

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 259
Committee Substitute Favorable 10/6/21
PROPOSED COMMITTEE SUBSTITUTE H259-CSST-39 [v.8]
11/17/2021 11:27:32 AM

Short Title: Election Integrity Act.

(Public)

Sponsors:

Referred to:

March 11, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT ALL VOTING SYSTEMS USED FOR ELECTIONS IN THIS
3 STATE BE MANUFACTURED IN THE UNITED STATES OF AMERICA, TO CODIFY
4 THE COMMON LAW REQUIREMENT OF UNITED STATES CITIZENSHIP TO
5 QUALIFY AS A JUROR, TO ALLOW A CLERK OF COURT TO HEAR JURY EXCUSES
6 IF SO DESIGNATED BY THE CHIEF DISTRICT COURT JUDGE, TO REQUIRE THAT
7 THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED
8 FROM JURY DUTY BASED ON DISQUALIFICATION BE SHARED WITH THE
9 STATE BOARD OF ELECTIONS IF THE DISQUALIFICATION IS DUE TO UNITED
10 STATES CITIZENSHIP, AND TO PROVIDE REPORTING REQUIREMENTS FOR THE
11 STATE BOARD OF ELECTIONS FOLLOWING A POST-ELECTION AUDIT FOR A
12 GENERAL ELECTION.

13 The General Assembly of North Carolina enacts:

14 **SECTION 1.(a)** G.S. 163-165.7 is amended by adding a new subsection to read:

15 "(k) Subject to any applicable federal law or regulation governing voting systems, the
16 State Board shall require that all voting systems used for elections in this State, including any
17 software used for those voting systems, be manufactured in the United States of America by a
18 company organized and doing business in the United States of America."

19 **SECTION 1.(b)** This section becomes effective January 1, 2022, and applies to the
20 acquisition of new voting systems after that date, and shall not apply to the repair or maintenance
21 of voting systems in use by a county on that date.

22 **SECTION 2.** G.S. 9-3 reads as rewritten:

23 **"§ 9-3. Qualifications of prospective jurors.**

24 (a) ~~All persons are~~ A person is qualified to serve as ~~jurors-a juror~~ and is to be included
25 on the master jury list ~~who~~ if the person meets all of the following:

26 (1) ~~are citizens of the State~~ Is a citizen of the United States.

27 (2) Is a resident of the State.

28 (3) ~~and residents~~ Is a resident of the county, county.

29 (4) ~~who have~~ Has not served as jurors-a juror during the preceding two years
30 years.

31 (5) ~~or who have~~ Has not served a full term of service as a grand jurors-juror during
32 the preceding six years, years.

33 (6) ~~who are~~ Is 18 years of age or over, over.

34 (7) ~~who are~~ Is physically and mentally competent, competent.

35 (8) ~~who can~~ Can understand the English language, language.



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(9) ~~who have~~ Has not been convicted of a felony or pleaded guilty or nolo contendere to an indictment charging a ~~felony (or felony, or if convicted of a felony or having pleaded plead~~ guilty or nolo contendere to an indictment charging a felony have felony, has had their that person's citizenship restored pursuant to ~~law), law.~~

(10) ~~and who have~~ Has not been adjudged non compos mentis.

(b) ~~Persons~~ A person not qualified under this section ~~are is~~ subject to challenge for cause."

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

...

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

...."

SECTION 4. G.S. 9-6.1 reads as rewritten:

"§ 9-6.1. Requests to be excused.

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

(b) Any person summoned as a juror who has a disability that could interfere with the person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may make the request without appearing in person by filing a signed statement of the ~~ground of grounds for~~ the request, including a brief explanation of the disability that interferes with the person's ability to serve as a juror, with the chief district court judge of that district, or the district court ~~judge or judge,~~ trial court ~~administrator administrator,~~ or clerk of superior court, if so designated by the chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date ~~upon which~~ the person is summoned to appear. ~~Upon~~ At the request of the court, medical documentation of any disability may be submitted. Any privileged medical information

or protected health information described in this ~~section shall be~~ section is confidential ~~and shall be and is~~ exempt from the provisions of Chapter 132 of the General Statutes or any other provision requiring information and records held by State agencies to be made public or accessible to the public.

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

SECTION 5. Article 1 of Chapter 9 of the General Statutes is amended by adding a new section to read:

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

(a) The name, address, and date of birth or age provided by each person who requests to be excused from jury duty on the basis that the person is not qualified to serve as a juror under G.S. 9-3, along with the reason for that request, shall be retained by the clerk of superior court for the remainder of the biennium as described in G.S. 9-2. The records retained by the clerk are not public records under G.S. 132-1. The clerk of superior court may destroy the records at the end of each biennium as described in G.S. 9-2.

(b) If a request to be excused from jury duty under G.S. 9-6 or G.S. 9-6.1 is granted because the person is not a citizen of the United States, the clerk of superior court shall report this information electronically to the State Board of Elections quarterly. The electronic file shall include the person's name, address, date of birth, and other personal information from the master jury list, along with the reasons for the person's disqualification and the date of disqualification. The State Board of Elections shall use this information to conduct efforts to remove names from its list of registered voters in accordance with G.S. 163-82.14. The records received and retained by the State Board of Elections are public records, subject to the provisions of G.S. 163-82.10 and G.S. 163-82.10B. The State Board of Elections shall retain the electronic records for a minimum of four years.

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

SECTION 6. G.S. 163-82.14 reads as rewritten:

"§ 163-82.14. List maintenance.

...

(c1) Noncitizens. –

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

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

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

b. Distribute to each county board of elections a report of the persons identified as provided in subdivision (1) of this subsection who are registered to vote in that county. The report shall include the

information in the electronic file provided by the clerk of superior court under G.S. 9-6.2, the voter registration number of the person if registered, and the results of the State Board's review of the person's voter registration and citizenship status. The State Board shall not include a person's name in the report if the State Board's review determines that the individual is a citizen of the United States. In the event that the prospective juror voted prior to becoming a United States citizen, the State Board shall furnish the district attorney and relevant county board or boards of election a copy of its investigation for prosecution of the violation as provided in G.S. 163-278.

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

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

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

(4) The records received and retained by the State Board are public records, subject to the provisions of G.S. 163-82.10 and G.S. 163-82.10B. The State Board shall retain the electronic records for a minimum of four years.

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

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

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

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

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

(2) Fails to respond to a confirmation mailing sent by the county board in accordance with this subdivision and does not vote or appear to vote in an election beginning on the date of the notice and ending on the day after the date of the second general election for the United States House of

Representatives that occurs after the date of the notice. A county board sends a confirmation notice in accordance with this subdivision if the ~~notice~~notice meets all of the following:

- a. ~~Is~~The notice is a postage prepaid and preaddressed return card, sent by forwardable mail, on which the registrant may state current ~~address~~address.
- b. ~~Contains~~The notice contains or is accompanied by a notice to the effect that if the registrant did not change residence but remained in the county, the registrant should return the card not later than the deadline for registration by mail in ~~G.S. 163-82.6(d)(1); and~~G.S. 163-82.6(d)(1).
- c. ~~Contains~~The notice contains or is accompanied by information as to how the registrant may continue to be eligible to vote if the registrant has moved outside the county.

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

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

...."

SECTION 7. The Administrative Office of the Courts shall amend the Rules of Recordkeeping to include procedures to implement the provisions of G.S. 9-6.2, as enacted by Section 5 of this act. Nothing in this act shall be construed to exempt records held by the Administrative Office of the Courts from Chapter 132 of the General Statutes, except as provided in G.S. 9-6.2, as enacted by this act.

SECTION 8.(a) G.S. 163-182.12A reads as rewritten:

"§ 163-182.12A. Post-election audits.

(a) The State Board shall adopt rules establishing post-election audit processes to be conducted by every county board of elections following each election. The rules shall establish a means of testing, assessing, and reporting on the accuracy of the votes cast and counted in the election. The county boards of election shall report as required by the rules adopted by the State Board.

(b) The State Board shall conduct a post-election audit of one-third of all counties following each general and municipal election, with the county boards providing full access to all documents, records, voting systems, and other necessary materials to the State Board. The State Board shall select the counties for each post-election audit in such a way that no county is the subject of a State Board post-election audit in two consecutive elections, and that at least one county with a population above 375,000 persons according to the most recent federal decennial census is included in each State Board post-election audit.

(c) After conducting a post-election audit, audit for each general and municipal election as required by subsection (b) of this section, the State Board shall produce a report which summarizes the that post-election audit, including the rationale for and the findings of the audit, audit which shall include at least all of the following:

- (1) A summary of the results of each post-election audit conducted.
- (2) A detailed description of each post-election audit conducted, including any issues that could have affected the outcome of the election and the manner in which those issues were resolved.

1 (3) A description of any systemic issues that were identified during the
2 post-election audits and any recommendations on the manner in which those
3 issues should be addressed to ensure election security and integrity.

4 (4) The manner in which the public participated in the conduct of the post-election
5 audits, including comments or referrals and observation.

6 (5) Any other matters deemed appropriate by the State Board.

7 (d) The Each report required by subsection (c) of this section shall be submitted to the
8 Joint Legislative Elections Oversight Committee and the Joint Legislative Oversight Committee
9 on General Government within 10 business days of the date the audit is completed."

10 **SECTION 8.(b)** This section is effective July 1, 2023, and applies to elections held
11 on or after that date.

12 **SECTION 9.** Sections 2 through 7 of this act become effective January 1, 2022.
13 Except as otherwise provided, the remainder of this act is effective when it becomes law.