

Don Davis has voted against defunding cities that are not in compliance with North Carolina’s immigration laws, voted against requiring law enforcement agencies to contact Immigration and Customs Enforcement, also known as ICE, when an illegal immigrant is arrested for a crime, and Davis voted to make elections less secure by voting against a bill that would have removed illegal immigrants from voter lists.

BACKUP:

Don Davis voted “No” on H.B. 100, the “Local Government Immigration Compliance” Act, which would have defunded local governments that are not in compliance with North Carolina’s laws as they relate to immigration:

- Don Davis voted “No” on H.B. 100, the “Local Government Immigration Compliance” Act. (NC General Assembly, [“Senate Roll Call Vote Transcript for Roll Call #994,”](#) 6/28/2016)

HB 100: Local Government Immigration Compliance.		Vote: Third Reading	
Roll Call #994	Total votes: 49	Ayes: 31	
Outcome: PASS	Noes: 18	Not Voting: 0	
Sponsor: CLEVELAND	Excused Absence: 1	Excused Vote: 0	
Time: 6/28/2016 5:19 p.m.			
Ayes (Democrat)	Ayes (Republican)		
None	Alexander; Apodaca; Ballard; Barefoot; Berger; Bingham; Brock; Brown; Cook; Curtis; Daniel; J. Davis; Gunn; Harrington; Hise; B. Jackson; Krawiec; Lee; McInnis; Meredith; Pate; Rabin; Rabon; Randleman; Rucho; Sanderson; Tarte; Tillman; Tucker; Wade; Wells		
Noes (Democrat)	Noes (Republican)		
Blue; Bryant; Chaudhuri; Clark; D. Davis; Ford; Foushee; J. Jackson; Lowe; McKissick; Robinson; Smith; Smith-Ingram; Van Duyn; Waddell; Woodard	Barringer; Hartsell		
Excused Absence (Democrat)	Excused Absence (Republican)		
None	Newton		

(NC General Assembly, [“Senate Roll Call Vote Transcript for Roll Call #994,”](#) 6/28/2016)

- H.B. 100 would have allowed for the Attorney General of North Carolina to investigate whether a local government followed State law on immigration. (NC General Assembly, [HOUSE BILL 100](#), Fifth Edition Adopted 6/21/2015)

"§ 64-52. Filing of statement alleging noncompliance with a State law related to immigration.

Any person with a good-faith belief that a city, county, or law enforcement agency is not in compliance with a State law related to immigration may file a statement with the Attorney General setting forth the basis for that belief. The statement may be on a form prescribed by the Attorney General pursuant to G.S. 64-51 or may be made in any other form that gives the Attorney General information sufficient to proceed with an investigation pursuant to G.S. 64-53. Nothing in this section shall be construed to prohibit the filing of anonymous statements that are not submitted on a prescribed form.

"§ 64-53. Investigation.

(a) **Investigation.** – Within 45 days of receipt of a statement filed in accordance with G.S. 64-52, the Attorney General shall commence an investigation of whether the city, county, or law enforcement agency is in fact not in compliance with a State law related to immigration. The Attorney General shall make a determination and conclude an investigation commenced pursuant to this subsection within 60 days of the investigation's commencement.

(b) **Assistance by Law Enforcement.** – The Attorney General may request that the State Bureau of Investigation assist in an investigation under this section, and the State Bureau of Investigation shall assist in the investigation when it receives such a request.

(c) **Production of Documents.** – A local government shall produce records or documents related to alleged noncompliance with a State law related to immigration within 10 business days of a request by the Attorney General to do so.

(d) **Confidentiality.** – Statements filed with the Attorney General pursuant to G.S. 64-52 and reports and other investigative documents and records of the Attorney General connected to an investigation under this section shall be confidential and not matters of public record, except when the local government under investigation requests in writing that these documents be made public. Once an investigation under this section is complete, or once 60 days have elapsed since the investigation was commenced, whichever is earlier, the statement and all other reports and other investigative documents and records of the Attorney General connected to an investigation under this section, not otherwise privileged or confidential under law, shall be public records.

(NC General Assembly, [HOUSE BILL 100](#), Fifth Edition Adopted 6/21/2015)

- If the Attorney General of North Carolina determined that a local government was not complying with State law on immigration, the consequences would include ineligibility to receive state funds. (NC General Assembly, [HOUSE BILL 100](#), Fifth Edition Adopted 6/21/2015)

"§ 64-54. Consequences of noncompliance with a State law related to immigration.

(a) **Consequences of Noncompliance Generally.** – If, after an investigation pursuant to G.S. 64-53, the Attorney General determines that a city, county, or law enforcement agency is not in compliance with a State law related to immigration:

- (1) All affected local governments shall be ineligible to receive distributions under G.S. 115C-546.2 and G.S. 136-41.1 for the fiscal year following the first date of

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noncompliance with the State law related to immigration. If within 60 days of the Attorney General's determination, the city, county, or law enforcement agency fails to demonstrate to the Attorney General's satisfaction that the city, county, or law enforcement agency is in compliance with all State laws related to immigration, the period of ineligibility shall be extended for an additional fiscal year.

- (2) The Attorney General shall notify the following entities of the Attorney General's determination that the city, county, or law enforcement agency is not in compliance with a State law related to immigration and of the duration of the period of ineligibility to receive funds determined pursuant to subdivision (1) of this subsection:
 - Affected local governments.
 - The chairs of the Appropriations Committees of the Senate and House of Representatives.
 - The chairs of the Joint Legislative Commission on Governmental Operations.
 - The Office of State Budget and Management.

- (3) The Office of State Budget and Management shall notify the Departments of Public Instruction and Transportation and the State Controller of affected local governments' ineligibility to receive the funds described in subdivision (1) of this section. The Departments of Public Instruction and Transportation and the State Controller shall ensure that these funds are not distributed to affected local governments and that they are instead distributed to other local governments that are eligible for distributions pursuant to the relevant statute.

(NC General Assembly, [HOUSE BILL 100](#), Fifth Edition Adopted 6/21/2015)

In July 2022, Don Davis voted against S.B. 101, legislation that would require local law enforcement to “search the immigration status of anyone booked into jails for a criminal charge” and work with Immigration and Customs Enforcement:

- In July 2022, Don Davis voted against S.B. 101, “Require Cooperation with ICE 2.0” (NC General Assembly, SB 101, Motion 9 To Concur, [Roll Call #685](#), Passed: 25-19, Davis Voted No, 7/1/22)

SENATE ROLL CALL VOTE TRANSCRIPT FOR ROLL CALL #685		
2021-2022 Session		
SB 101: Require Cooperation with ICE 2.0.		Vote: Motion 9 To Concur
Roll Call #685	Total votes: 44	Ayes: 25
Outcome: PASS	Noes: 19	Not Voting: 0
Sponsor: EDWARDS	Excused Absence: 6	Excused Vote: 0
Time: 7/1/2022 9:58 a.m.		
Ayes (Democrat)	Ayes (Republican)	
None	T. Alexander; Ballard; Barnes; Berger (Chair); Britt; Burgin; Corbin; Craven; Daniel; Edwards; Ford; Galey; Hise; B. Jackson; Jarvis; Johnson; Krawiec; Lee; McClinnis; Newton; Perry; Proctor; Rabon; Sanderson; Sawyer	
Noes (Democrat)	Noes (Republican)	
Batch; Blue; Chaudhuri; Clark; Crawford; D. Davis; deViere; Fitch; Foushee; Garrett; Lowe; Marcus; Mayfield; Murdock; Nickel; Robinson; Salvador; Waddell; Woodard	None	
Excused Absence (Democrat)	Excused Absence (Republican)	
Bazemore; J. Jackson; Mohammed	Harrington; Lazzara; Steinburg	

(NC General Assembly, SB 101, Motion 9 To Concur, [Roll Call #685](#), Passed: 25-19, Davis Voted No, 7/1/22)

- S.B. 101 would require local law enforcement to “search the immigration status of anyone booked into jails for a criminal charge. If they can't, they must request the assistance of U.S. Immigration and Customs Enforcement” and anyone found to be in the country illegally must “be held for 48 hours so ICE agents can pick them up.” “Senate Bill 101, dubbed Require Cooperation with ICE 2.0, states that local officials must determine the identity and immigration status of anyone booked into their county or city jail on a felony charge or an impaired driving charge. If they can't, they must request the assistance of U.S. Immigration and Customs Enforcement to do so. Anyone found to be in the U.S. illegally must, under the proposal, be held for 48 hours so ICE agents can pick them up.” (Matthew Burns, “Wake, Mecklenburg sheriffs balk at renewed effort to force them to cooperate with ICE,” [WRAL](#), 3/9/21)

Don Davis voted “No” on S.B. 250, which would have more effectively ensured that illegal immigrants could not vote in elections by also denying them the ability to serve jury duty:

- Don Davis voted “No” on S.B. 250. (NC General Assembly, “[Senate Roll Call Vote Transcript for Roll Call #634](#),” 10/30/2019)

Roll Call #634
 Outcome: PASS
 Sponsor: KRAWIEC
 Time: 10/30/2019 5:20 p.m.

Total votes: 50
 Noes: 21
 Excused Absence: 0

Ayes: 29
 Not Voting: 0
 Excused Vote: 0

Ayes (Democrat)
 None

Ayes (Republican)
 J. Alexander; T. Alexander; Ballard; Berger (Chair); Britt; Brown; Bryan;
 Burgin; Daniel; J. Davis; Edwards; Ford; Gallimore; Gunn; Harrington; Hise;
 Horner; B. Jackson; Johnson; Krawiec; McInnis; Newton; Perry; Rabon;
 Sanderson; Sawyer; Steinburg; Tillman; Wells

Noes (Democrat)
 Blue; Chaudhuri; Clark; D. Davis; deViere; Fitch; Foushee; Garrett; J.
 Jackson; Lowe; Marcus; McKissick; Mohammed; Nickel; Peterson;
 Robinson; Searcy; Smith; Van Duyn; Waddell; Woodard

Noes (Republican)
 None

(NC General Assembly, "[Senate Roll Call Vote Transcript for Roll Call #634](#)," 10/30/2019)

- **S.B. 250 would have more effectively ensured that non-citizen immigrants could not vote in elections by creating a reporting system of persons who identified as non-citizens when called upon for jury duty.** “The name and address 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, 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. If a person is disqualified from jury duty 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 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.” (NC General Assembly, [SENATE BILL 250](#), Bill Ratified 10/31/2019)
 - **G.S. 163-82.14 lays out the protocol for updating voting lists and rolls.** “... The State Board of Elections shall adopt a uniform program that makes a diligent effort not less than twice each year: (i) To remove the names of ineligible voters from the official lists of eligible voters and, (ii) To update the addresses and other necessary data of persons who remain on the official lists of eligible voters.” (NC General Assembly, "[G.S. 163-82.14](#)," Accessed 5/2/2022)