

SUBCHAPTER II. ELECTION OFFICERS.

Article 3.

State Board of Elections.

§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.

(a) There is established the State Board of Elections, which may be referred to as the "State Board" in this Chapter.

(b) The State Board shall consist of eight registered voters in this State who are appointed by the General Assembly as follows:

- (1) Two members appointed upon recommendation of the President Pro Tempore of the Senate.
- (2) Two members appointed upon recommendation of the Speaker of the House of Representatives.
- (3) Two members appointed upon recommendation of the minority leader of the Senate.
- (4) Two members appointed upon recommendation of the minority leader of the House of Representatives.

(b1) No later than April 1 immediately following each election of the members of the Council of State, the State party chair of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board shall submit to the General Assembly a list of four nominees who are affiliated with that political party. The General Assembly shall give due consideration to the nominees provided by the party chairs. However, the General Assembly is not required to appoint members from the submitted nominees and may appoint any registered voter in the State in accordance with this section.

(b2) Members shall serve four-year terms, until a successor is appointed and qualified, beginning May 1 immediately following each election of the members of the Council of State. No person may serve more than two consecutive four-year terms.

(c) Any vacancy occurring in the State Board shall be filled by the General Assembly, and the person appointed shall serve the remainder of the unexpired term. The State party chair of the political party that nominated the vacating member as provided in subsection (b1) of this section may submit, within five business days of the occurrence of the vacancy, a list of three nominees to fill the vacancy who are affiliated with that political party. The General Assembly may fill the vacancy in accordance with G.S. 120-121 during a regular or extra session. Notwithstanding G.S. 120-122, if the General Assembly has adjourned for more than 10 days, the vacancy shall be filled by the individual recommending the initial appointment of the vacating member in accordance with subsection (b) of this section via a letter appointing an individual to serve until the expiration of the term under subsection (b1) of this section or until the General Assembly fills the vacancy, whichever occurs first.

(d) At the first meeting held after new appointments are made, the members of the State Board shall take the following oath:

"I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain, and defend the Constitution of said State, and that I will well and truly execute the duties of the office of member of the State Board of Elections according to the best of my knowledge and ability, according to law, so help me God."

(e) After taking the prescribed oath, the State Board shall organize by electing one of its members chair and another secretary. If for any reason a chair is not elected within 30 days after taking the prescribed oath or within 30 days of the occurrence of a vacancy in the office of the chair, the office of the chair may be filled by legislative appointment in accordance with G.S. 120-121 as if the chair is a member of a board or commission with the appointing authority being as follows:

- (1) If the vacancy occurs in 2025 and every eight years thereafter, the appointment is made upon the recommendation of the President Pro Tempore of the Senate.
- (2) If the vacancy occurs in 2026 and every eight years thereafter, the appointment is made upon the recommendation of the Speaker of the House of Representatives.
- (3) If the vacancy occurs in 2027 and every eight years thereafter, the appointment is made upon the recommendation of the President Pro Tempore of the Senate.
- (4) If the vacancy occurs in 2028 and every eight years thereafter, the appointment is made upon the recommendation of the Speaker of the House of Representatives.
- (5) If the vacancy occurs in 2029 and every eight years thereafter, the appointment is made upon the recommendation of the Speaker of the House of Representatives.
- (6) If the vacancy occurs in 2030 and every eight years thereafter, the appointment is made upon the recommendation of the President Pro Tempore of the Senate.
- (7) If the vacancy occurs in 2031 and every eight years thereafter, the appointment is made upon the recommendation of the Speaker of the House of Representatives.
- (8) If the vacancy occurs in 2032 and every eight years thereafter, the appointment is made upon the recommendation of the President Pro Tempore of the Senate.

(f) No person shall be eligible to serve as a member of the State Board who:

- (1) Holds any elective or appointive office under the government of the United States, the State of North Carolina, or any political subdivision thereof.
- (2) Is a candidate for nomination or election to any office.
- (3) Holds any office in a political party or organization.
- (4) Is a campaign manager or treasurer of any candidate in a primary or election.
- (5) Is currently an employee of the State, a community college, or a local school administrative unit.
- (6) Within the 48 months prior to appointment, has held any of the following positions with an organization that has engaged in electioneering in those 48 months:
 - a. Director, officer, or governing board member.
 - b. Employee.
 - c. Lobbyist registered under Chapter 120C of the General Statutes.
 - d. Independent contractor.
 - e. Legal counsel of record.

(g) No person while serving on the State Board shall:

- (1) Make a reportable contribution to a candidate for a public office over which the State Board would have jurisdiction or authority.
- (2) Register as a lobbyist under Chapter 120C of the General Statutes.
- (3) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office.

- (4) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the passage of one or more clearly identified referendum or ballot issue proposals.
- (5) Solicit contributions for a candidate, political committee, or referendum committee.
- (6) Serve as a member of any other State board, as defined in G.S. 138A-3. (1901, c. 89, ss. 5, 7; Rev., ss. 2760, 4300, 4301; C.S., ss. 5921, 5922; 1933, c. 165, s. 1; 1953, c. 428; 1967, c. 775, s. 1; 1975, c. 286; 1985, c. 62, ss. 1, 1.1; 2005-276, s. 23A.3; 2006-262, s. 4.2; 2013-381, s. 45.1(a); 2017-6, ss. 4(c), 7(a); 2018-2, s. 8(b); 2018-13, s. 5; 2018-146, ss. 3.1(a)-(c), 3.2(a); 2023-139, s. 2.1.)