

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H

2

HOUSE BILL 259  
Committee Substitute Favorable 10/6/21

Short Title: Election Integrity Act.

(Public)

Sponsors:

Referred to:

March 11, 2021

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT ALL VOTING SYSTEMS USED FOR ELECTIONS IN THIS STATE BE MADE IN THE UNITED STATES OF AMERICA, 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, 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, AND TO PROVIDE REPORTING REQUIREMENTS FOR THE STATE BOARD OF ELECTIONS FOLLOWING A POST-ELECTION AUDIT FOR A GENERAL ELECTION.

The General Assembly of North Carolina enacts:

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

"(k) Subject to any applicable federal law or regulation governing voting systems, the State Board shall require that all voting systems used for elections in this State, 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."

**SECTION 1.(b)** This section is effective when it becomes law and applies to voting systems acquired on or after that date.

**SECTION 2.** 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 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



1 Administrative Office of the Courts. Applications shall allow prospective jurors to specify the  
2 reason for excusal based on disqualification, including lack of United States citizenship.

3 (b) Pursuant to the foregoing policy, each chief district court judge shall promulgate  
4 procedures whereby ~~he or the chief or any~~ district court judge of ~~his district court district~~  
5 ~~designated by him, the district designated by the chief,~~ prior to the date that a jury session (or  
6 sessions) of superior or district court convenes, shall receive, hear, and pass on applications for  
7 excuses from jury duty. The procedures shall provide for the time and place, publicly announced,  
8 at which applications for excuses will be heard, and prospective jurors who have been summoned  
9 for service shall be so informed. The chief district court judge, after consultation with and the  
10 consent of the clerk of superior court, may also delegate the authority to receive, hear, and pass  
11 on applications for excuses from jury duty to the clerk of superior court. In counties located in a  
12 district or set of districts as defined in G.S. 7A-41.1(a) which have a trial court administrator, the  
13 chief district judge may assign the duty of passing on applications for excuses from jury service  
14 to the administrator. In all cases concerning excuses, the clerk of superior court or the trial court  
15 administrator shall notify prospective jurors of the disposition of their excuses.

16 ...

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

20 ...."

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

22 "**§ 9-6.1. Requests to be excused.**

23 (a) Any person summoned as a juror who is a full-time student and who wishes to be  
24 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  
25 who wishes to be excused, deferred, or exempted, may make the request without appearing in  
26 person by filing a signed statement of the ~~ground of grounds for~~ the request with the chief district  
27 court judge of that district, or the district court ~~judge or judge,~~ trial court ~~administrator designated~~  
28 administrator, or clerk of superior court, if so delegated by the chief district court judge pursuant  
29 to G.S. 9-6(b), at any time five business days before the date ~~upon which~~ the person is summoned  
30 to appear.

31 (b) Any person summoned as a juror who has a disability that could interfere with the  
32 person's ability to serve as a juror and who wishes to be excused, deferred, or exempted may  
33 make the request without appearing in person by filing a signed statement of the ground of the  
34 request, including a brief explanation of the disability that interferes with the person's ability to  
35 serve as a juror, with the chief district court judge of that district, or the district court ~~judge or~~  
36 judge, trial court ~~administrator-administrator, or clerk of superior court, if so~~ designated by the  
37 chief district court judge pursuant to G.S. 9-6(b), at any time five business days before the date  
38 ~~upon which~~ the person is summoned to appear. ~~Upon~~ At the request of the court, medical  
39 documentation of any disability may be submitted. Any privileged medical information or  
40 protected health information described in this ~~section shall be~~ section is confidential ~~and shall be~~  
41 and is exempt from the provisions of Chapter 132 of the General Statutes or any other provision  
42 requiring information and records held by State agencies to be made public or accessible to the  
43 public.

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

1 be immediately notified by the trial court administrator or the clerk of court by telephone, letter,  
2 or personally."

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

5 **"§ 9-6.2. Reports of excusals from jury duty based on disqualification.**

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

12 (b) If a person is disqualified from jury duty because the person is not a citizen of the  
13 United States, the clerk of superior court shall report this information electronically to the State  
14 Board of Elections quarterly. The electronic file shall include the person's name, address, date of  
15 birth, and other personal information from the master jury list, along with the reasons for the  
16 person's disqualification and the date of disqualification. The State Board of Elections shall use  
17 this information to conduct efforts to remove names from its list of registered voters in  
18 accordance with G.S. 163-82.14. The records retained by the State Board of Elections are public  
19 records under G.S. 132-1, notwithstanding the requirements of G.S. 20-43.4(c), except as  
20 prohibited by federal statute. The State Board of Elections shall retain the electronic records for  
21 four years and may destroy the records when they are no longer public records.

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

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

25 **"§ 163-82.14. List maintenance.**

26 ...

27 (c1) Noncitizens. –

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

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

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

38 b. Distribute to each county board of elections a report of the persons  
39 identified as provided in subdivision (1) of this subsection who are  
40 registered to vote in that county. The report shall include the  
41 information in the electronic file provided by the clerk of superior  
42 court under G.S. 9-6.2(a), the voter registration number of the person,  
43 and the results of the State Board's review of the person's voter  
44 registration and citizenship status. The State Board shall not include a  
45 person's name in the report if the State Board's review determines that  
46 the individual became a citizen of the United States after the date of  
47 that person's jury disqualification, unless the prospective juror voted  
48 prior to obtaining that person's United States citizenship. In the event  
49 that the prospective juror voted prior to becoming a United States  
50 citizen, the State Board shall furnish the district attorney a copy of its

- 1 investigation for prosecution of the violation as provided in  
2 G.S. 163-278.
- 3 (3) County board's duty upon receiving report. – Within 30 days of receipt by a  
4 county board of elections of a report pursuant to this subsection relating to a  
5 person registered to vote in that county, the following shall occur:
- 6 a. The county board shall give 30 days' written notice to the voter at the  
7 voter's registration address or mailing address if different from the  
8 voter's residential address. If the voter makes no objection, the county  
9 board shall remove the person's name from its registration records. The  
10 county board of elections shall indicate within the statewide  
11 computerized voter registration system any individual removed from  
12 the voter registration records on the basis of noncitizenship status.
- 13 b. If the voter notifies the county board of elections of the voter's  
14 objection to the removal within 30 days of the notice, the chair of the  
15 county board of elections shall enter a challenge under  
16 G.S. 163-85(c)(7) and the notice the county board received pursuant  
17 to this subdivision shall be prima facie evidence for the preliminary  
18 hearing that the person is not a citizen of the United States. This  
19 presumption may be rebutted by evidence as presented by the person  
20 of citizenship naturalization following the excusal from jury service or  
21 other federal documentation of citizenship.
- 22 (4) The records retained pursuant to this subsection are public records under  
23 G.S. 132-1, notwithstanding the requirements of G.S. 20-43.4(c), except as  
24 prohibited by federal statute. The State Board and county board of elections  
25 shall retain the electronic records for four years and may destroy the records  
26 when they are no longer public records.
- 27 (d) Change of Address. – A county board of elections shall conduct a systematic program  
28 to remove from its list of registered voters those who have moved out of the county, and to update  
29 the registration records of persons who have moved within the county. The county board shall  
30 remove a person from its list if the registrant:
- 31 (1) Gives confirmation in writing of a change of address for voting purposes out  
32 of the county. "Confirmation in writing" for purposes of this subdivision shall  
33 ~~include~~:include any of the following:
- 34 a. A report to the county board from the Department of Transportation  
35 or from a voter registration agency listed in G.S.163-82.20 that the  
36 voter has reported a change of address for voting purposes outside the  
37 ~~county~~:county.
- 38 b. A notice of cancellation received under ~~G.S. 163-82.9;~~  
39 ~~or~~G.S. 163-82.9.
- 40 c. A notice of cancellation received from an election jurisdiction outside  
41 the State.
- 42 (2) Fails to respond to a confirmation mailing sent by the county board in  
43 accordance with this subdivision and does not vote or appear to vote in an  
44 election beginning on the date of the notice and ending on the day after the  
45 date of the second general election for the United States House of  
46 Representatives that occurs after the date of the notice. A county board sends  
47 a confirmation notice in accordance with this subdivision if the ~~notice~~:notice  
48 meets all of the following:
- 49 a. ~~Is~~The notice is a postage prepaid and preaddressed return card, sent  
50 by forwardable mail, on which the registrant may state current  
51 ~~address~~:address.

- 1                   b.     ~~Contains~~The notice contains or is accompanied by a notice to the  
 2                   effect that if the registrant did not change residence but remained in  
 3                   the county, the registrant should return the card not later than the  
 4                   deadline for registration by mail in ~~G.S. 163-82.6(d)(1);~~  
 5                   ~~and~~G.S. 163-82.6(d)(1).  
 6                   c.     ~~Contains~~The notice contains or is accompanied by information as to  
 7                   how the registrant may continue to be eligible to vote if the registrant  
 8                   has moved outside the county.

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

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

17               ...."

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

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

24               "**§ 163-182.12A. Post-election audits.**

25               (a)     After conducting a post-election ~~audit,~~audit for each election as required by this  
 26               Chapter, except for a general election, the State Board shall produce a report which summarizes  
 27               the audit, including the rationale for and the findings of the audit. After conducting a post-election  
 28               audit for a general election, the State Board shall produce a report which shall include all of the  
 29               following:

- 30               (1)     A summary of the types of post-election audits required by law and the  
 31               requirements for conducting each of the audits.  
 32               (2)     A summary of the results of each of the post-election audits described in  
 33               subdivision (1) of this subsection.  
 34               (3)     A detailed description of each of the post-election audits described in  
 35               subdivision (1) of this subsection, including any issues that could have  
 36               affected the outcome of the election and the manner in which those issues  
 37               were resolved.  
 38               (4)     A description of any systemic issues that were identified during the  
 39               post-election audits and any recommendations on the manner in which those  
 40               issues should be addressed to ensure election security and integrity.  
 41               (5)     The ways in which the public was allowed to observe and comment on the  
 42               conduct of the post-election audits, as authorized by law.  
 43               (6)     Any other matters deemed appropriate by the State Board.

44               (b)     ~~The~~Each report required by subsection (a) of this section shall be submitted to the  
 45               Joint Legislative Elections Oversight Committee and the Joint Legislative Oversight Committee  
 46               on General Government within 10 business days of the date the audit is completed."

47               **SECTION 8.(b)** This section is effective when it becomes law and applies to  
 48               elections held on or after that date.

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