

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

S

3

SENATE BILL 250
Judiciary Committee Substitute Adopted 4/3/19
Third Edition Engrossed 4/10/19

Short Title: Records of Excusals for Jury Duty.

(Public)

Sponsors:

Referred to:

March 14, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW A CLERK OF COURT TO HEAR JURY EXCUSES IF DESIGNATED TO BY THE CHIEF DISTRICT COURT JUDGE, AND TO PROVIDE THAT THE NAMES AND ADDRESSES OF PERSONS REQUESTING TO BE EXCUSED FROM JURY DUTY BASED ON DISQUALIFICATION SHALL BE RETAINED BY THE CLERK OF SUPERIOR COURT FOR THE REMAINDER OF THE BIENNIUM AND IN SOME CASES SHARED WITH THE BOARD OF ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 9-6 reads as rewritten:

"§ 9-6. Jury service a public duty; excuses to be allowed in exceptional cases; procedure.

...

(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,~~ 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 delegate 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.

...."

SECTION 2. 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)] 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 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 delegated 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.



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

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

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

25 **"§ 9-6.2. Records of excusals from jury duty based on disqualification.**

26 (a) The name and address of each person who requests to be excused from jury duty on
27 the basis that the person is not qualified to serve as a juror under G.S. 9-3, along with the reason
28 for that request, shall be retained by the clerk of superior court for the remainder of the biennium.
29 The records retained by the clerk are not public records under G.S. 132-1.

30 (b) If a person is disqualified from jury duty due to citizenship, residency, or criminal
31 history, the clerk of superior court shall record the person's name, address provided, reason for
32 disqualification, and the date of disqualification and report this information electronically to the
33 State Board of Elections quarterly. The State Board of Elections shall use this information to
34 conduct efforts to remove names from its list of registered voters in accordance with
35 G.S. 163A-877. The State Board of Elections shall retain the electronic record for two years. The
36 clerk of superior court may destroy the records at the end of each biennium.

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

39 **SECTION 3.5.** G.S. 163A-877 reads as rewritten:

40 **"§ 163A-877. List maintenance.**

41 (a) Uniform Program. – The State Board shall adopt a uniform program that makes a
42 diligent effort not less than twice each year:

- 43 (1) To remove the names of ineligible voters from the official lists of eligible
44 voters, and
- 45 (2) To update the addresses and other necessary data of persons who remain on
46 the official lists of eligible voters.

47 That program shall be nondiscriminatory and shall comply with the provisions of the Voting
48 Rights Act of 1965, as amended, and with the provisions of the National Voter Registration Act.
49 The State Board, in addition to the methods set forth in this section, may use other methods
50 toward the ends set forth in subdivisions (1) and (2) of this subsection, including
51 address-updating services provided by the Postal Service, and entering into data sharing

1 agreements with other states to cross-check information on voter registration and voting records.
2 Any data sharing agreement shall require the other state or states to comply with G.S. 163A-871
3 and G.S. 163A-873. Each county board of elections shall conduct systematic efforts to remove
4 names from its list of registered voters in accordance with this section and with the program
5 adopted by the State Board. The county boards of elections shall complete their list maintenance
6 mailing program by April 15 of every odd-numbered year, unless the State Board approves a
7 different date for the county.

8 (a1) Records of Excusals from Jury Duty Based on Disqualification. – The clerk of
9 superior court shall report information on excusals from jury duty based on disqualification due
10 to citizenship, residency, or criminal history to the State Board quarterly, as provided in
11 G.S. 9-6.2. The State Board shall distribute to the county board elections the names on that report
12 of individuals registered to vote in that county who were excused from jury duty based on
13 disqualification due to citizenship, residency, or criminal history. Upon receipt of these names,
14 each county board of elections shall use this report in conducting systematic efforts to remove
15 the names of ineligible voters from the official lists of eligible voters pursuant this section.

16 ...

17 (c) Conviction of a Felony. –

18 (1) Report of Conviction Within the State. – The State Board, on or before the
19 fifteenth day of every month, shall report to the county board of elections of
20 that county the name, county of residence, and residence address if available,
21 of each individual against whom a final judgment of conviction of a felony
22 has been entered in that county in the preceding calendar month.

23 (2) Report of Federal Conviction. – The Executive Director of the State Board,
24 upon receipt of a notice of conviction sent by a United States Attorney
25 pursuant to section 8(g) of the National Voter Registration Act, shall notify
26 the appropriate county boards of elections of the conviction.

27 (3) County Board's Duty Upon Receiving Report of Conviction. – When a county
28 board of elections receives a notice pursuant to subdivision (1) or (2) of this
29 subsection relating to a resident of that county, or receives notice of an excusal
30 from jury duty based on criminal history pursuant to subsection (a1) of this
31 section, and that person is registered to vote in that county, the board shall,
32 after giving 30 days' written notice to the voter at his registration address, and
33 if the voter makes no objection, remove the person's name from its registration
34 records. If the voter notifies the county board of elections of his objection to
35 the removal within 30 days of the notice, the chairman of the board of
36 elections shall enter a challenge under G.S. 163A-911(c)(5), and the notice
37 the county board received pursuant to this subsection shall be prima facie
38 evidence for the preliminary hearing that the registrant was convicted of a
39 felony.

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

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

47 a. A report to the county board from the Department of Transportation
48 or from a voter registration agency listed in G.S. 163A-884 that the
49 voter has reported a change of address for voting purposes outside the
50 ~~county;~~ county.

- 1 b. A notice of cancellation received under ~~G.S. 163A-870;~~
- 2 ~~or~~G.S. 163A-870.
- 3 c. A notice of cancellation received from an election jurisdiction outside
- 4 the State.
- 5 (2) Fails to respond to a confirmation mailing sent by the county board in
- 6 accordance with this subdivision and does not vote or appear to vote in an
- 7 election beginning on the date of the notice and ending on the day after the
- 8 date of the second general election for the United States House of
- 9 Representatives that occurs after the date of the notice. A county board sends
- 10 a confirmation notice in accordance with this subdivision if the ~~notice~~notice
- 11 meets all of the following:
- 12 a. ~~Is~~The notice is a postage prepaid and preaddressed return card, sent
- 13 by forwardable mail, on which the registrant may state current
- 14 ~~address;~~address.
- 15 b. ~~Contains~~The notice contains or is accompanied by a notice to the
- 16 effect that if the registrant did not change residence but remained in
- 17 the county, the registrant should return the card not later than the
- 18 deadline for registration by mail in ~~G.S. 163A-865(d)(1);~~
- 19 ~~and~~G.S. 163A-865(d)(1).
- 20 c. ~~Contains~~The notice contains or is accompanied by information as to
- 21 how the registrant may continue to be eligible to vote if the registrant
- 22 has moved outside the county.
- 23 A county board shall send a confirmation mailing in accordance with this
- 24 subdivision to every registrant after every congressional election if the county
- 25 board has not confirmed the registrant's address by another means.
- 26 (2a) Is included on a report of excusals from jury duty based on disqualification
- 27 due to residency outside of the county received under G.S. 9-6.2, upon
- 28 verification by the county board that the registrant does reside outside of the
- 29 county.
- 30 (3) Any registrant who is removed from the list of registered voters pursuant to
- 31 this subsection shall be reinstated if the voter appears to vote and gives oral or
- 32 written affirmation that the voter has not moved out of the county but has
- 33 maintained residence continuously within the county. That person shall be
- 34 allowed to vote as provided in G.S. 163A-878(f).

35 "

36 **SECTION 4.** G.S. 9-6(e) reads as rewritten:

37 "(e) The judge shall inform the clerk of superior court of persons excused under this

38 section, and the clerk shall keep a record of excuses separate from the master jury ~~list~~list in

39 accordance with G.S. 9-6.2."

40 **SECTION 5.** The Administrative Office of the Courts shall amend the Rules of

41 Recordkeeping to include procedures to implement the provisions of G.S. 9-6.2, as enacted by

42 Section 3 of this act.

43 **SECTION 6.** This act becomes effective January 1, 2020.