

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 749
Redistricting and Elections Committee Substitute Adopted 6/15/23
Third Edition Engrossed 6/21/23

Short Title: No Partisan Advantage in Elections.

(Public)

Sponsors:

Referred to:

June 13, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE STRUCTURES OF THE NORTH CAROLINA STATE BOARD
3 OF ELECTIONS AND COUNTY BOARDS OF ELECTIONS, TO REVISE THE
4 EMERGENCY POWERS OF THE EXECUTIVE DIRECTOR OF THE STATE BOARD
5 OF ELECTIONS, AND TO MAKE VARIOUS CONFORMING CHANGES.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. TRANSFER OF STATE BOARD OF ELECTIONS**

9 **SECTION 1.1.(a)** The North Carolina State Board of Elections is transferred
10 administratively to the Department of the Secretary of State. This transfer has all of the elements
11 of a Type II transfer, as described in G.S. 143A-6, except that the management functions of the
12 State Board shall not be performed under the direction and supervision of the Secretary of State.

13 **SECTION 1.1.(b)** G.S. 163-28 reads as rewritten:

14 **"§ 163-28. State Board of Elections independent agency.**

15 ~~The State Board of Elections shall not be placed within any principal administrative~~
16 ~~department.~~ administratively located within the Department of the Secretary of State. The State
17 Board shall exercise its statutory powers, duties, functions, and authority and shall have all
18 powers and duties conferred upon the heads of principal departments under G.S. 143B-10."

19 **SECTION 1.1.(c)** This Part becomes effective July 1, 2024.

20
21 **PART II. RESTRUCTURE STATE BOARD OF ELECTIONS**

22 **SECTION 2.1.** G.S. 163-19 reads as rewritten:

23 **"§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

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

26 (b) ~~The State Board of Elections shall consist of five registered voters whose terms of~~
27 ~~office shall begin on May 1, 2019, and shall continue for four years, and until their successors~~
28 ~~are appointed and qualified. The Governor shall appoint the members of the State Board and~~
29 ~~likewise shall appoint their successors every four years at the expiration of each four year term.~~
30 ~~Not more than three members of the State Board shall be members of the same political party.~~
31 ~~The Governor shall appoint the members from a list of nominees submitted to the Governor by~~
32 ~~the State party chair of each of the two political parties having the highest number of registered~~
33 ~~affiliates as reflected by the latest registration statistics published by the State Board. Each party~~
34 ~~chair shall submit a list of four nominees who are affiliated with that political party.~~eight



1 individuals registered to vote in North Carolina who are appointed by the General Assembly as
2 follows:

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

11 (b1) The State party chair of each of the two political parties having the highest number of
12 registered affiliates as reflected by the latest registration statistics published by the State Board
13 shall submit to the General Assembly a list of four nominees who are affiliated with that political
14 party. The General Assembly shall give due consideration to the nominations provided by the
15 party chairs. However, the General Assembly is not required to appoint members from the
16 submitted lists and may appoint any registered voter in the State in accordance with this section.
17 Members shall serve four-year terms, until their successors are appointed and qualified,
18 beginning May 1 immediately following the election of the members of the Council of State. No
19 person may serve more than two consecutive four-year terms.

20 (c) Any vacancy occurring in the State Board shall be filled by the Governor, General
21 Assembly, and the person so appointed shall fill the unexpired term. The Governor shall fill the
22 vacancy from a list of three nominees submitted to the Governor by the State party chair of the
23 political party that nominated the vacating member as provided in subsection (b) of this section.
24 The section may submit a list of three nominees must be to fill the vacancy who are affiliated
25 with that political party. The General Assembly may fill the vacancy in accordance with
26 G.S. 120-121 during a regular or extra session. Notwithstanding G.S. 120-122, if the General
27 Assembly has adjourned for more than ten days, the vacancy shall be filled by the individual
28 recommending the initial appointment in accordance with subsection (a) of this section via a
29 letter appointing an individual to serve until the expiration of the term under subsection (a) of
30 this section or until the General Assembly fills the vacancy, whichever occurs first.

31 ...

32 (e) After taking the prescribed oath, the State Board shall organize by electing one of its
33 members chair and another secretary. If for any reason a chair is not elected within 30 days after
34 new appointees take the prescribed oath or within 30 days of the occurrence of a vacancy in the
35 office of the chair, the office of chair may be filled by legislative appointment in accordance with
36 G.S. 120-121 as if the chair is a member of a board or commission. If the vacancy occurs in an
37 odd-numbered year, the appointment is made upon the recommendation of the President Pro
38 Tempore of the Senate. If the vacancy occurs in an even-numbered year, the appointment is made
39 upon the recommendation of the Speaker of the House of Representatives.

40"

41 **SECTION 2.2.** G.S. 163-20 reads as rewritten:

42 "**§ 163-20. Meetings of Board; quorum; minutes.**

43 (a) Call of meeting. – The State Board of Elections shall meet at the call of the chairman
44 chair whenever necessary to discharge the duties and functions imposed upon it by this Chapter.
45 The chairman-chair shall call a meeting of the State Board upon the written application or
46 applications of any two-three members thereof. If there is no chairman-chair, or if the chairman
47 chair does not call a meeting within three days after receiving a written request or requests from
48 two-three members, any three-six members of the State Board shall have power to call a meeting
49 of the State Board, and any duties imposed or powers conferred on the State Board by this
50 Chapter may be performed or exercised at that meeting, although the time for performing or
51 exercising the same prescribed by this Chapter may have expired.

1 (b) Place of Meeting. – Except as provided in subsection (c), below, the State Board of
2 ~~Elections~~ shall meet in its offices in the City of Raleigh, or at another place in Raleigh to be
3 designated by the ~~chairman~~-~~chair~~. However, subject to the limitation imposed by subsection (c),
4 below, upon the prior written request of ~~any four~~ five members, the State Board of ~~Elections~~ shall
5 meet at any other place in the State designated by the ~~four~~ five members.

6 (c) Meetings to Investigate Alleged Violations of This Chapter. – When called upon to
7 investigate or hear sworn alleged violations of this Chapter, the State Board of ~~Elections~~ shall
8 meet and hear the matter in the county in which the violations are alleged to have occurred.

9 (d) Quorum. – A majority of the members constitutes a quorum for the transaction of
10 business by the State Board of ~~Elections~~. ~~If any member of the Board fails to attend a meeting,~~
11 ~~and by reason thereof there is no quorum, the members present shall adjourn from day to day for~~
12 ~~not more than three days, by the end of which time, if there is no quorum, the Governor may~~
13 ~~summarily remove any member failing to attend and appoint his successor.~~ Board.

14 (e) Minutes. – The State Board of ~~Elections~~ shall keep minutes recording all proceedings
15 and findings at each of its meetings. The minutes shall be recorded in a book which shall be kept
16 in the office of the State Board in the City of Raleigh."

17 **SECTION 2.3.** G.S. 163-22 reads as rewritten:

18 "**§ 163-22. Powers and duties of State Board of Elections.**

19 (a) The State Board of ~~Elections~~ shall have general supervision over the primaries and
20 elections in the State, and it shall have authority to make such reasonable rules and regulations
21 with respect to the conduct of primaries and elections as it may deem advisable so long as they
22 do not conflict with any provisions of this Chapter.

23 (b) From time to time, the State Board shall publish and furnish to the county boards of
24 elections and other election officials a sufficient number of indexed copies of all election laws
25 and State Board rules and regulations then in force. It shall also publish, issue, and distribute to
26 the electorate such materials explanatory of primary and election laws and procedures as the State
27 Board shall deem necessary.

28 (c) The State Board of ~~Elections~~ shall ~~appoint, in the manner provided by law, all~~
29 ~~members of the county boards of elections and advise them~~ the county boards of elections as to
30 the proper methods of conducting primaries and elections. The State Board shall require ~~such all~~
31 reports from the county boards and election officers as ~~are~~ provided by law, or as are deemed
32 necessary by the State Board, and shall compel observance of the requirements of the election
33 laws by county boards of elections and other election officers. In performing these duties, the
34 State Board shall have the right to hear and act on complaints arising by petition or otherwise, on
35 the failure or neglect of a county board of elections to comply with any part of the election laws
36 imposing duties upon such a board. The State Board of ~~Elections~~ shall have power to remove
37 from office any member of a county board of elections for incompetency, neglect or failure to
38 perform duties, fraud, or for any other satisfactory cause. Before exercising this power, the State
39 Board shall notify the county board member affected and give that member an opportunity to be
40 heard. ~~When any county board member shall be removed by the State Board of Elections, the~~
41 ~~vacancy occurring shall be filled by the State Board of Elections.~~

42 (d) The State Board of ~~Elections~~ shall investigate when necessary or advisable, the
43 administration of election laws, frauds and irregularities in elections in any county and
44 municipality and special district, and shall report violations of the election laws to the Attorney
45 General or district attorney or prosecutor of the district for further investigation and prosecution.

46 (e) The State Board of ~~Elections~~ shall determine, in the manner provided by law, the form
47 and content of ballots, instruction sheets, pollbooks, tally sheets, abstract and return forms,
48 certificates of election, and other forms to be used in primaries and elections. The State Board
49 shall furnish to the county boards of elections the registration application forms required pursuant
50 to G.S. 163-82.3. The State Board of ~~Elections~~ shall direct the county boards of elections to
51 purchase a sufficient quantity of all forms attendant to the registration and elections process. In

1 addition, the State Board shall provide a source of supply from which the county boards of
2 elections may purchase the quantity of pollbooks needed for the execution of its responsibilities.
3 In the preparation of ballots, pollbooks, abstract and return forms, and all other forms, the State
4 Board of Elections may call to its aid the Attorney General of the State, and it shall be the duty
5 of the Attorney General to advise and aid in the preparation of these books, ballots and forms.

6 (f) The State Board of Elections shall prepare, print, distribute to the county boards of
7 elections all ballots for use in any primary or election held in the State which the law provides
8 shall be printed and furnished by the State to the counties. The State Board shall instruct the
9 county boards of elections as to the printing of county and local ballots.

10 (g) The State Board of Elections shall certify to the appropriate county boards of elections
11 the names of candidates for district offices who have filed notice of candidacy with the State
12 Board and whose names are required to be printed on county ballots.

13 (h) It shall be the duty of the State Board of Elections to tabulate the primary and election
14 returns, to declare the results, and to prepare abstracts of the votes cast in each county in the State
15 for offices which, according to law, shall be tabulated by the State Board.

16 (i) The State Board of Elections shall make recommendations to the Governor and
17 legislature relative to the conduct and administration of the primaries and elections in the State
18 as it may deem advisable.

19 (j) Notwithstanding the provisions of any other section of this Chapter, the State Board
20 of Elections is empowered to shall have access to any ballot boxes and their contents, any voting
21 machines and their contents, any registration records, pollbooks, voter authorization cards or
22 voter lists, any lists of absentee voters, any lists of presidential registrants under the Voting Rights
23 Act of 1965 as amended, and any other voting equipment or similar records, books or lists in any
24 precinct, county, municipality or electoral district over whose elections it has jurisdiction or for
25 whose elections it has responsibility.

26 (j1) Notwithstanding G.S. 153A-98 or any other provision of law, all officers, employees,
27 and agents of a county board of elections are required to shall give to the State Board of Elections,
28 Board, upon request, all information, documents, and data within their possession, or
29 ascertainable from their records, including any internal investigation or personnel documentation
30 and are required to shall make available, upon request pursuant to an investigation under
31 subsection (d) of this section, any county board employee for interview and to produce any
32 equipment, hardware, or software for inspection. These requirements are mandatory and shall be
33 timely complied with as specified in a request made by any four five members of the State Board.

34 (k) Notwithstanding the provisions contained in Article 20 or Article 21A of Chapter 163
35 the State Board of Elections shall be authorized, by resolution adopted prior to the printing of the
36 primary ballots, to reduce the time by which absentee ballots are required to be printed and
37 distributed for the primary election from 50 days to 45 days. This authority shall not be authorized
38 for absentee ballots to be voted in the general election, except if the law requires ballots to be
39 available for mailing 60 days before the general election, and they are not ready by that date, the
40 State Board of Elections shall allow the counties to mail them out as soon as they are available.

41 (l) Notwithstanding any other provision of law, in order to obtain judicial review of any
42 decision of the State Board of Elections rendered in the performance of its duties or in the exercise
43 of its powers under this Chapter, the person seeking review must file his petition in the Superior
44 Court of Wake County.

45 (m) The State Board of Elections shall provide specific training to county boards of
46 elections regarding rules for registering students.

47 (n) The State Board of Elections shall promulgate minimum requirements for the number
48 of pollbooks, voting machines and curbside ballots to be available at each precinct, such that
49 more of such will be available at general elections and a sufficient number will be available to
50 allow voting without excessive delay. The State Board of Elections shall provide for a training

1 and screening program for chief judges and judges. The State Board shall provide additional
2 testing of voting machines to ensure that they operate properly even with complicated ballots.

3 (o) ~~The State Board of Elections~~ shall require counties with voting systems to have
4 sufficient personnel available on election day with technical expertise to ~~make repairs in such~~
5 repair equipment, to investigate election day problems, and assist in curbside voting.

6 (o1) ~~The State Board of Elections~~ shall include in all forms prepared by the State Board a
7 prominent statement that submitting fraudulently or falsely completed declarations is a Class I
8 felony under Chapter 163 of the General Statutes.

9 (p) ~~The~~ Except as provided in G.S. 163-27, the State Board of Elections may assign
10 responsibility for enumerated administrative matters to the Executive Director by resolution, if
11 that resolution provides a process for the State Board to review any administrative decision made
12 by the Executive Director.

13 (q) Nothing in this Chapter shall grant authority to the ~~State Board of Elections~~ to alter,
14 amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or
15 congressional districts other than a plan imposed by a court under G.S. 120-2.4 or a plan enacted
16 by the General Assembly.

17 (r) Nothing in this Chapter shall grant authority to the ~~State Board of Elections~~ to alter,
18 amend, correct, impose, or substitute any plan apportioning or redistricting districts for a unit of
19 local government other than a plan imposed by a court, a plan enacted by the General Assembly,
20 or a plan adopted by the appropriate unit of local government under statutory or local act
21 authority."

22 **SECTION 2.4.** G.S. 163-25 reads as rewritten:

23 "**§ 163-25. Authority of State Board to assist in litigation.**

24 (a) ~~The State Board of Elections~~ shall possess authority to assist any county board of
25 elections in any matter in which litigation is contemplated or has been initiated, provided, the
26 county board of elections in such county petitions, by majority resolution, for such assistance
27 from the ~~State Board of Elections~~ and, provided further, that the ~~State Board of Elections~~
28 determines, in its sole discretion by majority vote, to assist in any such matter. It is further
29 stipulated that the ~~State Board of Elections~~ shall not be authorized under this provision to enter
30 into any litigation in assistance to counties, except in those instances where the uniform
31 administration of this Chapter has been, or would be threatened.

32 (b) The Attorney General shall provide the ~~State Board of Elections~~ with legal assistance
33 in execution of its authority under this section or, in the Attorney General's discretion,
34 recommend that private counsel be employed.

35 (c) If the Attorney General recommends employment of private counsel, the State Board
36 may employ counsel with the approval of the ~~Governor~~ General Assembly."

37 **SECTION 2.5.** G.S. 163-27(b) reads as rewritten:

38 "(b) The Executive Director shall serve beginning May 15 after the first meeting held after
39 new appointments to the State Board are made, unless removed for cause, until a successor is
40 appointed. If for any reason the position of Executive Director is not filled within 30 days after
41 new appointees take the prescribed oath or within 30 days of the occurrence of a vacancy in the
42 position of Executive Director, the position of Executive Director may be filled by legislative
43 appointment in accordance with G.S. 120-121 as if the Executive Director is a member of a board
44 or commission. If the vacancy occurs in an odd-numbered year, the appointment is made upon
45 the recommendation of the President Pro Tempore of the Senate. If the vacancy occurs in an
46 even-numbered year, the appointment is made upon the recommendation of the Speaker of the
47 House of Representatives."

48 **SECTION 2.6.** The eight members of the State Board of Elections appointed in
49 accordance with G.S. 163-19, as amended by this act, shall serve until May 1, 2025. Any member
50 so appointed shall continue to be eligible to serve two full consecutive terms in accordance with
51 G.S. 163-19, as amended by this act. Chairs of the two political parties having the highest number

1 of registered affiliates as reflected by the latest registration statistics may submit a list of names
2 to the General Assembly in accordance with G.S. 163-19, as amended by this act. Upon
3 appointment of the eight members of the State Board of Elections in accordance with this act in
4 2023, a chair of the State Board of Elections and an Executive Director shall be appointed in
5 accordance with Article 3 of Chapter 163 of the General Statutes, as amended by this act.

6 **SECTION 2.7.** Notwithstanding G.S. 163-27.2 and G.S. 143B-969, a criminal
7 history record check for any prospective Executive Director appointed by the General Assembly
8 in 2023 shall be provided to the chair or chairs of the standing committee handling the legislation
9 regarding the appointment and not to the State Board of Elections or the Executive Director. The
10 criminal history record checks for any prospective Executive Director appointed by the General
11 Assembly in 2023 are not public records.

12 **PART III. EMERGENCY POWERS**

13 **SECTION 3.1.** G.S. 163-27.1 reads as rewritten:

14 **"§ 163-27.1. Emergency powers.**

15 (a) The ~~Executive Director, as chief State elections official, State Board, in an open~~
16 meeting, may exercise emergency powers to conduct an election in a district where the normal
17 schedule for the election is disrupted by any of the following:

- 18 (1) A natural disaster.
- 19 (2) Extremely inclement weather.
- 20 (3) An armed conflict involving Armed Forces of the United States, or
21 mobilization of those forces, including North Carolina National Guard and
22 reserve components of the Armed Forces of the United States.

23 In exercising those emergency powers, the ~~Executive Director State Board~~ shall avoid
24 unnecessary conflict with the provisions of this Chapter. The ~~Executive Director State Board~~
25 shall adopt rules describing the emergency powers and the situations in which the emergency
26 powers will be exercised.

27 (b) Nothing in this Chapter shall grant authority to the State Board of ~~Elections~~ to alter,
28 amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or
29 congressional districts other than a plan imposed by a court under G.S. 120-2.4 or a plan enacted
30 by the General Assembly.

31 (c) Nothing in this Chapter shall grant authority to the State Board of ~~Elections~~ to alter,
32 amend, correct, impose, or substitute any plan apportioning or redistricting districts for a unit of
33 local government other than a plan imposed by a court, a plan enacted by the General Assembly,
34 or a plan adopted by the appropriate unit of local government under statutory or local act
35 authority.

36 (d) Under no circumstances shall the ~~Executive Director or the State Board of Elections~~
37 have the authority to do any of the following:

- 38 (1) Deliver absentee ballots to an eligible voter who did not submit a valid written
39 request form for absentee ballots as provided in G.S. 163-230.1 and
40 G.S. 163-230.2.
- 41 (2) Order an election to be conducted using all mail-in absentee ballots.
- 42 (3) Delegate its authority under this section to the Executive Director or any other
43 individual."

44 **PART IV. COUNTY BOARDS OF ELECTIONS**

45 **SECTION 4.1.** G.S. 163-30 reads as rewritten:

46 **"§ 163-30. County boards of elections; appointments; terms of office; qualifications;**
47 **vacancies; oath of office; instructional meetings.**

48 (a) In every county of the State there shall be a county board of elections, to consist of
49 ~~five~~ four persons of good moral character who are registered voters in the county in which they
50
51

1 are to act. Members of county boards of elections shall be appointed by the ~~State Board of~~
 2 ~~Elections~~ General Assembly on the last Tuesday in June, and every two years thereafter, and their
 3 terms of office shall continue for two years from the specified date of appointment and until their
 4 successors are appointed and qualified. ~~Four members of county boards of elections shall be~~
 5 ~~appointed by the State Board on the last Tuesday in June and every two years thereafter, and their~~
 6 ~~terms of office shall continue for two years from the specified date of appointment and until their~~
 7 ~~successors are appointed and qualified. One member of the county boards of elections shall be~~
 8 ~~appointed by the Governor to be the chair of the county board on the last Tuesday in June and~~
 9 ~~every two years thereafter, and that member's term of office shall continue for two years from~~
 10 ~~the specified date of appointment and until a successor is appointed and qualified. Of the~~
 11 ~~appointments to each county board of elections by the State Board, two members each shall~~
 12 ~~belong to the two political parties having the highest number of registered affiliates as reflected~~
 13 ~~by the latest registration statistics published by the State Board qualified, as follows:~~

- 14 (1) One member appointed upon recommendation of the President Pro Tempore
 15 of the Senate.
- 16 (2) One member appointed upon recommendation of the Speaker of the House of
 17 Representatives.
- 18 (3) One member appointed upon recommendation of the minority leader of the
 19 Senate.
- 20 (4) One member appointed upon recommendation of the minority leader of the
 21 House of Representatives.

22 ...

23 (c) The State chair of the two political parties having the highest number of registered
 24 affiliates as reflected by the latest registration statistics published by the State Board shall have
 25 the right to recommend ~~to the State Board~~ three registered voters in each county for appointment
 26 to the board of elections for that county. ~~If such recommendations are received by the State Board~~
 27 ~~15 or more days before the last Tuesday in June 2019, and each two years thereafter, it shall be~~
 28 ~~the duty of the State Board to appoint the county boards from the names thus recommended.~~

29 (c1) At the first meeting in July, annually, each county board of elections shall organize
 30 by electing one member of that county board of elections to serve a one-year term as chair of the
 31 county board of elections. If for any reason a chair is not elected within 15 days after the first
 32 meeting in July, the office of chair may be filled by legislative appointment in accordance with
 33 G.S. 120-121 as if the chair is a member of a board or commission. If the vacancy occurs in an
 34 odd-numbered year, the appointment is made upon the recommendation of the President Pro
 35 Tempore of the Senate. If the vacancy occurs in an even-numbered year, the appointment is made
 36 upon the recommendation of the Speaker of the House of Representatives.

37 (d) Whenever a vacancy occurs in the membership of a county board of elections for any
 38 cause the State chair of the political party of the vacating member shall have the right to
 39 recommend two registered voters of the affected county ~~for such office, and it shall be the duty~~
 40 ~~of the State Board to fill the vacancy from the names thus recommended to fill the vacancy. The~~
 41 General Assembly may fill the vacancy in accordance with G.S. 120-121 during a regular or extra
 42 session. Notwithstanding G.S. 120-122, if the General Assembly has adjourned for more than ten
 43 days, the vacancy shall be filled by the individual recommending the initial appointment in
 44 accordance with subsection (a) of this section via a letter appointing an individual to serve until
 45 the expiration of the term under subsection (a) of this section or until the General Assembly fills
 46 the vacancy, whichever occurs first.

47"

48 **SECTION 4.2.(a) G.S. 163-35 reads as rewritten:**

49 **"§ 163-35. Director of elections to county board of elections; appointment; compensation;**
 50 **duties; dismissal.**

1 (a) In the event a vacancy occurs in the office of county director of elections in any of
2 the county boards of elections in this State, the county board of elections shall submit the name
3 of the person it recommends to fill the vacancy, in accordance with provisions specified in this
4 section, to the Executive Director of the State Board of Elections who commissioners in that
5 county shall issue a letter of appointment. A person shall not serve as a county director of
6 elections if ~~he~~ that person does any of the following:

- 7 (1) Holds any elective public ~~office;~~ office.
- 8 (2) Is a candidate for any office in a primary or ~~election;~~ election.
- 9 (3) Holds any office in a political party or committee ~~thereof;~~ thereof.
- 10 (4) Is a campaign chairman or finance chairman for any candidate for public
11 office or serves on any campaign committee for any ~~candidate;~~ candidate.
- 12 (5) Has been convicted of a felony in any court unless his rights of citizenship
13 have been restored pursuant to the provisions of Chapter 13 of the General
14 Statutes of North ~~Carolina;~~ Carolina.
- 15 (6) Has been removed at any time by the State Board of ~~Elections~~ following a
16 public ~~hearing;~~ hearing or removed by another county.
- 17 (7) Is a member or a spouse, child, spouse of child, parent, sister, or brother of a
18 member of the county board of elections by whom ~~he~~ the person would be
19 employed.

20 (b) Appointment, Duties; Termination. – ~~Upon receipt of a nomination from the county~~
21 ~~board of elections stating that the nominee for director of elections is submitted for appointment~~
22 ~~upon majority selection by the county board of elections the Executive Director shall issue a~~
23 ~~letter of appointment of such nominee to the chairman of the county board of elections within 10~~
24 ~~days after receipt of the nomination, unless good cause exists to decline the appointment. The~~
25 ~~Executive Director~~ board of county commissioners may delay the issuance of appointment for a
26 reasonable time if necessary to obtain a criminal history records check sought under
27 G.S. 143B-968. The ~~Executive Director~~ board of county commissioners shall apply the standards
28 provided in G.S. 163-27.2 in determining whether a nominee with a criminal history shall be
29 selected. ~~If the Executive Director determines a nominee shall not be selected and does not issue~~
30 ~~a letter of appointment, the decision of the Executive Director of the State Board shall be final~~
31 ~~unless the decision is, within 10 days from the official date on which it was made, deferred by~~
32 ~~the State Board. If the State Board defers the decision, then the State Board shall make a final~~
33 ~~decision on appointment of the director of elections and may direct the Executive Director to~~
34 ~~issue a letter of appointment. If an Executive Director issues a letter of appointment, the county~~
35 ~~board of elections shall enter in its official minutes the specified duties, responsibilities and~~
36 ~~designated authority assigned to the director by the county board of elections. The~~ Upon
37 selection, the board of county commissioners shall issue a letter of appointment, stating specified
38 duties and responsibilities which shall include adherence to the duties delegated to the county
39 board of elections pursuant to G.S. 163-33. A copy of the specified duties, responsibilities and
40 designated authority assigned to the county director shall be filed with the State ~~Board of~~
41 ~~Elections. In the event the Executive Director is recused due to an actual or apparent conflict of~~
42 ~~interest from rendering a decision under this section, the chair and vice chair of the State Board~~
43 ~~shall designate a member of staff to fulfill those duties.~~ Board.

44 (c) Compensation of Directors of Elections. – Compensation paid to county directors of
45 ~~elections~~ in all counties maintaining full-time registration (five days per week) shall be in the
46 form of a salary in an amount recommended by the ~~county board of elections and approved by~~
47 ~~the Board of County Commissioners~~ board of county commissioners and shall be commensurate
48 with the salary paid to county directors in counties similarly situated and similar in population
49 and number of registered voters.

50 The ~~Board of County Commissioners~~ board of county commissioners in each county, whether
51 or not the county maintains full-time or modified full-time registration, shall compensate the

1 director of elections at a minimum rate of twelve dollars (\$12.00) per hour for hours worked in
2 attendance to his or her duties as prescribed by law, including rules and regulations adopted by
3 the State ~~Board of Elections, Board~~. In addition, the county shall pay to the county director an
4 hourly wage of at least twelve dollars (\$12.00) per hour for all hours worked in excess of those
5 prescribed in rules and regulations adopted by the State ~~Board of Elections, Board~~ when such
6 additional hours have been approved by the county board of elections and such approval has been
7 recorded in the official minutes of the county board of elections.

8 In addition to the compensation provided for herein, the county director ~~of elections to the~~
9 ~~county board of elections~~ shall be granted the same vacation leave, sick leave, and petty leave as
10 granted to all other county employees. It shall also be the responsibility of the ~~Board of County~~
11 ~~Commissioners~~ board of county commissioners to appropriate sufficient funds to compensate a
12 replacement for the county director ~~of elections~~ when authorized leave is taken.

13 (d) Duties. – The county director ~~of elections~~ may be empowered by the county board of
14 elections to perform such administrative duties as might be assigned by the county board of
15 elections and the ~~chairman, chair~~. In addition, the county director ~~of elections~~ may be authorized
16 by the ~~chairman, chair~~ to execute the responsibilities devolving upon the ~~chairman, chair~~ provided
17 such authorization by any ~~chairman, chair~~ shall in no way transfer the responsibility for
18 compliance with the law. The ~~chairman, chair~~ shall remain liable for proper execution of all
19 matters specifically assigned to ~~him, the chair~~ by law.

20 The county board of elections shall have authority, by resolution adopted by majority vote,
21 to delegate to its county director ~~of elections~~ so much of the administrative detail of the election
22 functions, duties, and work of the board, its officers and members, as is now, or may hereafter
23 be vested in the county board of elections or its members as the county board of elections may
24 see ~~fit, fit~~. Provided, that the county board of elections shall not delegate to a county director of
25 ~~elections~~ any of its quasi-judicial or policy-making duties and authority. Such a resolution shall
26 require adherence to the duties delegated to the county board of elections pursuant to
27 G.S. 163-33. Within the limitations imposed upon the county director ~~of elections~~ by the
28 resolution of the county board of ~~elections, elections~~, the acts of a properly appointed county
29 director ~~of elections~~ shall be deemed to be the acts of the county board of elections, its officers
30 and members.

31 (e) Training and Certification. – The State Board ~~of Elections~~ shall conduct a training
32 program consisting of four weeks for each new county director of elections. The county director
33 shall complete that program. Each county director appointed after May 1995 shall successfully
34 complete a certification program as provided in G.S. 163-82.24(b) within three years after
35 appointment or by January 1, 2003, whichever occurs later."

36 **SECTION 4.2.(b)** G.S. 163-35.1 is repealed.

37 **SECTION 4.3.(a)** G.S. 163-27.2 reads as rewritten:

38 **"§ 163-27.2. Criminal history record checks of current and prospective employees of the**
39 **State Board and county directors of elections.**

40 (a) As used in this section, the term "current or prospective employee" means any of the
41 following:

- 42 (1) A current or prospective permanent or temporary employee of the State Board
43 or a current or prospective county director of elections.
- 44 (2) An employee or agent of a current or prospective contractor with the State
45 Board.
- 46 (3) Any other individual otherwise engaged by the State Board who has or will
47 have the capability to update, modify, or change elections systems or
48 confidential elections or ethics data.

49 (b) A criminal history record check shall be required of all current or prospective
50 permanent or temporary employees of the State Board and all current or prospective county
51 directors of elections, which shall be conducted by the Department of Public Safety as provided

1 in ~~G.S. 143B-968~~. The criminal history report shall be provided to the Executive Director, who
2 shall keep all information obtained pursuant to this section confidential to the State Board, as
3 provided in ~~G.S. 143B-968(d)~~. G.S. 143B-969. A criminal history record check report provided
4 under this subsection received in accordance with G.S. 143B-969 is not a public record under
5 Chapter 132 of the General Statutes.

6 (c) If the current or prospective employee's verified criminal history record check reveals
7 one or more convictions, the conviction shall constitute just cause for not selecting the person for
8 employment or for dismissing the person from current employment. The conviction shall not
9 automatically prohibit employment.

10 (d) A prospective employee may be denied ~~employment~~ employment, or a current
11 employee may be dismissed from ~~employment~~ employment, for refusal to consent to a criminal
12 history record check or to submit fingerprints or to provide other identifying information required
13 by the State or National Repositories of Criminal Histories. Any such refusal shall constitute just
14 cause for the employment denial or the dismissal from employment.

15 (e) A conditional offer of employment or appointment may be extended pending the
16 results of a criminal history record check authorized by this section.

17 (f) ~~A county board of elections shall require a criminal history record check of all current
18 or prospective employees of the county board of elections, as defined in G.S. 163-37.1(a)(1),
19 who have or will have access to the statewide computerized voter registration system maintained
20 under G.S. 163-82.11 and for any additional position or function as the State Board may
21 designate. The county director of elections shall provide the criminal history record of all current
22 or prospective employees of the county board of elections required by this subsection or in
23 designated positions to the Executive Director and State Board.~~

24 (g) ~~Neither appointment as a precinct official or assistant under Article 5 of this Chapter
25 nor employment at a one-stop early voting location shall require a criminal history record check
26 unless the official, assistant, or employee performs a function designated by the State Board
27 pursuant to subsection (f) of this section."~~

28 **SECTION 4.3.(b)** G.S. 163-37.1 reads as rewritten:

29 **"§ 163-37.1. Criminal history record checks of current and prospective employees of county
30 boards of elections.**

31 (a) As used in this section, the term "current or prospective employee" means a current
32 or prospective permanent or temporary employee of a county board of elections who has or will
33 have access to the statewide computerized voter registration system maintained under
34 G.S. 163-82.11 or has a position or function designated by the State Board as provided in
35 G.S. 163-27.2.

36 (b) The county board of elections shall require a criminal history record check of all
37 current or prospective employees, which shall be conducted by the Department of Public Safety
38 as provided in ~~G.S. 143B-969~~. ~~The criminal history report shall be provided to the county board
39 of elections. A county board of elections shall provide the criminal history record of all current
40 or prospective employees required by G.S. 163-27.2 to the Executive Director and the State
41 Board. The G.S. 143B-970. A criminal history record check report shall be kept confidential as
42 provided in ~~G.S. 143B-969(d)~~ and received in accordance with G.S. 143B-970 is not a public
43 record under Chapter 132 of the General Statutes.~~

44 (c) If the current or prospective employee's verified criminal history record check reveals
45 one or more convictions, the conviction shall constitute just cause for not selecting the person for
46 employment, or for dismissing the person from current employment. The conviction shall not
47 automatically prohibit employment.

48 (d) The county board of elections may deny employment to or dismiss from employment
49 a current or prospective employee who refuses to consent to a criminal history record check or
50 to submit fingerprints or to provide other identifying information required by the State or

1 National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the
2 employment denial or the dismissal from employment.

3 (e) The county board of elections may extend a conditional offer of employment or
4 appointment pending the results of a criminal history record check authorized by this section.

5 (f) Neither appointment as a precinct official or assistant under of Article 5 of this
6 Chapter nor employment at a one-stop early voting location shall require a criminal history record
7 check unless the official, assistant, or employee performs a function designated by the State
8 Board pursuant to G.S. 163-27.2."

9 **SECTION 4.3.(c)** G.S. 143B-969 reads as rewritten:

10 **"§ 143B-969. Criminal record checks for employees and contractors of the State Board of**
11 **Elections and county directors of elections.**

12 (a) As used in this section, the term:

13 (1) "Current or prospective employee" means any of the following:

- 14 a. A current or prospective permanent or temporary employee of the
15 State Board ~~or a current or prospective county director of~~
16 ~~elections.~~ Board, other than the Executive Director.
17 b. A current or prospective contractor with the State Board.
18 c. An employee or agent of a current or prospective contractor with the
19 State Board.
20 d. Any other individual otherwise engaged by the State Board who has
21 or will have the capability to update, modify, or change elections
22 systems or confidential elections or ethics data.

23 (2) "State Board" means the State Board of Elections.

24 (b) The Department of Public Safety may provide to the Executive Director of the State
25 Board a current or prospective employee's criminal history from the State and National
26 Repositories of Criminal Histories. The Department of Public Safety may provide to the chair or
27 chairs of the standing committee handling the legislation regarding the appointment of the
28 Executive Director the criminal history record check report regarding any prospective appointee
29 for the position of Executive Director. The Executive Director shall provide to the Department
30 of Public Safety, along with the request, the fingerprints of the current or prospective employee,
31 a form signed by the current or prospective employee consenting to the criminal record check
32 and use of fingerprints and other identifying information required by the State and National
33 Repositories, and any additional information required by the Department of Public Safety. The
34 fingerprints of the current or prospective employee shall be forwarded to the State Bureau of
35 Investigation for a search of the State's criminal history record file, and the State Bureau of
36 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
37 national criminal history record check.

38 (c) The Department of Public Safety may charge a fee to offset the cost incurred by it to
39 conduct a criminal record check under this section. The fee shall not exceed the actual cost of
40 locating, editing, researching, and retrieving the information.

41 (d) ~~The~~ Except for criminal history reports on prospective appointees for the position of
42 Executive Director, the criminal history report shall be provided to the Executive Director of the
43 State Board, who shall keep all information obtained pursuant to this section confidential to the
44 State Board. The criminal history reports on prospective appointees for the position of Executive
45 Director shall be provided to the chair or chairs of the standing committee handling the legislation
46 regarding the appointment of the Executive Director who shall keep all information obtained
47 pursuant to this section confidential. A criminal history report obtained as provided in this section
48 is not a public record under Chapter 132 of the General Statutes."

49 **SECTION 4.3.(d)** G.S. 143B-970 reads as rewritten:

50 **"§ 143B-970. Criminal record checks for employees of county boards of elections.**

51 (a) As used in this section, the term:

1 (1) "Current or prospective employee" means a current or prospective permanent
2 or temporary employee of a county board of elections.

3 (2) "State Board" means the State Board of Elections.

4 (b) The Department of Public Safety may provide to a county board of elections a current
5 or prospective employee's criminal history from the State and National Repositories of Criminal
6 Histories. The Department of Public Safety may provide to the board of county commissioners
7 the criminal history record check report regarding any prospective appointee for the position of
8 county director of elections. The county board of elections shall provide to the Department of
9 Public Safety, along with the request, the fingerprints of the current or prospective employee, a
10 form signed by the current or prospective employee consenting to the criminal record check and
11 use of fingerprints and other identifying information required by the State and National
12 Repositories, and any additional information required by the Department of Public Safety. The
13 fingerprints of the current or prospective employee shall be forwarded to the State Bureau of
14 Investigation for a search of the State's criminal history record file, and the State Bureau of
15 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
16 national criminal history record check.

17 (c) The Department of Public Safety may charge a fee to offset the cost incurred by it to
18 conduct a criminal record check under this section. The fee shall not exceed the actual cost of
19 locating, editing, researching, and retrieving the information.

20 (d) ~~The~~ Except for criminal history reports on prospective appointees for the position of
21 county director of elections, the criminal history report shall be provided to the county board of
22 elections, who shall keep all information obtained pursuant to this section confidential to the
23 county board of elections, the county director of elections, the State Board, and the Executive
24 Director of the State Board. The criminal history reports on prospective appointees for the
25 position of county director of elections shall be provided to the board of county commissioners
26 who shall keep all information obtained pursuant to this section confidential; once a letter of
27 appointment is issued by the board of county commissioners, the criminal history report on the
28 appointed county director of elections shall be forwarded to the county board of elections, the
29 State Board, and the Executive Director of the State Board. A criminal history report obtained as
30 provided in this section is not a public record under Chapter 132 of the General Statutes."

31 **SECTION 4.4.** The four members of the county board of elections appointed in
32 accordance with G.S. 163-30, as amended by this act, shall serve until June 1, 2027. Chairs of
33 the two political parties having the highest number of registered affiliates as reflected by the
34 latest registration statistics may submit a list of names to the General Assembly in accordance
35 with G.S. 163-30, as amended by this act. Upon appointment of the four members of the county
36 board of elections in accordance with this act in 2024, the county director of elections shall be
37 appointed in accordance with Article 4 of Chapter 163 of the General Statutes, as amended by
38 this act.

39 **SECTION 4.5.** This Part becomes effective June 1, 2024, and appointments shall be
40 made accordingly.

41

42 **PART V. CONFORMING STATUTORY CHANGES**

43 **SECTION 5.1.** G.S. 163-182.6 reads as rewritten:

44 "**§ 163-182.6. Abstracts.**

45 (a) Abstracts to Be Prepared by County Board of Elections. – As soon as the county
46 canvass has been completed, the county board of elections shall prepare abstracts of all the ballot
47 items in a form prescribed by the State ~~Board of Elections.~~ Board. The county board shall prepare
48 those abstracts in triplicate originals. The county board shall retain one of the triplicate originals,
49 and shall distribute one each to the clerk of superior court for the county and the State ~~Board of~~
50 ~~Elections.~~ Board. The State Highway Patrol may, upon request of the State ~~Board of Elections,~~
51 Board, be responsible for the delivery of the abstracts from each county to the State ~~Board of~~

1 ~~Elections. Board.~~ The State Board of ~~Elections~~ shall ~~forward~~ provide the original abstract it
2 receives to the Secretary of State.

3 (b) Composite Abstracts to Be Prepared by the State Board of Elections. – As soon as the
4 State canvass has been completed, the State Board shall prepare composite abstracts of all those
5 ballot items. It shall prepare those composite abstracts in duplicate originals. It shall retain one
6 of the originals and ~~shall send~~ the other original ~~to~~ shall be kept by the Secretary of State.

7"

8 **SECTION 5.2.** G.S. 163-182.13 reads as rewritten:

9 "**§ 163-182.13. New elections.**

10 (a) When State Board May Order New Election. – The State Board of ~~Elections~~ may
11 order a new election, upon agreement of at least ~~four~~ five of its members, in the case of any one
12 or more of the following:

- 13 (1) Ineligible voters sufficient in number to change the outcome of the election
14 were allowed to vote in the election, and it is not possible from examination
15 of the official ballots to determine how those ineligible voters voted and to
16 correct the totals.
- 17 (2) Eligible voters sufficient in number to change the outcome of the election
18 were improperly prevented from voting.
- 19 (3) Other irregularities affected a sufficient number of votes to change the
20 outcome of the election.
- 21 (4) Irregularities or improprieties occurred to such an extent that they taint the
22 results of the entire election and cast doubt on its fairness.

23 ...

24 (e) Which Candidates to Be on Official Ballot. – All the candidates who were listed on
25 the official ballot in the original election shall be listed in the same order on the official ballot for
26 the new election, except in either of the following:

- 27 (1) If a candidate dies or otherwise becomes ineligible between the time of the
28 original election and the new election, that candidate may be replaced in the
29 same manner as if the vacancy occurred before the original election.
- 30 (2) If the election is for a multiseat office, and the irregularities could not have
31 affected the election of one or more of the candidates, the new election, upon
32 agreement of at least ~~four~~ five members of the State Board, may be held
33 among only those candidates whose election could have been affected by the
34 irregularities.

35"

36 **SECTION 5.3.** G.S. 163-182.15(c) reads as rewritten:

37 "(c) Copy ~~to~~ for Secretary of State. – ~~The State Board of Elections shall provide to the~~
38 ~~Secretary of State a copy of each certificate of nomination or election, or certificate of the results~~
39 ~~of a referendum, issued by it.~~ The Secretary of State shall keep a copy of each certificate of
40 nomination or election, or certificate of results of a referendum, issued by the State Board. The
41 Secretary shall keep the certificates in a form readily accessible and useful to the public."

42 **SECTION 5.4.** G.S. 163-182.17(d)(8) reads as rewritten:

43 "(8) Retain one original of the composite abstract and ~~deliver to~~ provide the
44 Secretary of State with the other original composite abstract of the results of
45 ballot items within the jurisdiction of the State ~~Board of Elections.~~ Board.
46 G.S. 163-182.6."

47 **SECTION 5.5.** G.S. 163-258.30 reads as rewritten:

48 "**§ 163-258.30. Regulations of State Board of Elections.**

49 (a) The State Board of ~~Elections~~ shall adopt rules and regulations to carry out the intent
50 and purpose of G.S. 163-258.28 and G.S. 163-258.29 and to ensure that a proper list of persons

1 voting under said sections shall be maintained by the boards of elections, and to ensure proper
2 registration records.

3 (b) The State Board of ~~Elections~~ shall be the single office responsible for providing
4 information concerning voter registration and absentee voting procedures to be used by covered
5 voters as to all elections and procedures relating to the use of federal write-in absentee ballots.
6 Unless otherwise required by law, the State Board of ~~Elections~~ shall be responsible for
7 maintaining contact and cooperation with the Federal Voting Assistance Program, the United
8 States Department of Defense, and other federal entities that deal with military and overseas
9 voting. The State Board of ~~Elections~~ shall, as needed, make recommendations concerning
10 military and overseas citizen voting to the General Assembly, ~~the Governor, Assembly~~ and other
11 State officials."
12

13 **PART VI. SEVERABILITY CLAUSE**

14 **SECTION 6.1.** If any provision of this act or its application to any person, group of
15 persons, or circumstances is held invalid, the invalidity does not affect other provisions or
16 applications of this act that can be given effect without the invalid provisions or application and,
17 to this end, the provisions of this act are severable.
18

19 **PART VII. EFFECTIVE DATE**

20 **SECTION 7.1.** Except as otherwise provided, this act is effective when it becomes
21 law.