

# EMERGENCY LEGISLATIVE ACTION NEEDED (v.3)

*This bill would require the Clerk of Court to publicly release enough information about these persons that the Board of Elections may insure that such persons are removed from the voter roll. NC record-keeping law currently allows such documentation to be destroyed after two weeks, so this bill also stipulates retention long enough to prosecute persons lying to evade jury duty.*

*Implications: Among the reasons listed in §9-3 that persons cannot serve as jurors include persons who are not citizens of the State or not residents of the county. Though §9-3 doesn't address US citizenship, several counties include that question on the disqualification form. All three of those conditions (US citizen, state citizenship and county residency) all have election implications that this bill addresses.*

*Background: Voter Integrity Project sought the original language of HB 100 in 2013, after we discovered thousands of Wake County residents who had reported themselves as non-citizens, in order to avoid jury duty. 532 were registered to vote and, of those, 130 had voted prior to reporting their status to the Clerk of Court. That same year, the NC Administrative Office of the Courts revoked public access to the data and HB 100 made it public again. Then the bill was amended in the House in a way that again prevented public accountability. It passed the House and is now in Senate Judiciary II, chaired by Senators Barringer, Daniel and Randleman. Members: Alexander, Barefoot, Bingham, Bryant, Cook, Curtis, J. Davis, J. Jackson, Krawiec, Lowe, McInnis, Smith-Ingram, Van Duyen, Wells & Woodard.*

## (V.3) VIP-RECOMMENDED SENATE JUDICIARY II PCS TO HB 100:

### A BILL TO BE ENTITLED

1  
2 AN ACT TO ~~PROVIDE~~ REQUIRE THE TWO-YEAR RETENTION BY THE CLERK OF SUPERIOR COURT  
3 OF THAT THE NAMES, AGES AND ADDRESSES OF PERSONS EXCUSED DISQUALIFIED FROM  
4 JURY DUTY BASED ON DISQUALIFICATION SHALL BE RETAINED BY THE CLERK OF  
5 SUPERIOR COURT FOR NOT LESS THAN TWO YEARS.  
6

7 The General Assembly of North Carolina enacts:

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

10 "~~§ 9-6.2~~ **3.1. Records of ~~excusals~~ disqualifications from jury duty based on disqualification.**

11 The name, age and address of each person ~~who requests to be excused~~ disqualified from jury duty on the  
12 basis that he or she is not neither a resident of the county, a citizen of North Carolina nor a citizen of the  
13 United States ~~qualified to serve as a juror under G.S. 9-3, along with the reason for that request,~~ shall be  
14 retained by the clerk of superior court for not less than two years from the date of ~~excusal,~~ disqualification,  
15 and ~~but are not~~ is public record. On a monthly basis, ~~t~~The clerk of superior court shall provide a copy of ~~a list~~  
16 ~~of the name, age and address of all persons disqualified~~ for any reason related to qualifications under  
17 G.S. 163-55 to the State Board of Elections for the purposes of G.S. 163-82.14."

18 **SECTION 2.** G.S. 9-6(e) reads as rewritten:

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

22 **SECTION 3.** ~~This act becomes effective July 1, 2016.~~