

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 749
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Proposed Conference Committee Substitute S749-PCCS15387-ST-2

Short Title: No Partisan Advantage in Elections.

(Public)

Sponsors:

Referred to:

June 13, 2023

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, TO MAKE CLARIFYING CHANGES TO SENATE BILL 512 OF THE 2023 REGULAR SESSION, TO MAKE ADDITIONAL CONFORMING AND CLARIFYING CHANGES TO IMPLEMENT PHOTO IDENTIFICATION FOR VOTING, AND TO AMEND THE TIME FOR CANDIDATES AND VACANCY APPOINTEES TO FILE STATEMENTS OF ECONOMIC INTERESTS.

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 of Elections shall not be performed under the direction and supervision of the Secretary of State.

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

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

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

SECTION 1.1.(c) This Part becomes effective January 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.



* S 7 4 9 - P C C S 1 5 3 8 7 - S T - 2 *

1 (b) ~~The State Board of Elections shall consist of five registered voters whose terms of~~
2 ~~office shall begin on May 1, 2019, and shall continue for four years, and until their successors~~
3 ~~are appointed and qualified. The Governor shall appoint the members of the State Board and~~
4 ~~likewise shall appoint their successors every four years at the expiration of each four year term.~~
5 ~~Not more than three members of the State Board shall be members of the same political party.~~
6 ~~The Governor shall appoint the members from a list of nominees submitted to the Governor by~~
7 ~~the State party chair of each of the two political parties having the highest number of registered~~
8 ~~affiliates as reflected by the latest registration statistics published by the State Board. Each party~~
9 ~~chair shall submit a list of four nominees who are affiliated with that political party.~~
10 eight registered voters in this State who are appointed by the General Assembly as follows:

11 (1) Two members appointed upon recommendation of the President Pro Tempore
12 of the Senate.

13 (2) Two members appointed upon recommendation of the Speaker of the House
14 of Representatives.

15 (3) Two members appointed upon recommendation of the minority leader of the
16 Senate.

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

19 (b1) No later than April 1 immediately following each election of the members of the
20 Council of State, the State party chair of each of the two political parties having the highest
21 number of registered affiliates as reflected by the latest registration statistics published by the
22 State Board shall submit to the General Assembly a list of four nominees who are affiliated with
23 that political party. The General Assembly shall give due consideration to the nominees provided
24 by the party chairs. However, the General Assembly is not required to appoint members from the
25 submitted nominees and may appoint any registered voter in the State in accordance with this
26 section.

27 (b2) Members shall serve four-year terms, until a successor is appointed and qualified,
28 beginning May 1 immediately following each election of the members of the Council of State.
29 No person may serve more than two consecutive four-year terms.

30 (c) Any vacancy occurring in the State Board shall be filled by the Governor, General
31 Assembly, and the person so appointed shall fill serve the remainder of the unexpired term. The
32 Governor shall fill the vacancy from a list of three nominees submitted to the Governor by the
33 State party chair of the political party that nominated the vacating member as provided in
34 subsection (b)-(b1) of this section. The section may submit, within five business days of the
35 occurrence of the vacancy, a list of three nominees must be to fill the vacancy who are affiliated
36 with that political party. The General Assembly may fill the vacancy in accordance with
37 G.S. 120-121 during a regular or extra session. Notwithstanding G.S. 120-122, if the General
38 Assembly has adjourned for more than 10 days, the vacancy shall be filled by the individual
39 recommending the initial appointment of the vacating member in accordance with subsection (b)
40 of this section via a letter appointing an individual to serve until the expiration of the term under
41 subsection (b1) of this section or until the General Assembly fills the vacancy, whichever occurs
42 first.

43 ...

44 (e) After taking the prescribed oath, the State Board shall organize by electing one of its
45 members chair and another secretary. If for any reason a chair is not elected within 30 days after
46 taking the prescribed oath or within 30 days of the occurrence of a vacancy in the office of the
47 chair, the office of the chair may be filled by legislative appointment in accordance with
48 G.S. 120-121 as if the chair is a member of a board or commission with the appointing authority
49 being as follows:

50 (1) If the vacancy occurs in 2025 and every eight years thereafter, the appointment
51 is made upon the recommendation of the President Pro Tempore of the Senate.

- 1 (2) If the vacancy occurs in 2026 and every eight years thereafter, the appointment
 2 is made upon the recommendation of the Speaker of the House of
 3 Representatives.
 4 (3) If the vacancy occurs in 2027 and every eight years thereafter, the appointment
 5 is made upon the recommendation of the President Pro Tempore of the Senate.
 6 (4) If the vacancy occurs in 2028 and every eight years thereafter, the appointment
 7 is made upon the recommendation of the Speaker of the House of
 8 Representatives.
 9 (5) If the vacancy occurs in 2029 and every eight years thereafter, the appointment
 10 is made upon the recommendation of the Speaker of the House of
 11 Representatives.
 12 (6) If the vacancy occurs in 2030 and every eight years thereafter, the appointment
 13 is made upon the recommendation of the President Pro Tempore of the Senate.
 14 (7) If the vacancy occurs in 2031 and every eight years thereafter, the appointment
 15 is made upon the recommendation of the Speaker of the House of
 16 Representatives.
 17 (8) If the vacancy occurs in 2032 and every eight years thereafter, the appointment
 18 is made upon the recommendation of the President Pro Tempore of the Senate.

19 "

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

21 "**§ 163-20. Meetings of Board; quorum; minutes.**

22 (a) Call of meeting. – The State Board of Elections shall meet at the call of the ~~chairman~~
 23 ~~chair~~ whenever necessary to discharge the duties and functions imposed upon it by this Chapter.
 24 The ~~chairman~~ chair shall call a meeting of the State Board upon the written application or
 25 applications of any ~~two~~ three members thereof. If there is no ~~chairman, chair,~~ or if the ~~chairman~~
 26 ~~chair~~ does not call a meeting within three days after receiving a written request or requests from
 27 ~~two~~ three members, any ~~three~~ six members of the State Board shall have power to call a meeting
 28 of the State Board, and any duties imposed or powers conferred on the State Board by this
 29 Chapter may be performed or exercised at that meeting, although the time for performing or
 30 exercising the ~~same prescribed duties imposed or powers conferred by this Chapter may have~~
 31 expired.

32 (b) Place of Meeting. – Except as provided in ~~subsection (e), below,~~ ~~subsection (c) of this~~
 33 ~~section,~~ the State Board of Elections shall meet in its offices in the City of Raleigh, or at another
 34 place in the City of Raleigh to be designated by the ~~chairman, chair.~~ However, subject to the
 35 limitation imposed by ~~subsection (e), below,~~ ~~(c) of this section,~~ upon the prior written request of
 36 ~~any four~~ five members, the State Board of Elections shall meet at any other place in the State
 37 designated by the ~~four~~ five members.

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

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

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

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

50 "**§ 163-22. Powers and duties of State Board of Elections.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 (q) Nothing in this Chapter shall grant authority to the State Board of ~~Elections~~ to alter,
51 amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or

1 congressional districts other than a plan imposed by a court under G.S. 120-2.4 or a plan enacted
2 by the General Assembly.

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

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

9 "**§ 163-25. Authority of State Board to assist in litigation.**

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

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

21 (c) If the Attorney General recommends employment of private counsel, the State Board
22 may employ counsel with the approval of the Governor-General Assembly."

23 **SECTION 2.5.** G.S. 163-27 reads as rewritten:

24 "**§ 163-27. Executive Director to be appointed by State Board.**

25 (a) The State Board shall appoint an Executive Director for a term of two years with
26 compensation to be determined by the Office of State Human Resources.

27 (b) The term of office for the Executive Director shall serve beginning begins May 15
28 after the first meeting held after new appointments to the State Board are made, of the year after
29 each even-year election, unless removed for cause, until a successor is appointed. cause. If for
30 any reason the position of Executive Director is not filled by June 15 of the year after each
31 even-year election or within 30 days of the occurrence of a vacancy in the position of Executive
32 Director, the position of Executive Director may be filled by legislative appointment in
33 accordance with G.S. 120-121 as if the Executive Director is a member of a board or commission
34 with the appointing authority being as follows:

35 (1) If the vacancy occurs in 2025 and every eight years thereafter, the appointment
36 is made upon the recommendation of the President Pro Tempore of the Senate.

37 (2) If the vacancy occurs in 2026 and every eight years thereafter, the appointment
38 is made upon the recommendation of the Speaker of the House of
39 Representatives.

40 (3) If the vacancy occurs in 2027 and every eight years thereafter, the appointment
41 is made upon the recommendation of the President Pro Tempore of the Senate.

42 (4) If the vacancy occurs in 2028 and every eight years thereafter, the appointment
43 is made upon the recommendation of the Speaker of the House of
44 Representatives.

45 (5) If the vacancy occurs in 2029 and every eight years thereafter, the appointment
46 is made upon the recommendation of the Speaker of the House of
47 Representatives.

48 (6) If the vacancy occurs in 2030 and every eight years thereafter, the appointment
49 is made upon the recommendation of the President Pro Tempore of the Senate.

1 (7) If the vacancy occurs in 2031 and every eight years thereafter, the appointment
2 is made upon the recommendation of the Speaker of the House of
3 Representatives.

4 (8) If the vacancy occurs in 2032 and every eight years thereafter, the appointment
5 is made upon the recommendation of the President Pro Tempore of the Senate.

6 (c) The Executive Director shall be responsible for staffing, administration, and
7 execution of the State Board's decisions and orders and shall perform such other responsibilities
8 as may be assigned by the State Board.

9 (d) The Executive Director shall be the chief State elections official."

10 **SECTION 2.6.** This Part becomes effective January 1, 2024, and appointments may
11 be made accordingly. The eight members of the State Board of Elections appointed in accordance
12 with G.S. 163-19, as amended by this act, shall serve until May 1, 2029. Any member so
13 appointed shall be eligible to serve one additional full consecutive term in accordance with
14 G.S. 163-19, as amended by this act.

15 16 **PART III. EMERGENCY POWERS**

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

18 "**§ 163-27.1. Emergency powers.**

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

22 (1) A natural disaster.

23 (2) Extremely inclement weather.

24 (3) An armed conflict involving Armed Forces of the United States, or
25 mobilization of those forces, including North Carolina National Guard and
26 reserve components of the Armed Forces of the United States.

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

31 (b) 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 State legislative or
33 congressional districts other than a plan imposed by a court under G.S. 120-2.4 or a plan enacted
34 by the General Assembly.

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

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

42 (1) Deliver absentee ballots to an eligible voter who did not submit a valid written
43 request form for absentee ballots as provided in G.S. 163-230.1 and
44 G.S. 163-230.2.

45 (2) Order an election to be conducted using all mail-in absentee ballots.

46 (3) Delegate its authority under this section to the Executive Director or any other
47 individual."

48 49 **PART IV. COUNTY BOARDS OF ELECTIONS**

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

1 **"§ 163-30. County boards of elections; appointments; terms of office; qualifications;**
2 **vacancies; oath of office; instructional meetings.**

3 (a) In every county of the State there shall be a county board of elections, to consist of
4 ~~five~~four persons of good moral character who are registered voters in the county in which they
5 are to act. Members of county boards of elections shall be appointed by the ~~State Board of~~
6 ~~Elections~~General Assembly for a two-year term of office that begins on the last Tuesday in ~~June,~~
7 ~~and every two years thereafter, and their terms of office shall continue for two years from the~~
8 ~~specified date of appointment and until their successors are appointed and qualified. Four~~
9 ~~members of county boards of elections shall be appointed by the State Board on the last Tuesday~~
10 ~~in June and every two years thereafter, and their terms of office shall continue for two years from~~
11 ~~the specified date of appointment and until their successors are appointed and qualified. One~~
12 ~~member of the county boards of elections shall be appointed by the Governor to be the chair of~~
13 ~~the county board on the last Tuesday in June and every two years thereafter, and that member's~~
14 ~~term of office shall continue for two years from the specified date of appointment and until a~~
15 ~~successor is appointed and qualified. Of the appointments to each county board of elections by~~
16 ~~the State Board, two members each shall belong to the two political parties having the highest~~
17 ~~number of registered affiliates as reflected by the latest registration statistics published by the~~
18 ~~State Board.~~June of each odd-numbered year, as follows:

- 19 (1) One member appointed upon recommendation of the President Pro Tempore
20 of the Senate.
21 (2) One member appointed upon recommendation of the Speaker of the House of
22 Representatives.
23 (3) One member appointed upon recommendation of the minority leader of the
24 Senate.
25 (4) One member appointed upon recommendation of the minority leader of the
26 House of Representatives.

27 (b) No person shall be eligible to serve as a member of a county board of elections who
28 meets any of the following criteria:

- 29 (1) Holds any elective office under the government of the United States, or of the
30 State of North Carolina or any political subdivision thereof.
31 (2) Holds any office in a state, congressional district, county or precinct political
32 party or organization. Provided, however, that the position of delegate to a
33 political party convention shall not be considered an office for the purpose of
34 this subdivision.
35 (3) Is a campaign manager or treasurer of any candidate or political party in a
36 primary or election.
37 (4) Is a candidate for nomination or election.
38 (5) Is the wife, husband, son, son in law, daughter, daughter in law, mother,
39 mother in law, father, father in law, sister, sister in law, brother, brother in
40 law, aunt, uncle, niece, or nephew of any candidate for nomination or election.
41 Upon any member of the board of elections becoming ineligible, that
42 member's seat shall be declared vacant. This subdivision only applies if the
43 county board of elections is conducting the election for which the relative is a
44 candidate.

45 (c) ~~The~~No later than April 1 of each odd-numbered year, the State chair of the two
46 political parties having the highest number of registered affiliates as reflected by the latest
47 registration statistics published by the State Board shall each have the right to recommend ~~to the~~
48 ~~State Board~~ three ~~two~~ registered voters in each county for appointment to the board of elections
49 for that county. ~~If such recommendations are received by the State Board 15 or more days before~~
50 ~~the last Tuesday in June 2019, and each two years thereafter, it shall be the duty of the State~~
51 ~~Board to appoint the county boards from the names thus recommended.~~

(c1) At the first meeting in July of each year, the county board of elections shall organize by electing one member of that county board of elections to serve a one-year term as chair of the county board of elections. If for any reason a chair is not elected within 15 days after the first meeting in July or within 30 days of the occurrence of a vacancy, the office of chair may be filled by legislative appointment in accordance with G.S. 120-121 as if the chair is a member of a board or commission with the appointing authority being as follows:

- (1) If the vacancy occurs in 2025 and every eight years thereafter, the appointment is made upon the recommendation of the President Pro Tempore of the Senate.
- (2) If the vacancy occurs in 2026 and every eight years thereafter, the appointment is made upon the recommendation of the Speaker of the House of Representatives.
- (3) If the vacancy occurs in 2027 and every eight years thereafter, the appointment is made upon the recommendation of the President Pro Tempore of the Senate.
- (4) If the vacancy occurs in 2028 and every eight years thereafter, the appointment is made upon the recommendation of the Speaker of the House of Representatives.
- (5) If the vacancy occurs in 2029 and every eight years thereafter, the appointment is made upon the recommendation of the Speaker of the House of Representatives.
- (6) If the vacancy occurs in 2030 and every eight years thereafter, the appointment is made upon the recommendation of the President Pro Tempore of the Senate.
- (7) If the vacancy occurs in 2031 and every eight years thereafter, the appointment is made upon the recommendation of the Speaker of the House of Representatives.
- (8) If the vacancy occurs in 2032 and every eight years thereafter, the appointment is made upon the recommendation of the President Pro Tempore of the Senate.

(d) Whenever a vacancy occurs in the membership of a county board of elections for any ~~cause~~ cause, the State chair of the political party of the vacating member shall have the right to recommend two registered voters of the affected county for such office, and it shall be the duty of the State Board to fill the vacancy from the names thus recommended to fill the vacancy. The General Assembly may fill the vacancy in accordance with G.S. 120-121 during a regular or extra session. Notwithstanding G.S. 120-122, if the General Assembly has adjourned for more than 10 days, the vacancy shall be filled by the individual recommending the appointment of the vacating member in accordance with subsection (a) of this section via a letter appointing an individual to serve until the expiration of the term under subsection (a) of this section or until the General Assembly fills the vacancy, whichever occurs first.

...."

SECTION 4.2. G.S. 163-35 is amended by adding a new subsection to read:

"(b1) If the county board of elections is unable to agree on a name of the person the county board recommends to fill a vacancy in the position of county director of elections, the Executive Director of the State Board shall designate a person qualified to serve as acting county director of elections until the county board of elections nominates a person in accordance with this section."

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

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

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

- (1) A current or prospective permanent or temporary employee of the State Board or a current or prospective county director of elections.

- 1 (2) An employee or agent of a current or prospective contractor with the State
2 Board.
- 3 (3) Any other individual otherwise engaged by the State Board who has or will
4 have the capability to update, modify, or change elections systems or
5 confidential elections or ethics data.

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

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

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

23"

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

25 **"§ 163-37.1. Criminal history record checks of current and prospective employees of county**
26 **boards of elections.**

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

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

40"

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

42 **"§ 143B-969. Criminal record checks for employees and contractors of the State Board of**
43 **Elections and county directors of elections.**

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

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

- 46 a. A current or prospective permanent or temporary employee of the
47 State Board or a current or prospective county director of
48 elections. ~~Board, other than the Executive Director.~~
- 49 b. A current or prospective contractor with the State Board.
- 50 c. An employee or agent of a current or prospective contractor with the
51 State Board.

1 d. Any other individual otherwise engaged by the State Board who has
2 or will have the capability to update, modify, or change elections
3 systems or confidential elections or ethics data.

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

5 (b) The Department of Public Safety may provide to the Executive Director of the State
6 Board a current or prospective employee's criminal history from the State and National
7 Repositories of Criminal Histories. The Department of Public Safety may provide the criminal
8 history record check report regarding any prospective appointee for the position of Executive
9 Director to the chair of the State Board in accordance with G.S. 163-27(a) or to the chair or chairs
10 of each standing committee handling the legislation regarding the appointment of the Executive
11 Director in accordance with G.S. 163-27(b). The Executive Director shall provide to the
12 Department of Public Safety, along with the request, the fingerprints of the current or prospective
13 employee, a form signed by the current or prospective employee consenting to the criminal record
14 check and use of fingerprints and other identifying information required by the State and National
15 Repositories, and any additional information required by the Department of Public Safety. The
16 fingerprints of the current or prospective employee shall be forwarded to the State Bureau of
17 Investigation for a search of the State's criminal history record file, and the State Bureau of
18 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
19 national criminal history record check.

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

23 (d) ~~The Except for criminal history reports on prospective appointees for the position of~~
24 ~~Executive Director pursuant to subsection (b) of this section, the criminal history report shall be~~
25 ~~provided to the Executive Director of the State Board, who shall keep all information obtained~~
26 ~~pursuant to this section confidential to the State Board. The criminal history reports on~~
27 ~~prospective appointees for the position of Executive Director shall be kept confidential by the~~
28 ~~recipient under subsection (b) of this section. A criminal history report obtained as provided in~~
29 ~~this section is not a public record under Chapter 132 of the General Statutes."~~

30 **SECTION 4.4.** This Part becomes effective January 1, 2024, and appointments may
31 be made accordingly. The four members of each county board of elections appointed in
32 accordance with G.S. 163-30, as amended by this act, shall serve until the last Tuesday in June
33 of 2027.

34 **PART V. CONFORMING STATUTORY CHANGES**

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

36 **"§ 163-182.6. Abstracts.**

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

46 (b) Composite Abstracts to Be Prepared by the State ~~Board of Elections.~~ Board. – As
47 soon as the State canvass has been completed, the State Board shall prepare composite abstracts
48 of all those ballot items. ~~It~~ The State Board shall prepare those composite abstracts in duplicate
49 originals. ~~It~~ The State Board shall retain one of the originals and ~~shall send~~ the other original to
50 shall be kept by the Secretary of State.
51

1"

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

3 **"§ 163-182.13. New elections.**

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

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

17 ...

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

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

29"

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

31 "(c) Copy ~~to~~ for Secretary of State. – ~~The State Board of Elections shall provide to the~~
32 ~~Secretary of State a copy of each certificate of nomination or election, or certificate of the results~~
33 ~~of a referendum, issued by it. The Secretary of State shall keep a copy of each certificate of~~
34 ~~nomination or election, or each certificate of results of a referendum, issued by the State Board.~~
35 The Secretary of State shall keep the certificates in a form readily accessible and useful to the
36 public."

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

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

42 **SECTION 5.5.** G.S. 163-213.4 reads as rewritten:

43 **"§ 163-213.4. Nomination by State Board of Elections.**

44 (a) No later than 90 days preceding the North Carolina presidential preference primary,
45 the chair of each political party shall submit to the State Board of Elections a list of its presidential
46 candidates to be placed on the presidential preference primary ballot. The list must be comprised
47 of candidates whose candidacy is generally advocated and recognized in the news media
48 throughout the United States or in North Carolina, unless any such candidate executes and files
49 with the chair of the political party an affidavit stating without qualification that the candidate is
50 not and does not intend to become a candidate for nomination in the North Carolina Presidential

1 Preference Primary Election. The State Board of Elections shall prepare and publish a list of the
2 names of the presidential candidates submitted.

3 (b) The State Board of Elections shall convene in Raleigh on the first Tuesday in January
4 preceding the presidential preference primary election, unless the first Tuesday in January is the
5 first day of that month, in which case the State Board shall meet on January 2. At the meeting
6 required by this section, the State Board of Elections shall nominate as presidential primary
7 candidates all candidates affiliated with a political party, recognized pursuant to the provisions
8 of Article 9 of this Chapter, who have been submitted to the State Board of Elections. Board.
9 Additionally, the State Board of Elections, Board, by vote of at least ~~three~~ five of its members in
10 the affirmative, may nominate as a presidential primary candidate any other person affiliated with
11 a political party that it finds is generally advocated and recognized in the news media throughout
12 the United States or in North Carolina as candidates for the nomination by that party.

13 (c) Immediately upon ~~completion of these requirements, adjourning the meeting as~~
14 required by subsection (b) of this section, the State Board shall release to the news media all such
15 nominees selected. Provided, however, nothing shall prohibit the partial selection of nominees
16 prior to the meeting required by ~~this subsection (b) of this section, if all provisions herein have~~
17 been complied with, provided the State Board has complied with the requirements of this section."

18 **SECTION 5.6.** G.S. 163-258.30 reads as rewritten:

19 "**§ 163-258.30. Regulations of State Board of Elections.**

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

24 (b) The State Board of Elections shall be the single office responsible for providing
25 information concerning voter registration and absentee voting procedures to be used by covered
26 voters as to all elections and procedures relating to the use of federal write-in absentee ballots.
27 Unless otherwise required by law, the State Board of Elections shall be responsible for
28 maintaining contact and cooperation with the Federal Voting Assistance Program, the United
29 States Department of Defense, and other federal entities that deal with military and overseas
30 voting. The State Board of Elections shall, as needed, make recommendations concerning
31 military and overseas citizen voting to the General Assembly, the Governor, Assembly and other
32 State officials."

33 **SECTION 5.7.** This Part becomes effective January 1, 2024.

34 **PART VI. TECHNICAL AND CLARIFYING CHANGES**

35 **SECTION 6.1.(a)** If Senate Bill 512, 2023 Regular Session, becomes law, then:

36 (1) The changes made to subdivisions (5) and (9) of G.S. 143B-283(a1) by
37 Section 2.1(a) of that act, are effective when that act becomes law, at which
38 point the terms of members serving on the Environmental Management
39 Commission pursuant to those subdivisions by appointment of the Governor
40 shall terminate, and the Commissioner of Agriculture's power to appoint
41 members pursuant to those subdivisions shall arise.

42 (2) The Environmental Management Commission shall elect a chair and
43 vice-chair pursuant to G.S. 143B-284, as amended by Section 2.1(b) of that
44 act, no later than 90 days after the date that both members to be appointed by
45 the Commissioner of Agriculture pursuant to G.S. 143B-283(a1), as amended
46 by Section 2.1(a) of that act, have been initially appointed by the
47 Commissioner.

48 **SECTION 6.1.(b)** If Senate Bill 512, 2023 Regular Session, becomes law, then
49 Section 12.1(d) of that act reads as rewritten:
50

1 "SECTION 12.1.(d) Notwithstanding G.S. 116-31.5, as enacted by this section, members
2 elected to the North Carolina State University Board of Trustees as of the effective date of this
3 section shall serve the remainder of their terms and the General Assembly shall appoint two
4 additional members of the North Carolina State University Board of Trustees to terms beginning
5 on the date of appointment and expiring June 30, 2027. In accordance with G.S. 120-121, one
6 appointment shall be upon the recommendation of the President Pro Tempore of the Senate and
7 one appointment shall be upon the recommendation of the Speaker of the House of
8 Representatives. ~~A term served~~ A member appointed to a term expiring June 30, 2027, pursuant
9 to this subsection shall not count as a full four-year term under G.S. 116-31(g)."

10 SECTION 6.1.(c) If Senate Bill 512, 2023 Regular Session, becomes law, then
11 Section 12.1(e) of that act reads as rewritten:

12 "SECTION 12.1.(e) Notwithstanding G.S. 116-31.7, as enacted by this section, members
13 elected to the University of North Carolina at Chapel Hill Board of Trustees as of the effective
14 date of this section shall serve the remainder of their terms and the General Assembly shall
15 appoint two additional members of the University of North Carolina at Chapel Hill Board of
16 Trustees to terms beginning on the date of appointment and expiring June 30, 2027. In accordance
17 with G.S. 120-121, one appointment shall be upon the recommendation of the President Pro
18 Tempore of the Senate and one appointment shall be upon the recommendation of the Speaker
19 of the House of Representatives. ~~A term served~~ A member appointed to a term expiring June 30,
20 2027, pursuant to this subsection shall not count as a full four-year term under G.S. 116-31(g)."

21 SECTION 6.2. If Senate Bill 512, 2023 Regular Session, becomes law, then the
22 Board of Transportation shall elect a chair and vice-chair pursuant to G.S. 143B-350(e), as
23 amended by Section 4.1(a) of that act, no later than 90 days after the date that all members to be
24 appointed by the President Pro Tempore of the Senate and the Speaker of the House of
25 Representatives pursuant to G.S. 143B-350(b)(1), as amended by Section 4.1(a) of that act, have
26 been initially appointed by the President Pro Tempore of the Senate and the Speaker of the House
27 of Representatives.

28 SECTION 6.3. If Senate Bill 512, 2023 Regular Session, becomes law, then the
29 Coastal Resources Commission shall elect a chair and vice-chair pursuant to G.S. 113A-104(i),
30 as amended by Section 5.1(a) of that act, no later than 90 days after the date that all members to
31 be appointed by the President Pro Tempore of the Senate, the Speaker of the House of
32 Representatives, and the Commissioner of Insurance, pursuant to the new subdivisions of
33 G.S. 113A-104(b1), as amended by Section 5.1(a) of that act, have been initially appointed.

34 SECTION 6.4. If Senate Bill 512, 2023 Regular Session, becomes law, then the
35 North Carolina Railroad Board of Directors shall elect a chair pursuant to G.S. 124-15(a), as
36 amended by Section 7.1(a) of that act, no later than 90 days after the date that the member to be
37 appointed by the State Treasurer pursuant to G.S. 124-15(a), as amended by Section 7.1(a) of
38 that act, has been initially appointed by the Treasurer.

39 SECTION 6.5. G.S. 163-230.1(g)(2) reads as rewritten:

40 "(2) A process for a voter without acceptable photocopies of forms of readable
41 identification under subdivision (1) of this subsection to complete an
42 alternative affidavit in accordance with G.S. 163-166.16(d)(1), (d)(2), or
43 (d)(3) that includes inability to attach a physical copy of the voter's
44 identification with the ~~written request~~ returned application and voted ballots
45 as a reasonable impediment to compliance with the identification requirement.
46 ~~If a reasonable impediment under this subdivision states inability to attach a~~
47 ~~physical copy of the voter's identification with the written request,~~
48 requirement, provided the reasonable impediment shall include includes one
49 of the following:

- 1 a. The number of the voter's North Carolina drivers license issued under
2 Article 2 of Chapter 20 of the General Statutes, including a learner's
3 permit or a provisional license.
4 b. The number of the voter's special identification card for nonoperators
5 issued under G.S. 20-37.7.
6 c. The last four digits of the voter's social security number."

7 **SECTION 6.6.** G.S. 20-30(6) reads as rewritten:

8 "(6) To make a color photocopy or otherwise make a color reproduction of a
9 drivers license, learner's permit, or special identification card, unless such
10 color photocopy or other color reproduction was authorized by the
11 Commissioner or is made to comply with ~~G.S. 163-230.2~~. G.S. 163-230.1. It
12 shall be lawful to make a black and white photocopy of a drivers license,
13 learner's permit, or special identification card or otherwise make a black and
14 white reproduction of a drivers license, learner's permit, or special
15 identification card. This subdivision does not apply to: (i) a lender that is
16 licensed or otherwise authorized to engage in the lending business in this
17 State; (ii) a licensed motor vehicle dealer creating, storing, or receiving, in the
18 ordinary course of business, a color image of a drivers license, learner's
19 permit, or special identification card of a borrower or loan applicant; or (iii) a
20 federally insured depository institution or its affiliates creating, storing, or
21 receiving, in the ordinary course of business, a color image of a drivers license,
22 learner's permit, or special identification card of a consumer."

23 **SECTION 6.7.(a)** G.S. 163-82.8A(c) reads as rewritten:

24 "(c) County boards of elections or the State Board shall maintain a secure database
25 containing the photographs of registered voters taken for the purpose of issuing voter photo
26 identification cards."

27 **SECTION 6.7.(b)** G.S. 163-82.10(a1) reads as rewritten:

28 "(a1) Personal Identifying Information. – Full or partial social security ~~numbers,~~ numbers;
29 dates of ~~birth,~~ birth; the identity of the public agency at which the voter registered under
30 ~~G.S. 163-82.20,~~ G.S. 163-82.20; any electronic mail address submitted under this Article, Article
31 20, or Article 21A of this ~~Chapter,~~ Chapter; photographs for voter photo identification under
32 G.S. 163-82.8A; photocopies of identification for ~~voting,~~ voting; and drivers license numbers,
33 whether held by the State Board or a county board of elections, are confidential and shall not be
34 considered public records and subject to disclosure to the general public under Chapter 132 of
35 the General Statutes. Cumulative data based on those items of information may be publicly
36 disclosed as long as information about any individual cannot be discerned from the disclosed
37 data. Disclosure of information in violation of this subsection shall not give rise to a civil cause
38 of action. This limitation of liability does not apply to the disclosure of information in violation
39 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that
40 would otherwise be actionable."

41 **SECTION 6.8.** Notwithstanding any provision of S.L. 2022-74 or the Committee
42 Report described in Section 43.2 of that act to the contrary, the sum of five million dollars
43 (\$5,000,000) in nonrecurring funds appropriated in S.L. 2021-180 for the 2021-2022 fiscal year
44 to the State Board of Elections for a mobile voting program to assist individuals in need of photo
45 identification for in-person voting is expanded to allow the State Board of Elections to use those
46 funds for any photo identification implementation efforts and to implement the requirements of
47 Senate Bill 747, 2023 Regular Session, if that bill becomes law. These funds shall not revert on
48 June 30, 2023, but shall remain available until expended.

49 **SECTION 6.9.(a)** G.S. 138A-22 reads as rewritten:

50 "§ 138A-22. Statement of economic interest; filing required.

51 ...

1 **(b1)** Notwithstanding subsection (a) of this section, covered persons subject to this Chapter
2 who are appointed to fill a vacancy in elective office may file a statement of economic interest
3 within 30 days after appointment to elective office.

4 ...

5 **(f)** A candidate for an office subject to this Article shall file the statement of economic
6 interest with the Commission ~~within 10 days of the filing deadline for the office the candidate~~
7 ~~seeks. no earlier than the first business day in January and no later than 45 days before the~~
8 ~~primary.~~ An individual nominated under G.S. 163-114 shall file the statement within three days
9 following the individual's nomination, or not later than the day preceding the general election,
10 whichever occurs first. An individual seeking to qualify as an unaffiliated candidate under
11 G.S. 163-122 shall file the statement of economic interest within three days of filing the petition
12 required under that section. An individual seeking to have write-in votes counted for that
13 individual in a general election shall file a statement of economic interest within three days of
14 the time the candidate files a declaration of intent under G.S. 163-123. A candidate of a new
15 party chosen by convention shall file a statement of economic interest within three days of the
16 time that the president of the convention certifies the names of its candidates to the State Board
17 of Elections under G.S. 163-98.

18 ...

19 **(h)** The State Board of Elections shall provide for notification of the statement of
20 economic interest requirements of this Article to be given to any candidate filing for nomination
21 or election to those offices subject to this Article and to any nominee under G.S. 163-114. Each
22 year, the Commission shall publish the date by which the statement of economic interest is to be
23 filed. In the year candidates file for office, the State Board of Elections shall notify candidates
24 filing for offices subject to this Article of the date published by the Commission.

25 **(i)** Within 10 days of the filing deadline for office of a covered person, the executive
26 director of the State Board of Elections shall send to the ~~State Ethics~~-Commission a list of the
27 names and addresses of each candidate who has filed as a candidate for office as a covered person.
28 Within five days of an individual otherwise qualifying to be on the ballot, the State Board of
29 Elections shall send notice of that qualification to the ~~State Ethics~~-Commission.

30 "

31 **SECTION 6.9.(b)** This section is effective when it becomes law and applies to
32 statements of economic interest filed on or after that date.

33 **PART VII. SEVERABILITY CLAUSE**

34 **SECTION 7.1.** If any provision of this act or its application to any person, group of
35 persons, or circumstances is held invalid, the invalidity does not affect other provisions or
36 applications of this act that can be given effect without the invalid provisions or application and,
37 to this end, the provisions of this act are severable.
38

39 **PART VIII. EFFECTIVE DATE**

40 **SECTION 8.1.** Notwithstanding G.S. 163-19(e), as amended by this act, if a chair is
41 not elected by January 10, 2024, or within 30 days of the occurrence of a vacancy in the office
42 of the chair in 2024, the office of the chair may be filled by legislative appointment in accordance
43 with G.S. 120-121 as if the chair is a member of a board or commission by the President Pro
44 Tempore of the Senate.

45 **SECTION 8.2.** Notwithstanding G.S. 163-30(c1), as amended by this act, if a chair
46 is not elected by January 10, 2024, or within 30 days of the occurrence of a vacancy in 2024, the
47 office of the chair may be filled by legislative appointment in accordance with G.S. 120-121 as
48 if the chair is a member of a board or commission by the President Pro Tempore of the Senate.

49 **SECTION 8.3.** Notwithstanding G.S. 163-27(b), as amended by this act, if an
50 Executive Director is not selected by January 10, 2024, or within 30 days of the occurrence of a
51

1 vacancy in 2024, the position of Executive Director may be filled by legislative appointment in
2 accordance with G.S. 120-121 as if the chair is a member of a board or commission by the
3 President Pro Tempore of the Senate.

4 **SECTION 8.4.** For the 2024 presidential preference primary only, the following
5 shall apply:

6 (1) Notwithstanding G.S. 163-213.4, the State Board of Elections shall meet on
7 December 19, 2023, to perform its duties under G.S. 163-213.4.

8 (2) Notwithstanding G.S. 163-213.5, petitions shall be presented to the county
9 board of elections no later than December 4, 2023, and filed with the State
10 Board of Elections no later than December 18, 2023.

11 (3) The December 19, 2023, meeting of the State Board of Elections required by
12 this section shall be deemed to be the January 2024 meeting required by
13 G.S. 163-213.4, as amended by Section 5.5 of this act.

14 (4) No petitions filed under G.S. 163-213.5 after December 18, 2023, may be
15 considered by the State Board of Elections.

16 **SECTION 8.5.** Except as otherwise provided, this act is effective when it becomes
17 law.