

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 1233
May 28, 2026
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30612-LUe-149A

Short Title: State Bd of Elections/Independent Agency. (Public)

Sponsors: Representative Hawkins.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REESTABLISH THE NORTH CAROLINA STATE BOARD OF ELECTIONS
3 AS AN INDEPENDENT STATE AGENCY WITH APPOINTMENTS BY THE
4 GOVERNOR AND TO MAKE VARIOUS CONFORMING CHANGES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 3A.2 of S.L. 2024-57 is repealed.

7 **SECTION 2.(a)** The North Carolina State Board of Elections shall exercise all its
8 prescribed statutory powers, duties, and functions as an independent State agency. The budgeting
9 functions that were transferred to the State Auditor by Type II transfer, as described in
10 G.S. 143A-6, pursuant to Section 3A.2 of S.L. 2024-57, shall not be performed under the
11 direction and supervision of the State Auditor but shall be transferred to the State Board of
12 Elections and performed under the direction and supervision of the State Board of Elections.

13 **SECTION 2.(b)** No action or proceeding pending on July 1, 2027, brought by or
14 against the State Board of Elections shall be affected by any provision of this section. Any
15 business or other matter undertaken or commanded by any State program or office or contract
16 transferred by this section pertaining to or connected with the functions, powers, obligations, and
17 duties set forth herein, which is pending on July 1, 2027, may be conducted and completed in the
18 same manner and under the same terms and conditions and with the same effect as if conducted
19 and completed by the original program, office, or commissioners or directors thereof.

20 **SECTION 2.(c)** The transition provided for under this section shall not affect any
21 ongoing investigation or audit. Prosecutions for offenses or violations committed before July 1,
22 2026, are not abated or affected by this section.

23 **SECTION 2.(d)** Rules and forms adopted by the State Board of Elections shall
24 remain in effect until amended or repealed.

25 **SECTION 2.(e)** G.S. 163-28, as reenacted by Section 1 of this act, reads as rewritten:
26 "**§ 163-28. State Board of Elections independent agency.**

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

32 **SECTION 2.(f)** This section becomes effective July 1, 2027.

33 **SECTION 3.** Section 3A.3(b) of S.L. 2024-57 is repealed.

34 **SECTION 4.** G.S. 163-19 reads as rewritten:

35 "**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**



1 (a) There is established the State Board of Elections, which may be referred to as the
2 "State Board" in this Chapter.

3 (b) The State Board shall consist of five registered voters whose terms of office shall
4 begin on May 1 of the year following the election of the President of the United States and shall
5 continue for four years, and until their successors are appointed and qualified. The ~~State Auditor~~
6 Governor shall appoint the members of the State Board and likewise shall appoint their
7 successors at the expiration of each four-year term. Not more than three members of the State
8 Board shall be members of the same political party. The ~~State Auditor-Governor~~ shall appoint
9 the members from a list of nominees submitted to the ~~State Auditor-Governor~~ by the State party
10 chair of each of the two political parties having the highest number of registered affiliates as
11 reflected by the latest registration statistics published by the State Board. Each State party chair
12 shall submit a list of four nominees who are affiliated with that political party. No person may
13 serve more than two full consecutive four-year terms.

14 (c) Any vacancy occurring in the State Board shall be filled by the ~~State Auditor,~~
15 Governor, and the person so appointed shall serve the remainder of the unexpired term. The ~~State~~
16 ~~Auditor-Governor~~ shall fill the vacancy from a list of three nominees submitted to the ~~State~~
17 ~~Auditor-Governor~~ by the State party chair of the political party that nominated the vacating
18 member as provided in subsection (b) of this section. The State party chair shall submit a list of
19 three nominees who are affiliated with that political party.

20"

21 **SECTION 5.** G.S. 163-20(d) reads as rewritten:

22 "(d) Quorum. – A majority of the members constitutes a quorum for the transaction of
23 business by the State Board. If any member of the State Board fails to attend a meeting, and by
24 reason thereof there is no quorum, the members present shall adjourn from day to day for not
25 more than three days, by the end of which time, if there is no quorum, the ~~State Auditor-Governor~~
26 may summarily remove any member failing to attend and appoint a successor."

27 **SECTION 6.** G.S. 163-30(a) reads as rewritten:

28 "(a) In every county of the State there shall be a county board of elections, which may be
29 referred to as "county board" in this Chapter. Each county board shall consist of five persons of
30 good moral character who are registered voters in the county in which they are to act. Four
31 members of each county board shall be appointed by the State Board on the last Tuesday in June
32 of each odd-numbered year and shall continue to serve until successors are appointed and
33 qualified. One member of each county board shall be appointed by the ~~State Auditor-Governor~~
34 to be the chair of the county board on the last Tuesday in June of each odd-numbered year and
35 that member's term of office shall continue until a successor is appointed and qualified. Of the
36 appointments to each county board by the State Board, two members each shall belong to the
37 two political parties having the highest number of registered affiliates as reflected by the latest
38 registration statistics published by the State Board."

39 **SECTION 7.** Notwithstanding any other provision of law, the current terms of office
40 of the members of the State Board of Elections shall terminate on April 30, 2027, and members
41 shall be appointed to the State Board of Elections in accordance with G.S. 163-19, as amended
42 by Section 4 of this act, for a term to begin May 1, 2027.

43 **SECTION 8.** Notwithstanding any other provision of law, the current terms of office
44 of the members of the county boards of elections shall terminate on June 29, 2027, and members
45 of each county board of elections shall be appointed in accordance with G.S. 163-30, as amended
46 by Section 6 of this act, for a term beginning on June 30, 2027.

47 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
48 law.