district elections or nonpartisan elections for boards of education.

Hours for Voting (Section 11):

G.S. 163-166.01 requires that voting places be open from 6:30 A.M. until 7:30 P.M. in every election. If polls are delayed in opening or interrupted for more than 15 minutes, the State Board can extend the closing time by an equal number of minutes. Voters in line to vote at the time the polls are closed must be permitted to vote, but voters who arrives at the voting place after the closing of the polls are not permitted to vote.

Section 11 would provide that if the time for voting is extended by a court order in one or more counties, the time for voting is extended in all counties by an equal amount of time.

Voter Assistance Log (Section 12):

Under G.S. 163-166.8, any qualified voter who is in one of the following categories is entitled to assistance with entering and exiting the voting booth and in casting a ballot:

- A voter who, on account of physical disability, is unable to enter the voting booth without assistance.
- A voter who, on account of physical disability, is unable to mark a ballot without assistance.
- A voter who, on account of illiteracy, is unable to mark a ballot without assistance.
- A voter who, on account of blindness, is unable to enter the voting booth or mark a ballot without assistance.

If entitled to assistance, a person authorized to assist the qualified voter must be one of the following: the voter's spouse, brother, sister, parent, grandparent, child, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by the voter. The voter's employer or agent of that employer or an officer or agent of the voter's union is not eligible to assist the voter.

The qualified voter must request permission from the chief judge to have assistance, and if the chief judge determines that the assistance is appropriate, the chief judge must ask the voter to point out and identify the person the voter desires to provide the assistance. If that person is eligible to assist, the chief judge requests the person to render the assistance. The chief judge, one of the judges, or one of the assistants may assist the voter, if requested by the voter, and if not otherwise prohibited to assist.

Section 12 would require precinct officials to maintain a log of anyone who is not a near relative of the voter who goes into the voter booth to assist the voter in marking that voter's ballot. The log would include the printed name and address and signature of the person providing such assistance.

Identification Proof for Certain First-Time Voters (Section 13):

Under G.S. 163-166.12, a voter registering by mail, who has not previously voted in an election with a federal ballot item, must provide one of the following forms of identification prior to voting in person:

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- A current and valid photo ID.
- A copy of one of the following documents that shows the name and address of the voter: current utility bill, bank statement, government check, paycheck, or other government document (HAVA document).

A voter is exempted from showing identification if that individual included as part of the voter registration one of the forms of ID listed above, or his or her driver's license number or the last four digits of his or her social security number which matched an existing State identification record.

Also exempt are overseas and military voters entitled to vote by absentee ballot under the Uniform Military and Overseas Voter Act (Article 21A of Chapter 163) and voters entitled to vote other than in-person under the federal Voting Accessibility for the Elderly and Handicapped Act.

The county board must note the type of identification submitted by the voter and may dispose of the copy of the identification given as soon as the type of proof is noted in the voter registration records. If the individual does not provide the required identification, the individual must vote a provisional ballot.

Section 13 would require the type of identification submitted by the voter to be listed on the voter rolls and available to the public and would remove the ability for the copy of the identification to be disposed of.

Cross-County Municipal Contests (Section 14):

Each county board of elections has jurisdiction over elections for the following:

- Offices of that county, including clerk of superior court and register of deeds.
- Membership in either house of the General Assembly from a district lying entirely within that county.
- Offices of municipalities.
- Referenda in which only residents of that county are eligible to vote.

The State Board has jurisdiction over all other elections in this State. The county board with jurisdiction is responsible for canvassing for the entire electorate for the ballot item, preparing abstracts or composite abstracts for the entire electorate for the ballot item, and issuing certificates of nomination and election.

Section 14 would require the following for municipal races that cross county lines (such as when a municipality lies within more than one county):

- Each county board of elections with territory of that municipality within its jurisdiction to complete its canvass.
- The State Board to prepare a composite abstract and deliver that abstract to the affected county boards.
- Each of those affected county boards to then issue a certificate of nomination or election to the candidate for municipal office that was elected in that election.

Revisions to Voter History (Section 15):

Section 15 would require the State Board to submit an annual report on any revisions to a voter's voter history record after an election has been certified. This report would be required to include the rationale for such revisions and be submitted to the Joint Legislative Elections Oversight Committee and the Joint Legislative Oversight Committee on General Government.

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Amendments to Electoral College Provisions (Section 16):

At the canvass, or as soon thereafter as possible, the State Board certifies the election of the slate of presidential electors who received the most votes. The State Board provides a copy of the certification of the election to the Secretary of State, who then sends the certification to the Governor. The Governor sets forth the names of persons chosen as presidential electors for this State and the number of votes cast for each in Certificates of Ascertainment. The Governor sends the Certificates of Ascertainment by registered mail to the Archivist of the United States before the electors meet. The electors attend a meeting on the first Monday after the second Wednesday in December after the presidential election to vote on behalf of the State for President and Vice President of the United States. G.S. 163-210.

3 U.S.C. § 7 provides: "The electors of President and Vice President of each State shall meet and give their votes on the first Tuesday after the second Wednesday in December next following their appointment at such place in each State in accordance with the laws of the State enacted prior to election day."

If the appointment of any presidential elector has not been proclaimed under G.S. 163-210 before noon on the sixth day before the electors are to meet, the General Assembly may fill the position of any presidential elector whose election is not yet proclaimed. If the General Assembly does not appoint by the day before the day the electors are to meet, then the Governor shall appoint that elector. If the proclamation is made any time before noon on the day the electors are to meet, then that proclamation shall control over an appointment made by the General Assembly or Governor.

Section 16 would change the date of the meeting of the electors to the first Tuesday after the second Wednesday in December after the election to be consistent with the federal law. The section would also require the Certificates of Ascertainment to be sent to the Archivist in the most expeditious method available and with a security feature for verifying its authenticity.

Mail-in Absentee Ballots (Sections 18-26):

Any qualified voter of the State may vote by absentee ballot in a statewide primary, general, or special election and any qualified voter of a county is authorized to vote by absentee ballot in any primary or election conducted by the county board of elections. For those voters properly requesting an absentee application and ballots, applications and ballots are mailed or issued no earlier than 60 days prior to the statewide general election in an even-numbered year, or 50 days in any other election.

Voting a Mail-In Absentee Ballot:

Upon receiving the completed request form, the county board must mail to the voter a single package that includes the official ballots, a container-return envelope, and an instruction sheet. The application must be completed and signed by the voter personally, the ballots marked and sealed in the container-return envelope, and the certificate completed. The voter must complete the absentee ballot in the presence of two voters who are at least 18 and not a candidate or employee of certain adult care homes, or in front of a notary public. Both individuals must sign the absentee application and certificate as witnesses and indicate their addresses. If a near relative or legal guardian assisted the voter, that individual's name and address must also be listed.

County boards must retain all applications made for absentee ballots for one year and make those applications available to inspection by the State Board or to any person upon the directive of the State Board. After one year, the applications may be destroyed.

Receipt of Marked Mail-In Absentee Ballot:

For the return of executed mail-in absentee ballots, the sealed container-return envelope with the completed application and marked absentee ballot must be sent to the county board by mail or commercial

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courier service or delivered in person to an election official at a one-stop voting site when that one-stop voting site is open for voting. To be accepted and counted, mail-in absentee ballots must be received by the county board of elections by one of the following deadlines:

- By 5:00 P.M. on the day of the election.
- By 5:00 P.M. on the third day after the election, if postmarked on or before the day of the election.
- By the deadline set by federal law. G.S. 163-231(b).

For military and overseas voters, the ballots must be received by the county board of elections no later than the end of business on the business day before the day of canvass and may be transmitted electronically.

Approving Applications for Mail-In Absentee Ballots:

County boards are required to hold one or more public meetings each Tuesday at 5:00 p.m. for the purpose of acting on applications for absentee ballots, beginning on the fifth Tuesday before the election. At these meetings, the county board must determine whether the container-return envelope has been properly executed. If so, the county board must approve the application and allow for the envelope to be opened and the ballot to be counted at the designated time.

Counting of Mail-In Absentee Ballots:

The county board of elections may begin counting absentee ballots upon the adoption of a resolution at least two weeks prior to the election. The resolution may also provide for an additional meeting following election day and prior to the day of canvass to count mail-in absentee ballots postmarked and received by the county board by 5:00 P.M. on the third day after the election, or military-overseas ballots. The county board is to retain all container-return envelopes and absentee ballots in a safe place for at least four months, and longer if any contest is pending concerning the validity of any ballot.

Challenges to Mail-In Absentee Ballot:

Any registered voter of the same precinct as an absentee voter may challenge that voter's absentee ballot. Challenges to a mail-in absentee ballots may be made pursuant to the following:

- For a mail-in absentee ballot received by the county board by 5:00 P.M. on the day of the election, the ballot may be challenged on the day of election, beginning no earlier than noon and ending no later than 5:00 P.M., or may be challenged by the chief judge, at the time of the closing of the polls.
- For a mail-in absentee ballot postmarked on or before the day of the election and received by the county board by 5:00 P.M. on the third day after the election, a military-overseas voter ballot, or a ballot received as federal law may otherwise require, the ballot may be challenged no earlier than noon on the day following the election and no later than 5:00 P.M. on the next business day following the deadline for receipt of such ballots.

Bar Code for Tracking Voted Mail-In Absentee Ballot:

The State Board is required to include a bar code or other unique identifier on each container-return envelope for mail-in absentee ballots to allow the voted ballot to be tracked upon return by the voter by both the county board of elections and the voter.

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Sections 18-26 would do the following:

- Require that, except for military and overseas voters, all completed applications and marked absentee ballots be returned to the county board by 7:30 P.M. on the day of the election, regardless of postmark.
- Require all absentee ballots received prior to election day to be counted on election day. Absentee ballots received on election day may be counted at a county board meeting between election day and the day of canvass.
- Require the county board to meet at 5:00 P.M. on election day to count absentee ballots received on election day, but to not conclude the meeting until after 7:30 P.M. to allow for challenges to be received between 5:00 P.M. and 7:30 P.M.
- Require each witness witnessing an absentee ballot to print his or her name on the application.
- Require applications for absentee ballots to be retained for 22 months after an election.
- Allow absentee ballots received by the county board by 7:30 P.M. on election day to be challenged no earlier than noon and no later than 7:30 P.M. on election day and allow any registered voter of the same county as the absentee voter to challenge that absentee voter's ballot.
- Create a process for curing deficiencies in absentee ballots. The county board must notify the voter if the voter's container-return envelope contains a curable deficiency, such as if the voter failed to sign the voter certification, signed in the wrong spot, or failed to include photo ID. The voter would send in cure documentation no later than the end of business on the day before canvass. If the cure documentation cures the deficiency, the ballot would be counted.
- Require, effective July 1, 2024, the county boards to use signature verification software to check the signatures of executed absentee ballots before the ballots are accepted.
- Require, effective July 1, 2024, two-factor authentication for executed absentee ballots to be counted.
- Require the State Board and county boards, at least once per primary or election, to publish on its website or in a mailing sent to voters the following:
 - The date that absentee ballots are available for voting.
 - The date that completed absentee ballot request forms must be received by a county board.
 - The means by which the voter's marked absentee ballot must be returned to the county board.
 - The date and time that absentee ballots must be received by the county board.
- Require the instruction sheets for absentee ballots to include the means by which the voter's marked absentee ballot must be returned to the county board and the date and time that the ballot must be received by the county board.
- Require, effective January 1, 2024, the county boards to report the following to the State Board, and the State Board to publish on its website each day in a readable and usable format:
 - During each day of early "one-stop" voting:
 - The number of absentee ballots spoiled due to the voter voting in person at a voting site after requesting an absentee ballot.

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- The number of outstanding absentee ballots.
- On the day after the day of the election:
 - The number of absentee ballots that have been counted.
 - The number of outstanding absentee ballots.
 - The number of provisional ballots cast.

Election-Related Offenses (Sections 27-29):

G.S. 163-274 provides that certain election-related offenses are Class 2 misdemeanors, and G.S. 163-275 provides that certain election-related offenses are Class I felonies.

It is a Class I felony for any person convicted of a crime which excludes the person from the right to vote, to vote at any primary or election without having his or her rights of citizenship restored.

Section 27 would, effective December 1, 2023, add two additional Class 1 misdemeanors:

- For any person to impersonate a precinct official while carrying out duties in registering voters or conducting an election.
- For any person other than the State Board or a county board (or an employee of either) to affix or print a barcode on any absentee ballot request form.

Section 28 would, effective December 1, 2023, require the State Bureau of Investigation to be involved in any investigation involving the commission or attempted commission of a crime under Chapter 163 of the General Statutes. The State Board would be required to report violations of election law to the State Bureau of Investigation.

Section 29 would require a person to vote in an election knowing that the voter's right of citizenship has not been restored in order to be guilty of a Class I felony.

Remove Foreign Citizens from Voter Rolls (Section 30):

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 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.)

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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.

Section 30, effective April 1, 2024, would do 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.
- 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.
- 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.
- 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 communicate this information 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. This communication would not be a public record.
- Establish a process for removal of non-citizens excused from jury duty on that basis from voter registration rolls.
- Require list maintenance efforts to be conducted on a weekly basis.

Notice Regarding Photo ID to Vote (Section 31):

Section 31 would require, in any notice given prior to an election regarding the requirement to show photo ID to vote in person, the State Board and county boards to clearly and initially state that the voter must show photo ID in order to cast a ballot and the means by which a voter without a photo ID can obtain a photo ID.

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Study on Feasibility of Replacing Statewide Voter Registration System (Section 32):

Section 32 would require the Department of Information Technology to study and report to the General Assembly on or before December 1, 2023, as to the feasibility of replacing the statewide voter registration system. This study shall include the possibility of establishing periodic communications between state agencies for the purpose of list maintenance and voter registration.

EFFECTIVE DATE: Except as otherwise provided, effective when it becomes law and applies to elections held on or after that date.