

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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SENATE BILL 749  
Redistricting and Elections Committee Substitute Adopted 6/15/23

Short Title: No Partisan Advantage in Elections.

(Public)

Sponsors:

Referred to:

June 13, 2023

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A BILL TO BE ENTITLED

AN ACT TO REVISE THE STRUCTURES OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS AND COUNTY BOARDS OF ELECTIONS, TO REVISE THE EMERGENCY POWERS OF THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS, AND TO MAKE VARIOUS CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

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

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

**SECTION 1.1.(b)** G.S. 163-28 is repealed.

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

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

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

**"§ 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 of Elections shall consist of five registered voters whose terms of office shall begin on May 1, 2019, and shall continue for four years, and until their successors are appointed and qualified. The Governor shall appoint the members of the State Board and likewise shall appoint their successors every four years at the expiration of each four-year term. Not more than three members of the State Board shall be members of the same political party. The Governor shall appoint the members from a list of nominees submitted to the Governor by 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. Each party chair shall submit a list of four nominees who are affiliated with that political party.~~  
eight individuals registered to vote in North Carolina 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.



1           (3) Two members appointed upon recommendation of the minority leader of the  
2           Senate.

3           (4) Two members appointed upon recommendation of the minority leader of the  
4           House of Representatives.

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

14           (c) Any vacancy occurring in the State Board shall be filled by the ~~Governor, General~~  
15 Assembly upon recommendation of the initial appointing authority, and the person so appointed  
16 shall fill the unexpired term. ~~The Governor shall fill the vacancy from a~~ A list of three nominees  
17 may be submitted to the Governor by the State party chair of the political party that nominated  
18 the vacating member as provided in subsection ~~(b)~~ (b1) of this section. The three nominees must  
19 be affiliated with that political party. However, the General Assembly is not required to appoint  
20 a member to fill the vacancy from the list submitted. G.S. 120-122 shall not apply vacancies  
21 under this subsection.

22           ...

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

31           ...."

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

33           "**§ 163-20. Meetings of Board; quorum; minutes.**

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

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

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

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

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

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

10 **"§ 163-22. Powers and duties of State Board of Elections.**

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

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

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

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

38 (e) The State Board of Elections shall determine, in the manner provided by law, the form  
39 and content of ballots, instruction sheets, pollbooks, tally sheets, abstract and return forms,  
40 certificates of election, and other forms to be used in primaries and elections. The State Board  
41 shall furnish to the county boards of elections the registration application forms required pursuant  
42 to G.S. 163-82.3. The State Board of Elections shall direct the county boards of elections to  
43 purchase a sufficient quantity of all forms attendant to the registration and elections process. In  
44 addition, the State Board shall provide a source of supply from which the county boards of  
45 elections may purchase the quantity of pollbooks needed for the execution of its responsibilities.  
46 In the preparation of ballots, pollbooks, abstract and return forms, and all other forms, the State  
47 Board of Elections may call to its aid the Attorney General of the State, and it shall be the duty  
48 of the Attorney General to advise and aid in the preparation of these books, ballots and forms.

49 (f) The State Board of Elections shall prepare, print, distribute to the county boards of  
50 elections all ballots for use in any primary or election held in the State which the law provides

1 shall be printed and furnished by the State to the counties. The State Board shall instruct the  
2 county boards of elections as to the printing of county and local ballots.

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

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

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

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

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

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

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

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

40 (n) The State Board of Elections shall promulgate minimum requirements for the number  
41 of pollbooks, voting machines and curbside ballots to be available at each precinct, such that  
42 more of such will be available at general elections and a sufficient number will be available to  
43 allow voting without excessive delay. The State Board of Elections shall provide for a training  
44 and screening program for chief judges and judges. The State Board shall provide additional  
45 testing of voting machines to ensure that they operate properly even with complicated ballots.

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

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

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

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

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

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

15        "**§ 163-25. Authority of State Board to assist in litigation.**

16        (a) The State Board of Elections shall possess authority to assist any county board of  
17 elections in any matter in which litigation is contemplated or has been initiated, provided, the  
18 county board of elections in such county petitions, by majority resolution, for such assistance  
19 from the State Board of Elections and, provided further, that the State Board of Elections  
20 determines, in its sole discretion by majority vote, to assist in any such matter. It is further  
21 stipulated that the State Board of Elections shall not be authorized under this provision to enter  
22 into any litigation in assistance to counties, except in those instances where the uniform  
23 administration of this Chapter has been, or would be threatened.

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

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

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

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

40        **SECTION 2.6.** The eight members of the State Board of Elections appointed in  
41 accordance with G.S. 163-19, as amended by this act, shall serve until May 1, 2025. Any member  
42 so appointed shall continue to be eligible to serve two full consecutive terms in accordance with  
43 G.S. 163-19, as amended by this act. Chairs of the two political parties having the highest number  
44 of registered affiliates as reflected by the latest registration statistics may submit a list of names  
45 to the General Assembly in accordance with G.S. 163-19, as amended by this act. Upon  
46 appointment of the eight members of the State Board of Elections in accordance with this act in  
47 2023, a chair of the State Board of Elections and an Executive Director shall be appointed in  
48 accordance with Article 3 of Chapter 163 of the General Statutes, as amended by this act.

49        **SECTION 2.7.** Notwithstanding G.S. 163-27.2 and G.S. 143B-969, a criminal  
50 history record check for any prospective Executive Director appointed by the General Assembly  
51 in 2023 shall be provided to the chair or chairs of the standing committee handling the legislation

1 regarding the appointment and not to the State Board of Elections or the Executive Director. The  
2 criminal history record checks for any prospective Executive Director appointed by the General  
3 Assembly in 2023 are not public records.

### 4 5 **PART III. EMERGENCY POWERS**

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

7 **"§ 163-27.1. Emergency powers.**

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

- 11 (1) A natural disaster.
- 12 (2) Extremely inclement weather.
- 13 (3) An armed conflict involving Armed Forces of the United States, or  
14 mobilization of those forces, including North Carolina National Guard and  
15 reserve components of the Armed Forces of the United States.

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

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

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

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

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

### 37 38 **PART IV. COUNTY BOARDS OF ELECTIONS**

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

40 **"§ 163-30. County boards of elections; appointments; terms of office; qualifications;  
41 vacancies; oath of office; instructional meetings.**

42 (a) In every county of the State there shall be a county board of elections, to consist of  
43 ~~five~~ four persons of good moral character who are registered voters in the county in which they  
44 are to act. Members of county boards of elections shall be appointed by the ~~State Board of~~  
45 ~~Elections~~ General Assembly on the last Tuesday in June, and every two years thereafter, and their  
46 terms of office shall continue for two years from the specified date of appointment and until their  
47 successors are appointed and ~~qualified~~. ~~Four members of county boards of elections shall be~~  
48 ~~appointed by the State Board on the last Tuesday in June and every two years thereafter, and their~~  
49 ~~terms of office shall continue for two years from the specified date of appointment and until their~~  
50 ~~successors are appointed and qualified. One member of the county boards of elections shall be~~  
51 ~~appointed by the Governor to be the chair of the county board on the last Tuesday in June and~~

1 every two years thereafter, and that member's term of office shall continue for two years from  
 2 the specified date of appointment and until a successor is appointed and qualified. Of the  
 3 appointments to each county board of elections by the State Board, two members each shall  
 4 belong to the two political parties having the highest number of registered affiliates as reflected  
 5 by the latest registration statistics published by the State Board.qualified, as follows:

- 6 (1) One member appointed upon recommendation of the President Pro Tempore  
 7 of the Senate.
- 8 (2) One member appointed upon recommendation of the Speaker of the House of  
 9 Representatives.
- 10 (3) One member appointed upon recommendation of the minority leader of the  
 11 Senate.
- 12 (4) One member appointed upon recommendation of the minority leader of the  
 13 House of Representatives.

14 ...

15 (c) The State chair of the two political parties having the highest number of registered  
 16 affiliates as reflected by the latest registration statistics published by the State Board shall have  
 17 the right to recommend to the State Board three registered voters in each county for appointment  
 18 to the board of elections for that county. ~~If such recommendations are received by the State Board~~  
 19 ~~15 or more days before the last Tuesday in June 2019, and each two years thereafter, it shall be~~  
 20 ~~the duty of the State Board to appoint the county boards from the names thus recommended.~~

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

29 (d) Whenever a vacancy occurs in the membership of a county board of elections for any  
 30 cause the State chair of the political party of the vacating member shall have the right to  
 31 recommend two registered voters of the affected county for such office, and it shall be the duty  
 32 of the ~~State Board~~ General Assembly to fill the vacancy from the names thus recommended.  
 33 G.S. 120-122 shall not apply vacancies under this section.

34 ...."

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

36 **"§ 163-35. Director of elections to county board of elections; appointment; compensation;**  
 37 **duties; dismissal.**

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

- 44 (1) Holds any elective public office;office.
- 45 (2) Is a candidate for any office in a primary or election;election.
- 46 (3) Holds any office in a political party or committee thereof;thereof.
- 47 (4) Is a campaign chairman or finance chairman for any candidate for public  
 48 office or serves on any campaign committee for any candidate;candidate.
- 49 (5) Has been convicted of a felony in any court unless his rights of citizenship  
 50 have been restored pursuant to the provisions of Chapter 13 of the General  
 51 Statutes of North Carolina;Carolina.

- 1 (6) Has been removed at any time by the State Board of Elections following a  
2 public hearing; or hearing or removed by another county.  
3 (7) Is a member or a spouse, child, spouse of child, parent, sister, or brother of a  
4 member of the county board of elections by whom ~~he~~ the person would be  
5 employed.

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

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

36 The ~~Board of County Commissioners~~ board of county commissioners in each county, whether  
37 or not the county maintains full-time or modified full-time registration, shall compensate the  
38 director of elections at a minimum rate of twelve dollars (\$12.00) per hour for hours worked in  
39 attendance to his or her duties as prescribed by law, including rules and regulations adopted by  
40 the State ~~Board of Elections.~~ Board. In addition, the county shall pay to the county director an  
41 hourly wage of at least twelve dollars (\$12.00) per hour for all hours worked in excess of those  
42 prescribed in rules and regulations adopted by the State ~~Board of Elections.~~ Board when such  
43 additional hours have been approved by the county board of elections and such approval has been  
44 recorded in the official minutes of the county board of elections.

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

50 (d) Duties. – The county director of elections may be empowered by the county board of  
51 elections to perform such administrative duties as might be assigned by the county board of



1 ~~elections~~ and the ~~chairman-chair~~. In addition, the ~~county~~ director of ~~elections~~ may be authorized  
2 by the ~~chairman-chair~~ to execute the responsibilities devolving upon the ~~chairman-chair~~ provided  
3 such authorization by any ~~chairman-chair~~ shall in no way transfer the responsibility for  
4 compliance with the law. The ~~chairman-chair~~ shall remain liable for proper execution of all  
5 matters specifically assigned to ~~him-the chair~~ by law.

6 The county board of elections shall have authority, by resolution adopted by majority vote,  
7 to delegate to its ~~county~~ director of ~~elections~~ so much of the administrative detail of the election  
8 functions, duties, and work of the board, its officers and members, as is now, or may hereafter  
9 be vested in the ~~county~~ board of ~~elections~~ or its members as the county board of elections may  
10 see ~~fit-fit~~. Provided, that the ~~county~~ board of ~~elections~~ shall not delegate to a ~~county~~ director of  
11 ~~elections~~ any of its quasi-judicial or policy-making duties and authority. Such a resolution shall  
12 require adherence to the duties delegated to the county board of elections pursuant to  
13 G.S. 163-33. Within the limitations imposed upon the ~~county~~ director of ~~elections~~ by the  
14 resolution of the county board of ~~elections-elections~~, the acts of a properly appointed ~~county~~  
15 director of ~~elections~~ shall be deemed to be the acts of the county board of elections, its officers  
16 and members.

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

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

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

24 **"§ 163-27.2. Criminal history record checks of current and prospective employees of the**  
25 **State Board and county directors of elections.**

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

- 28 (1) A current or prospective permanent or temporary employee of the State Board  
29 or a current or prospective county director of elections.
- 30 (2) An employee or agent of a current or prospective contractor with the State  
31 Board.
- 32 (3) Any other individual otherwise engaged by the State Board who has or will  
33 have the capability to update, modify, or change elections systems or  
34 confidential elections or ethics data.

35 (b) A criminal history record check shall be required of all current or prospective  
36 permanent or temporary employees of the State Board and all current or prospective county  
37 directors of elections, which shall be conducted by the Department of Public Safety as provided  
38 in ~~G.S. 143B-968~~. ~~The criminal history report shall be provided to the Executive Director, who~~  
39 ~~shall keep all information obtained pursuant to this section confidential to the State Board, as~~  
40 ~~provided in G.S. 143B-968(d)~~. G.S. 143B-969. A criminal history record check report ~~provided~~  
41 ~~under this subsection~~ received in accordance with G.S. 143B-969 is not a public record under  
42 Chapter 132 of the General Statutes.

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

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

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

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

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

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

15 **"§ 163-37.1. Criminal history record checks of current and prospective employees of county  
16 boards of elections.**

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

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

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

34 (d) The county board of elections may deny employment to or dismiss from employment  
35 a current or prospective employee who refuses to consent to a criminal history record check or  
36 to submit fingerprints or to provide other identifying information required by the State or  
37 National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the  
38 employment denial or the dismissal from employment.

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

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

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

46 **"§ 143B-969. Criminal record checks for employees and contractors of the State Board of  
47 Elections and county directors of elections.**

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

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

- 1 a. A current or prospective permanent or temporary employee of the  
2 State ~~Board or a current or prospective county director of~~  
3 ~~elections.~~Board, other than the Executive Director.  
4 b. A current or prospective contractor with the State Board.  
5 c. An employee or agent of a current or prospective contractor with the  
6 State Board.  
7 d. Any other individual otherwise engaged by the State Board who has  
8 or will have the capability to update, modify, or change elections  
9 systems or confidential elections or ethics data.

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

11 (b) The Department of Public Safety may provide to the Executive Director of the State  
12 Board a current or prospective employee's criminal history from the State and National  
13 Repositories of Criminal Histories. The Department of Public Safety may provide to the chair or  
14 chairs of the standing committee handling the legislation regarding the appointment of the  
15 Executive Director the criminal history record check report regarding any prospective appointee  
16 for the position of Executive Director. The Executive Director shall provide to the Department  
17 of Public Safety, along with the request, the fingerprints of the current or prospective employee,  
18 a form signed by the current or prospective employee consenting to the criminal record check  
19 and use of fingerprints and other identifying information required by the State and National  
20 Repositories, and any additional information required by the Department of Public Safety. The  
21 fingerprints of the current or prospective employee shall be forwarded to the State Bureau of  
22 Investigation for a search of the State's criminal history record file, and the State Bureau of  
23 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a  
24 national criminal history record check.

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

28 (d) ~~The~~Except for criminal history reports on prospective appointees for the position of  
29 Executive Director, the criminal history report shall be provided to the Executive Director of the  
30 State Board, who shall keep all information obtained pursuant to this section confidential to the  
31 State Board. The criminal history reports on prospective appointees for the position of Executive  
32 Director shall be provided to the chair or chairs of the standing committee handling the legislation  
33 regarding the appointment of the Executive Director who shall keep all information obtained  
34 pursuant to this section confidential. A criminal history report obtained as provided in this section  
35 is not a public record under Chapter 132 of the General Statutes."

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

37 **"§ 143B-970. Criminal record checks for employees of county boards of elections.**

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

- 39 (1) "Current or prospective employee" means a current or prospective permanent  
40 or temporary employee of a county board of elections.  
41 (2) "State Board" means the State Board of Elections.

42 (b) The Department of Public Safety may provide to a county board of elections a current  
43 or prospective employee's criminal history from the State and National Repositories of Criminal  
44 Histories. The Department of Public Safety may provide to the board of county commissioners  
45 the criminal history record check report regarding any prospective appointee for the position of  
46 county director of elections. The county board of elections shall provide to the Department of  
47 Public Safety, along with the request, the fingerprints of the current or prospective employee, a  
48 form signed by the current or prospective employee consenting to the criminal record check and  
49 use of fingerprints and other identifying information required by the State and National  
50 Repositories, and any additional information required by the Department of Public Safety. The  
51 fingerprints of the current or prospective employee shall be forwarded to the State Bureau of

1 Investigation for a search of the State's criminal history record file, and the State Bureau of  
2 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a  
3 national criminal history record check.

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

7 (d) ~~The Except for criminal history reports on prospective appointees for the position of~~  
8 ~~county director of elections, the criminal history report shall be provided to the county board of~~  
9 ~~elections, who shall keep all information obtained pursuant to this section confidential to the~~  
10 ~~county board of elections, the county director of elections, the State Board, and the Executive~~  
11 ~~Director of the State Board. The criminal history reports on prospective appointees for the~~  
12 ~~position of county director of elections shall be provided to the board of county commissioners~~  
13 ~~who shall keep all information obtained pursuant to this section confidential; once a letter of~~  
14 ~~appointment is issued by the board of county commissioners, the criminal history report on the~~  
15 ~~appointed county director of elections shall be forwarded to the county board of elections, the~~  
16 ~~State Board, and the Executive Director of the State Board. A criminal history report obtained as~~  
17 ~~provided in this section is not a public record under Chapter 132 of the General Statutes."~~

18 **SECTION 4.4.** The four members of the county board of elections appointed in  
19 accordance with G.S. 163-30, as amended by this act, shall serve until June 1, 2027. Chairs of  
20 the two political parties having the highest number of registered affiliates as reflected by the  
21 latest registration statistics may submit a list of names to the General Assembly in accordance  
22 with G.S. 163-30, as amended by this act. Upon appointment of the four members of the county  
23 board of elections in accordance with this act in 2024, the county director of elections shall be  
24 appointed in accordance with Article 4 of Chapter 163 of the General Statutes, as amended by  
25 this act.

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

## 28 **PART V. CONFORMING STATUTORY CHANGES**

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

30 **"§ 163-182.6. Abstracts.**

31 (a) Abstracts to Be Prepared by County Board of Elections. – As soon as the county  
32 canvass has been completed, the county board of elections shall prepare abstracts of all the ballot  
33 items in a form prescribed by the State ~~Board of Elections.~~ Board. The county board shall prepare  
34 those abstracts in triplicate originals. The county board shall retain one of the triplicate originals,  
35 and shall distribute one each to the clerk of superior court for the county and the State ~~Board of~~  
36 ~~Elections.~~ Board. The State Highway Patrol may, upon request of the State ~~Board of Elections,~~  
37 Board, be responsible for the delivery of the abstracts from each county to the State ~~Board of~~  
38 Board, ~~shall forward~~ provide the original abstract it  
39 receives to the Secretary of State.

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

44 ...."

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

46 **"§ 163-182.13. New elections.**

47 (a) When State Board May Order New Election. – The State Board ~~of Elections~~ may  
48 order a new election, upon agreement of at least ~~four~~ five of its members, in the case of any one  
49 or more of the following:  
50

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

11 ...

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

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

23 ...."

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

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

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

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

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

36 "**§ 163-258.30. Regulations of State Board of Elections.**

37 (a) The State Board ~~of Elections~~ shall adopt rules and regulations to carry out the intent  
 38 and purpose of G.S. 163-258.28 and G.S. 163-258.29 and to ensure that a proper list of persons  
 39 voting under said sections shall be maintained by the boards of elections, and to ensure proper  
 40 registration records.

41 (b) The State Board ~~of Elections~~ shall be the single office responsible for providing  
 42 information concerning voter registration and absentee voting procedures to be used by covered  
 43 voters as to all elections and procedures relating to the use of federal write-in absentee ballots.  
 44 Unless otherwise required by law, the State Board ~~of Elections~~ shall be responsible for  
 45 maintaining contact and cooperation with the Federal Voting Assistance Program, the United  
 46 States Department of Defense, and other federal entities that deal with military and overseas  
 47 voting. The State Board ~~of Elections~~ shall, as needed, make recommendations concerning  
 48 military and overseas citizen voting to the General Assembly, ~~the Governor,~~ Assembly and other  
 49 State officials."

50  
 51 **PART VI. SEVERABILITY CLAUSE**

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

5

6 **PART VII. EFFECTIVE DATE**

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