

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 749

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

S749-AST-85 [v.4]

Page 1 of 2

Amends Title [NO]  
Second Edition

Date \_\_\_\_\_, 2023

Senator P. Newton

1 moves to amend the bill on page 1, line 13, by rewriting that line to read:

2 "SECTION 1.1.(b) G.S. 163-28 reads as rewritten:

3 "**§ 163-28. State Board of Elections independent agency.**

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

10 and on page 2, lines 14-21, by rewriting those lines to read:

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

24 and on page 7, lines 29-33, by rewriting those lines to read:

25 "(d) Whenever a vacancy occurs in the membership of a county board of elections for any  
26 cause the State chair of the political party of the vacating member shall have the right to  
27 recommend two registered voters of the affected county ~~for such office to fill the vacancy, and it~~  
28 ~~shall be the duty of the State Board to fill the vacancy from the names thus recommended. The~~  
29 General Assembly may fill the vacancy in accordance with G.S. 120-121 during a regular or extra  
30 session. Notwithstanding G.S. 120-122, if the General Assembly has adjourned for more than ten  
31  
32



\* S 7 4 9 - A S T - 8 5 - V - 4 \*

NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 749

**ADOPTED**

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

S749-AST-85 [v.4]

Page 2 of 2

1 days, the vacancy shall be filled by the individual recommending the initial appointment in  
2 accordance with subsection (a) of this section via a letter appointing an individual to serve until  
3 the expiration of the term under subsection (a) of this section or until the General Assembly fills  
4 the vacancy, whichever occurs first."

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**