

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 749

AMENDMENT NO. A2
(to be filled in by
Principal Clerk)

S749-AST-156 [v.4]

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Amends Title [NO]
Fourth Edition

Date _____, 2023

Representative Harrison

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

"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-six 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.

(b2) Of the membership, the Governor shall appoint one of the members who shall not be affiliated with either of the political parties submitting nominees under subsection (b1) of this section.

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

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



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

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

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

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

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

- 26 (1) Make a reportable contribution to a candidate for a public office over which
27 the State Board would have jurisdiction or authority.
28 (2) Register as a lobbyist under Chapter 120C of the General Statutes.
29 (3) Make written or oral statements intended for general distribution or
30 dissemination to the public at large supporting or opposing the nomination or
31 election of one or more clearly identified candidates for public office.
32 (4) Make written or oral statements intended for general distribution or
33 dissemination to the public at large supporting or opposing the passage of one
34 or more clearly identified referendum or ballot issue proposals.
35 (5) Solicit contributions for a candidate, political committee, or referendum
36 committee.
37 (6) Serve as a member of any other State board, as defined in G.S. 138A-3."";
38
39

40 and on page 8, lines 1-24, by rewriting those lines to read:

41 "(a) In every county of the State there shall be a county board of elections, to consist of
42 five persons of good moral character who are registered voters in the county in which they are to
43 act. Members of county boards of elections shall ~~be appointed by the State Board of Elections~~

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- 1 ~~serve a two-year term of office that begins on the last Tuesday in June, and every two years~~
2 ~~thereafter, and their terms of office shall continue for two years from the specified date of~~
3 ~~appointment and until their successors are appointed and qualified. Four members of county~~
4 ~~boards of elections shall be appointed by the State Board on the last Tuesday in June and every~~
5 ~~two years thereafter, and their terms of office shall continue for two years from the specified date~~
6 ~~of appointment and until their successors are appointed and qualified. One member of the county~~
7 ~~boards of elections shall be appointed by the Governor to be the chair of the county board on the~~
8 ~~last Tuesday in June and every two years thereafter, and that member's term of office shall~~
9 ~~continue for two years from the specified date of appointment and until a successor is appointed~~
10 ~~and qualified. Of the appointments to each county board of elections by the State Board, two~~
11 ~~members each shall belong to the two political parties having the highest number of registered~~
12 ~~affiliates as reflected by the latest registration statistics published by the State Board. One member~~
13 ~~of county boards of elections shall be appointed by the Governor; that member shall not be~~
14 ~~affiliated with either of the two political parties having the highest number of registered affiliates~~
15 ~~as reflected by the latest registration statistics published by the State Board. Four members of~~
16 ~~the county boards of elections shall be appointed by the General Assembly as follows:~~
17 (1) One member appointed upon recommendation of the President Pro Tempore
18 of the Senate.
19 (2) One member appointed upon recommendation of the Speaker of the House of
20 Representatives.
21 (3) One member appointed upon recommendation of the minority leader of the
22 Senate.
23 (4) One member appointed upon recommendation of the minority leader of the
24 House of Representatives."
25
26

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**