



NORTH CAROLINA

STATE BOARD OF ELECTIONS

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June 28, 2024

Via Email

Ms. Jamie Liles
Executive Director
North Carolina Conference of Clerks of Superior Court
jamie.a.liles@nccourts.org

Re: State Board of Elections Schedule for Clerks of Court Jury List Information Transmittal

Dear Executive Director Liles:

The General Assembly enacted Senate Bill 747 (S.B. 747 or Session Law 2023-140), which includes a new requirement for the State Board and county boards of elections to conduct voter list maintenance processes using lists, provided by the clerks of superior court, of people who request to be excused from jury service because they indicated they are not U.S. citizens. This requirement goes into effect on July 1, 2024.

As noted in Section 44 of S.B. 747, “the clerk of superior court shall, at least on a schedule as determined by the State Board of Elections,” provide the State Board a list of people who request to be excused from jury service on the basis that the person is not a U.S. citizen. N.C. Sess. Law 2023-140, sec. 44(d) § 9-6.2(b). The purpose of this letter is to inform the Clerks of Superior Court of this schedule, and I appreciate your distribution of this schedule to the clerks in our State.

This year, the State Board is requesting the list from the Clerks on or before August 5, 2024, and another transmission on December 6, 2024. Subsequently, the lists should be provided on the following regular schedule:

- Odd years: the second Friday in July
- Even years: the first Friday in April, and the first Friday in December

[Attachment A to this letter includes the schedule of required transmission dates through 2028.]

Due to the July effective date of this provision, this year’s initial submission in August is later than the State Board would normally request it during an even-numbered year and will be subject to some special procedures to ensure compliance with federal law regarding when voter list maintenance can occur during federal election years, as explained further below. After the initial

transmission, the schedule will become regular as noted above and will result in regular list maintenance processes by elections officials, consistent with state and federal law.

For your awareness, a few key considerations are informing the establishment of this schedule.

First, based on our staff's discussions with you and other representatives of the clerks regarding implementation of these provisions of S.B. 747, our understanding is that the clerks would need time to prepare and conduct quality control review of the lists prior to transmitting them to the State Board. Additionally, while most clerks use the same jury list management software, there are some counties that will need to employ a different process to create the list because they use different software. Accordingly, the schedule set out in Attachment A includes a recommended reporting period that corresponds to each transmission date, with that recommended reporting period ending approximately a month prior to the required transmission date.

Second, voter list maintenance activities are subject to the requirements of federal law pertaining to systematic "voter removal programs." The National Voter Registration Act of 1993 ("NVRA") requires such programs to be completed by the 90th day before a federal election. 52 U.S.C. § 20507(c)(2)(A). When taking into account the various steps in the list maintenance program enacted through Section 44 of S.B. 747, the removal of a registrant subject to these procedures, absent objection from the registrant, will take as long as 90 days to be completed from the time the lists are received by the State Board from the clerks, which is what triggers the list maintenance processes in the statute. Even if some processes are accomplished more quickly by the State Board and county boards of elections, our conservative estimate is that the program, absent objection from a registrant, can be completed within 75 days of receiving the lists of names from the clerks. Accordingly, the schedule for transmission dates in even and odd years is being established to ensure that the program can be completed at times when it is permissible to do so.

Finally, as noted above, the transmission dates will be slightly different this year. Taking into account the July 1, 2024, effective date of Section 44 of S.B. 747, the requirements of the NVRA, and the amount of time it takes to complete this program as provided in the statute, it is not possible to complete all of the statutorily provided steps in the program before the start of the 90-day cutoff provision of the NVRA before the November general election. Accordingly, federal law will not allow election officials to conduct a "removal program" with the lists provided from the Clerks in August.

Nonetheless, carrying out an initial transmission of lists on August 5, 2024, will accomplish a few purposes. First, doing so will give the clerks the opportunity to run through this new process of creating, proofing, and transmitting the lists with what should likely be a small dataset—those names received in the month of July, after the law becomes effective. This will also give our staff the opportunity to determine how long it takes to administer our portion of the process—to "[r]eview the voter registration and citizenship status of each person identified, including the matching of available information in State and federal databases," N.C. Sess. Law 2023-140, sec.

44(e) § 163-82.14(c1)(1)a—in preparation for when the datasets are expected to be larger in subsequent transmissions. Finally, although we cannot conduct a “removal program” with the August list, to carry out the general purpose of the legislation, the State Board plans to contact registrants who match with a person on the August list, where the review of state and federal databases does not indicate that the person is, in fact, a citizen; and to inform these registrants of the information indicating they may not be a citizen and of the rules prohibiting registration and voting as a noncitizen. Our plan is to provide a cancellation-of-registration form, in the event the registrant determines they are not eligible to vote.

Our agency will provide by separate correspondence the technical instructions for the clerks to transmit the lists on the required transmission dates. It is also my understanding that our staff will be attending the clerks’ regional meetings in the month of July to help ensure this process of sending and receiving the lists works as smoothly as possible.

I thank you again for your distribution of the transmission schedule to the clerks in our State, and for your work with our staff on implementing this new process required by Section 44 of S.B. 747.

Sincerely,

A handwritten signature in blue ink that reads "Karen Brinson Bell". The signature is written in a cursive, flowing style.

Karen Brinson Bell
Executive Director

Enclosure

CC: Ryan Boyce, Director, Administrative Office of the Courts
Andrew Brown, General Counsel, Administrative Office of the Courts
Devon Barnhardt, Assistant Legal Counsel, Administrative Office of the Courts

ATTACHMENT A

Date Clerks Must Transmit List to State Board	Suggested Reporting Period
8/5/24	7/1/24 – 7/31/24
12/6/24	8/1/24 – 10/31/24
7/11/25	11/1/24 – 5/31/25
4/2/26	6/1/25 – 2/28/26
12/4/26	3/1/26 – 10/31/26
7/9/27	11/1/26 – 5/31/27
4/7/28	6/1/27 – 2/28/28
12/1/28	3/1/28 – 10/31/28