

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 749

AMENDMENT NO. A8
(to be filled in by
Principal Clerk)

S749-AST-158 [v.2]

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Amends Title [NO]
Fourth Edition

Date .2023

Representative Morey

1 moves to amend the bill on page 1, line 27, through page 3, line 16, by rewriting those lines to
2 read:

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"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-seven registered voters whose terms
of office shall begin on May 1, 2019, May 1 of the year following the election for Council of
State members 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. No person may serve
more than two consecutive four-year terms.

(b1) Not more than three members of the State Board shall be members of the same
political party. Of the membership, The the Governor shall appoint five of 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. No person may serve more than two consecutive four-year
terms.



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1 **(b2)** Of the membership, at least two of the membership shall not be members of the
2 political parties submitting nominees under subsection (b1) of this section. One of those members
3 shall be appointed by the Governor and one shall be appointed by the General Assembly.

4 **(c)** Any vacancy of a member appointed under subsection (b1) of this section occurring
5 in the State Board shall be filled by the Governor, and the person so appointed shall fill the
6 unexpired term. The Governor shall fill the vacancy from a list of three nominees submitted to
7 the Governor by the State party chair of the political party that nominated the vacating member
8 as provided in subsection (b) subsection (b1) of this section. The three nominees must be
9 affiliated with that political party. Any vacancy of a member appointed under subsection (b2) of
10 this section shall be filled by the appointing authority for the unexpired term.

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

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

19 **(e)** After taking the prescribed oath, the State Board shall organize by electing one of its
20 members chair and another secretary.

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

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

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

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

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- 1 (4) Make written or oral statements intended for general distribution or
2 dissemination to the public at large supporting or opposing the passage of one
3 or more clearly identified referendum or ballot issue proposals.
4 (5) Solicit contributions for a candidate, political committee, or referendum
5 committee.
6 (6) Serve as a member of any other State board, as defined in G.S. 138A-3."".

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
House Principal Clerk's Office**