

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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**SENATE BILL 749
PROPOSED COMMITTEE SUBSTITUTE S749-CSST-41 [v.6]
06/13/2023 07:22:13 PM**

Short Title: No Partisan Advantage in Elections.

(Public)

Sponsors:

Referred to:

June 13, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE STRUCTURES OF THE NORTH CAROLINA STATE BOARD
3 OF ELECTIONS AND COUNTY BOARDS OF ELECTIONS, TO REVISE THE
4 EMERGENCY POWERS OF THE EXECUTIVE DIRECTOR OF THE STATE BOARD
5 OF ELECTIONS, AND TO MAKE VARIOUS CONFORMING CHANGES.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. TRANSFER OF STATE BOARD OF ELECTIONS**

9 **SECTION 1.1.(a)** The North Carolina State Board of Elections is transferred
10 administratively to the Department of the Secretary of State. This transfer has all of the elements
11 of a Type II transfer, as described in G.S. 143A-6, except that the management functions of the
12 State Board shall not be performed under the direction and supervision of the Secretary of State.

13 **SECTION 1.1.(b)** G.S. 163-28 is repealed.

14 **SECTION 1.1.(c)** This Part becomes effective July 1, 2024.

15
16 **PART II. RESTRUCTURE STATE BOARD OF ELECTIONS**

17 **SECTION 2.1.** G.S. 163-19 reads as rewritten:

18 "**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

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

21 (b) The State Board of Elections shall consist of ~~five registered voters whose terms of~~
22 ~~office shall begin on May 1, 2019, and shall continue for four years, and until their successors~~
23 ~~are appointed and qualified. The Governor shall appoint the members of the State Board and~~
24 ~~likewise shall appoint their successors every four years at the expiration of each four year term.~~
25 ~~Not more than three members of the State Board shall be members of the same political party.~~
26 ~~The Governor shall appoint the members from a list of nominees submitted to the Governor by~~
27 ~~the State party chair of each of the two political parties having the highest number of registered~~
28 ~~affiliates as reflected by the latest registration statistics published by the State Board. Each party~~
29 ~~chair shall submit a list of four nominees who are affiliated with that political party-eight~~
30 ~~individuals registered to vote in North Carolina who are appointed by the General Assembly as~~
31 follows:

32 (1) Two members appointed upon recommendation of the President Pro Tempore
33 of the Senate.

34 (2) Two members appointed upon recommendation of the Speaker of the House
35 of Representatives.



1 (3) Two members appointed upon recommendation of the minority leader of the
2 Senate.

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

5 (b1) The State party chair of each of the two political parties having the highest number of
6 registered affiliates as reflected by the latest registration statistics published by the State Board
7 shall submit to the General Assembly a list of four nominees who are affiliated with that political
8 party. The General Assembly shall give due consideration to the nominations provided by the
9 party chairs. However, the General Assembly is not required to appoint members from the
10 submitted lists and may appoint any registered voter in the State in accordance with this section.
11 Members shall serve four-year terms, until their successors are appointed and qualified,
12 beginning May 1 immediately following the election of the members of the Council of State. No
13 person may serve more than two consecutive four-year terms.

14 (c) Any vacancy occurring in the State Board shall be filled by the ~~Governor, General~~
15 Assembly upon recommendation of the initial appointing authority, and the person so appointed
16 shall fill the unexpired term. The ~~Governor-General Assembly~~ shall fill the ~~vacancy~~ vacancy.
17 from a list of three nominees may be submitted to the Governor by the State party chair of the
18 political party that nominated the vacating member as provided in subsection ~~(b)~~ (b1) of this
19 section. The three nominees must be affiliated with that political party. However, the General
20 Assembly is not required to appoint a member to fill the vacancy from the list submitted.
21 G.S. 120-122 shall not apply vacancies under this subsection.

22 ...

23 (e) After taking the prescribed oath, the State Board shall organize by electing one of its
24 members chair and another secretary. If for any reason a chair is not elected within 30 days after
25 new appointees take the prescribed oath or within 30 days of the occurrence of a vacancy in the
26 office of the chair, the office of chair may be filled by legislative appointment in accordance with
27 G.S. 120-121 as if the chair is a member of a board or commission. If the vacancy occurs in an
28 odd-numbered year, the appointment is made upon the recommendation of the President Pro
29 Tempore of the Senate. If the vacancy occurs in an even-numbered year, the appointment is made
30 upon the recommendation of the Speaker of the House of Representatives.

31 "

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

33 "**§ 163-20. Meetings of Board; quorum; minutes.**

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

43 (b) Place of Meeting. – Except as provided in subsection (c), below, the State Board of ~~Elections~~
44 Elections shall meet in its offices in the City of Raleigh, or at another place in Raleigh to be
45 designated by the ~~chairman~~ chair. However, subject to the limitation imposed by subsection (c),
46 below, upon the prior written request of ~~any four~~ five members, the State Board of ~~Elections~~
47 Elections shall meet at any other place in the State designated by the ~~four~~ five members.

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

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

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

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

10 **"§ 163-22. Powers and duties of State Board of Elections.**

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

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

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

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

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

49 (f) The State Board of Elections shall prepare, print, distribute to the county boards of
50 elections all ballots for use in any primary or election held in the State which the law provides

1 shall be printed and furnished by the State to the counties. The State Board shall instruct the
2 county boards of elections as to the printing of county and local ballots.

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

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

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

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

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

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

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

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

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

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

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

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

5 (q) Nothing in this Chapter shall grant authority to the State Board of Elections to alter,
6 amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or
7 congressional districts other than a plan imposed by a court under G.S. 120-2.4 or a plan enacted
8 by the General Assembly.

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

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

15 "**§ 163-25. Authority of State Board to assist in litigation.**

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

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

27 (c) If the Attorney General recommends employment of private counsel, the State Board
28 may employ counsel with the approval of the ~~Governor~~ General Assembly."

29 **SECTION 2.5.** G.S. 163-27(b) reads as rewritten:

30 "(b) The Executive Director shall serve beginning May 15 after the first meeting held after
31 new appointments to the State Board are made, unless removed for cause, until a successor is
32 appointed. If for any reason the position of Executive Director is not filled within 30 days after
33 new appointees take the prescribed oath or within 30 days of the occurrence of a vacancy in the
34 position of Executive Director, the position of Executive Director may be filled by legislative
35 appointment in accordance with G.S. 120-121 as if the Executive Director is a member of a board
36 or commission. If the vacancy occurs in an odd-numbered year, the appointment is made upon
37 the recommendation of the President Pro Tempore of the Senate. If the vacancy occurs in an
38 even-numbered year, the appointment is made upon the recommendation of the Speaker of the
39 House of Representatives."

40 **SECTION 2.6.** The eight members of the State Board of Elections appointed in
41 accordance with G.S. 163-19, as amended by this act, shall serve until May 1, 2025. Any member
42 so appointed shall continue to be eligible to serve two full consecutive terms in accordance with
43 G.S. 163-19, as amended by this act. Chairs of the two political parties having the highest
44 number of registered affiliates as reflected by the latest registration statistics may submit a list of
45 names to the General Assembly in accordance with G.S. 163-19, as amended by this act. Upon
46 appointment of the eight members of the State Board of Elections in accordance with this act in
47 2023, a chair of the State Board of Elections and an Executive Director shall be appointed in
48 accordance with Article 3 of Chapter 163 of the General Statutes, as amended by this act.

49 **SECTION 2.7.** Notwithstanding G.S. 163-27.2 and G.S. 143B-969, a criminal
50 history record check for any prospective Executive Director appointed by the General Assembly
51 in 2023 shall be provided to the chair or chairs of the standing committee handling the legislation

1 regarding the appointment and not to the State Board of Elections or the Executive Director. The
2 criminal history record checks for any prospective Executive Director appointed by the General
3 Assembly in 2023 are not public records.

4 5 **PART III. EMERGENCY POWERS**

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

7 **"§ 163-27.1. Emergency powers.**

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

- 11 (1) A natural disaster.
- 12 (2) Extremely inclement weather.
- 13 (3) An armed conflict involving Armed Forces of the United States, or
14 mobilization of those forces, including North Carolina National Guard and
15 reserve components of the Armed Forces of the United States.

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

20 (b) Nothing in this Chapter shall grant authority to the State Board of Elections to alter,
21 amend, correct, impose, or substitute any plan apportioning or redistricting State legislative or
22 congressional districts other than a plan imposed by a court under G.S. 120-2.4 or a plan enacted
23 by the General Assembly.

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

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

- 31 (1) Deliver absentee ballots to an eligible voter who did not submit a valid written
32 request form for absentee ballots as provided in G.S. 163-230.1 and
33 G.S. 163-230.2.
- 34 (2) Order an election to be conducted using all mail-in absentee ballots.
- 35 (3) Delegate its authority under this section to the Executive Director or any other
36 individual."

37 38 **PART VI. COUNTY BOARDS OF ELECTIONS**

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

40 **"§ 163-30. County boards of elections; appointments; terms of office; qualifications;
41 vacancies; oath of office; instructional meetings.**

42 (a) In every county of the State there shall be a county board of elections, to consist of
43 ~~five-four~~ persons of good moral character who are registered voters in the county in which they
44 are to act. Members of county boards of elections shall be appointed by the ~~State Board of~~
45 ~~Elections-General Assembly~~ on the last Tuesday in June, and every two years thereafter, and their
46 terms of office shall continue for two years from the specified date of appointment and until their
47 successors are appointed and qualified. ~~Four members of county boards of elections shall be~~
48 ~~appointed by the State Board on the last Tuesday in June and every two years thereafter, and their~~
49 ~~terms of office shall continue for two years from the specified date of appointment and until their~~
50 ~~successors are appointed and qualified. One member of the county boards of elections shall be~~
51 ~~appointed by the Governor to be the chair of the county board on the last Tuesday in June and~~

every two years thereafter, and that member's term of office shall continue for two years from the specified date of appointment and until a successor is appointed and qualified. Of the appointments to each county board of elections by the State Board, two members each shall belong to the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board.qualified, as follows:

- (1) One member appointed upon recommendation of the President Pro Tempore of the Senate.
- (2) One member appointed upon recommendation of the Speaker of the House of Representatives.
- (3) One member appointed upon recommendation of the minority leader of the Senate.
- (4) One member appointed upon recommendation of the minority leader of the House of Representatives.

...

(c) The State chair of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board shall have the right to recommend ~~to the State Board~~ three registered voters in each county for appointment to the board of elections for that county. ~~If such recommendations are received by the State Board 15 or more days before the last Tuesday in June 2019, and each two years thereafter, it shall be the duty of the State Board to appoint the county boards from the names thus recommended.~~

(c1) At the first meeting in July, annually, each 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, 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. If the vacancy occurs in an odd-numbered year, the appointment is made upon the recommendation of the President Pro Tempore of the Senate. If the vacancy occurs in an even-numbered year, the appointment is made upon the recommendation of the Speaker of the House of Representatives.

(d) Whenever a vacancy occurs in the membership of a county board of elections for any 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~~ General Assembly to fill the vacancy from the names thus recommended. G.S. 120-122 shall not apply vacancies under this section.

...."

SECTION 4.2.(a) G.S. 163-35 reads as rewritten:

"§ 163-35. Director of elections to county board of elections; appointment; compensation; duties; dismissal.

(a) In the event a vacancy occurs in the office of county director of elections in any of the county boards of elections in this State, the county board of elections shall submit the name of the person it recommends to fill the vacancy, in accordance with provisions specified in this section, to the ~~Executive Director of the State Board of Elections~~ commissioners in that county shall issue a letter of appointment. A person shall not serve as a county director of elections if ~~he;~~ that person does any of the following:

- (1) Holds any elective public ~~office;~~ office.
- (2) Is a candidate for any office in a primary or ~~election;~~ election.
- (3) Holds any office in a political party or committee ~~thereof;~~ thereof.
- (4) Is a campaign chairman or finance chairman for any candidate for public office or serves on any campaign committee for any ~~candidate;~~ candidate.
- (5) Has been convicted of a felony in any court unless his rights of citizenship have been restored pursuant to the provisions of Chapter 13 of the General Statutes of North ~~Carolina;~~ Carolina.

- 1 (6) Has been removed at any time by the State Board of Elections following a
2 public hearing; ~~or hearing or removed by another county.~~
3 (7) Is a member or a spouse, child, spouse of child, parent, sister, or brother of a
4 member of the county board of elections by whom ~~he~~ the person would be
5 employed.

6 (b) Appointment, Duties; Termination. ~~—Upon receipt of a nomination from the county~~
7 ~~board of elections stating that the nominee for director of elections is submitted for appointment~~
8 ~~upon majority selection by the county board of elections the Executive Director shall issue a~~
9 ~~letter of appointment of such nominee to the chairman of the county board of elections within 10~~
10 ~~days after receipt of the nomination, unless good cause exists to decline the appointment. The~~
11 ~~Executive Director~~ board of county commissioners may delay the issuance of appointment for a
12 reasonable time if necessary to obtain a criminal history records check sought under
13 G.S. 143B-968. ~~The Executive Director~~ board of county commissioners shall apply the standards
14 provided in G.S. 163-27.2 in determining whether a nominee with a criminal history shall be
15 selected. ~~If the Executive Director determines a nominee shall not be selected and does not issue~~
16 ~~a letter of appointment, the decision of the Executive Director of the State Board shall be final~~
17 ~~unless the decision is, within 10 days from the official date on which it was made, deferred by~~
18 ~~the State Board. If the State Board defers the decision, then the State Board shall make a final~~
19 ~~decision on appointment of the director of elections and may direct the Executive Director to~~
20 ~~issue a letter of appointment. If an Executive Director issues a letter of appointment, the county~~
21 ~~board of elections shall enter in its official minutes the specified duties, responsibilities and~~
22 ~~designated authority assigned to the director by the county board of elections. The~~ Upon
23 selection, the board of county commissioners shall issue a letter of appointment, stating specified
24 duties and responsibilities which shall include adherence to the duties delegated to the county
25 board of elections pursuant to G.S. 163-33. A copy of the specified duties, responsibilities and
26 designated authority assigned to the county director shall be filed with the State ~~Board of~~
27 ~~Elections Board.~~ Board. ~~In the event the Executive Director is recused due to an actual or apparent~~
28 ~~conflict of interest from rendering a decision under this section, the chair and vice chair of the~~
29 ~~State Board shall designate a member of staff to fulfill those duties.~~

30 (c) Compensation of Directors of Elections. – Compensation paid to county directors of
31 elections in all counties maintaining full-time registration (five days per week) shall be in the
32 form of a salary in an amount ~~recommended by the county board of elections and approved by~~
33 ~~the Board of County Commissioners~~ board of county commissioners and shall be commensurate
34 with the salary paid to county directors in counties similarly situated and similar in population
35 and number of registered voters.

36 ~~The Board of County Commissioners~~ board of county commissioners in each county, whether
37 or not the county maintains full-time or modified full-time registration, shall compensate the
38 director of elections at a minimum rate of twelve dollars (\$12.00) per hour for hours worked in
39 attendance to his or her duties as prescribed by law, including rules and regulations adopted by
40 the State ~~Board of Elections.~~ Board. In addition, the county shall pay to the county director an
41 hourly wage of at least twelve dollars (\$12.00) per hour for all hours worked in excess of those
42 prescribed in rules and regulations adopted by the State ~~Board of Elections.~~ Board when such
43 additional hours have been approved by the county board of elections and such approval has been
44 recorded in the official minutes of the county board of elections.

45 In addition to the compensation provided for herein, the county director ~~of elections to the~~
46 ~~county board of elections~~ shall be granted the same vacation leave, sick leave, and petty leave as
47 granted to all other county employees. It shall also be the responsibility of the ~~Board of County~~
48 ~~Commissioners~~ board of county commissioners to appropriate sufficient funds to compensate a
49 replacement for the county director ~~of elections~~ when authorized leave is taken.

50 (d) Duties. – The county director ~~of elections~~ may be empowered by the county board of
51 elections to perform such administrative duties as might be assigned by the county board of

1 ~~elections~~ and the ~~chairman-chair~~. In addition, the ~~county director of elections~~ may be authorized
2 by the ~~chairman-chair~~ to execute the responsibilities devolving upon the ~~chairman-chair~~ provided
3 such authorization by any ~~chairman-chair~~ shall in no way transfer the responsibility for
4 compliance with the law. The ~~chairman-chair~~ shall remain liable for proper execution of all
5 matters specifically assigned to ~~him-the chair~~ by law.

6 The county board of elections shall have authority, by resolution adopted by majority vote,
7 to delegate to its ~~county director of elections~~ so much of the administrative detail of the election
8 functions, duties, and work of the board, its officers and members, as is now, or may hereafter
9 be vested in the ~~county board of elections~~ or its members as the county board of elections may
10 see ~~fit-fit~~. Provided, that the ~~county board of elections~~ shall not delegate to a ~~county director of~~
11 ~~elections~~ any of its quasi-judicial or policy-making duties and authority. Such a resolution shall
12 require adherence to the duties delegated to the county board of elections pursuant to
13 G.S. 163-33. Within the limitations imposed upon the ~~county director of elections~~ by the
14 resolution of the county board of elections the acts of a properly appointed ~~county director of~~
15 ~~elections~~ shall be deemed to be the acts of the county board of elections, its officers and members.

16 (e) Training and Certification. – The State Board ~~of Elections~~ shall conduct a training
17 program consisting of four weeks for each new county director of elections. The ~~county director~~
18 shall complete that program. Each ~~county director~~ appointed after May 1995 shall successfully
19 complete a certification program as provided in G.S. 163-82.24(b) within three years after
20 appointment or by January 1, 2003, whichever occurs later."

21 **SECTION 4.2.(b)** G.S. 163-35.1 is repealed.

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

23 **"§ 163-27.2. Criminal history record checks of current and prospective employees of the**
24 **State Board and county directors of elections.**

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

- 27 (1) A current or prospective permanent or temporary employee of the State Board
28 or a current or prospective county director of elections.
- 29 (2) An employee or agent of a current or prospective contractor with the State
30 Board.
- 31 (3) Any other individual otherwise engaged by the State Board who has or will
32 have the capability to update, modify, or change elections systems or
33 confidential elections or ethics data.

34 (b) A criminal history record check shall be required of all current or prospective
35 permanent or temporary employees of the State Board and all current or prospective county
36 directors of elections, which shall be conducted by the Department of Public Safety as provided
37 in ~~G.S. 143B-968~~.G.S. 143B-969. ~~The criminal history report shall be provided to the Executive~~
38 ~~Director, who shall keep all information obtained pursuant to this section confidential to the State~~
39 ~~Board, as provided in G.S. 143B-968(d).~~ A criminal history record check report provided under
40 this subsection received in accordance with G.S. 143B-969 is not a public record under Chapter
41 132 of the General Statutes.

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

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

1 (e) A conditional offer of employment or appointment may be extended pending the
2 results of a criminal history record check authorized by this section.

3 (f) ~~A county board of elections shall require a criminal history record check of all current
4 or prospective employees of the county board of elections, as defined in G.S. 163-37.1(a)(1),
5 who have or will have access to the statewide computerized voter registration system maintained
6 under G.S. 163-82.11 and for any additional position or function as the State Board may
7 designate. The county director of elections shall provide the criminal history record of all current
8 or prospective employees of the county board of elections required by this subsection or in
9 designated positions to the Executive Director and State Board.~~

10 (g) ~~Neither appointment as a precinct official or assistant under Article 5 of this Chapter
11 nor employment at a one-stop early voting location shall require a criminal history record check
12 unless the official, assistant, or employee performs a function designated by the State Board
13 pursuant to subsection (f) of this section."~~

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

15 **"§ 163-37.1. Criminal history record checks of current and prospective employees of county
16 boards of elections.**

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

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

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

34 (d) The county board of elections may deny employment to or dismiss from employment
35 a current or prospective employee who refuses to consent to a criminal history record check or
36 to submit fingerprints or to provide other identifying information required by the State or
37 National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the
38 employment denial or the dismissal from employment.

39 (e) The county board of elections may extend a conditional offer of employment or
40 appointment pending the results of a criminal history record check authorized by this section.

41 (f) ~~Neither appointment as a precinct official or assistant under of Article 5 of this
42 Chapter nor employment at a one-stop early voting location shall require a criminal history record
43 check unless the official, assistant, or employee performs a function designated by the State
44 Board pursuant to G.S. 163-27.2."~~

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

46 **"§ 143B-969. Criminal record checks for employees and contractors of the State Board of
47 Elections and county directors of elections.**

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

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

- 1 a. A current or prospective permanent or temporary employee of the
2 State ~~Board or a current or prospective county director of~~
3 ~~elections.~~Board, other than the Executive Director.
4 b. A current or prospective contractor with the State Board.
5 c. An employee or agent of a current or prospective contractor with the
6 State Board.
7 d. Any other individual otherwise engaged by the State Board who has
8 or will have the capability to update, modify, or change elections
9 systems or confidential elections or ethics data.

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

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

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

28 (d) ~~The~~Except for criminal history reports on prospective appointees for the position of
29 Executive Director, the criminal history report shall be provided to the Executive Director of the
30 State Board, who shall keep all information obtained pursuant to this section confidential to the
31 State Board. The criminal history reports on prospective appointees for the position of Executive
32 Director shall be provided to the chair or chairs of the of the standing committee handling the
33 legislation regarding the appointment of the Executive Director who shall keep all information
34 obtained pursuant to this section confidential. A criminal history report obtained as provided in
35 this section is not a public record under Chapter 132 of the General Statutes."

36 **SECTION 4.3.(d)** G.S. 143B-970 reads as rewritten:

37 **"§ 143B-970. Criminal record checks for employees of county boards of elections.**

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

- 39 (1) "Current or prospective employee" means a current or prospective permanent
40 or temporary employee of a county board of elections.
41 (2) "State Board" means the State Board of Elections.

42 (b) The Department of Public Safety may provide to a county board of elections a current
43 or prospective employee's criminal history from the State and National Repositories of Criminal
44 Histories. The Department of Public Safety may provide to the board of county commissioners
45 the criminal history record check report regarding any prospective appointee for the position of
46 county director of elections. The county board of elections shall provide to the Department of
47 Public Safety, along with the request, the fingerprints of the current or prospective employee, a
48 form signed by the current or prospective employee consenting to the criminal record check and
49 use of fingerprints and other identifying information required by the State and National
50 Repositories, and any additional information required by the Department of Public Safety. The
51 fingerprints of the current or prospective employee shall be forwarded to the State Bureau of

1 Investigation for a search of the State's criminal history record file, and the State Bureau of
2 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
3 national criminal history record check.

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

7 (d) ~~The Except for criminal history reports on prospective appointees for the position of~~
8 ~~county director of elections, the criminal history report shall be provided to the county board of~~
9 ~~elections, who shall keep all information obtained pursuant to this section confidential to the~~
10 ~~county board of elections, the county director of elections, the State Board, and the Executive~~
11 ~~Director of the State Board. The criminal history reports on prospective appointees for the~~
12 ~~position of county director of elections shall be provided to the board of county commissioners~~
13 ~~who shall keep all information obtained pursuant to this section confidential; once a letter of~~
14 ~~appointment is issued by the board of county commissioner, the criminal history report on the~~
15 ~~appointed county director of elections shall be forwarded to the county board of elections, the~~
16 ~~State Board, and the Executive of the State Board. A criminal history report obtained as provided~~
17 ~~in this section is not a public record under Chapter 132 of the General Statutes."~~

18 **SECTION 4.4.** This Part becomes effective June 1, 2024, and appointments shall be
19 made accordingly.

20 **PART V. CONFORMING STATUTORY CHANGES**

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

22 **"§ 163-182.6. Abstracts.**

23 (a) Abstracts to Be Prepared by County Board of Elections. – As soon as the county
24 canvass has been completed, the county board of elections shall prepare abstracts of all the ballot
25 items in a form prescribed by the State ~~Board of Elections, Board.~~ The county board shall prepare
26 those abstracts in triplicate originals. The county board shall retain one of the triplicate originals,
27 and shall distribute one each to the clerk of superior court for the county and the State ~~Board of~~
28 ~~Elections, Board.~~ The State Highway Patrol may, upon request of the State ~~Board of Elections,~~
29 ~~Board,~~ be responsible for the delivery of the abstracts from each county to the State ~~Board of~~
30 ~~Elections, Board.~~ The State Board of ~~Elections~~ shall ~~forward~~ provide the original abstract it
31 receives to the Secretary of State.

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

36"

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

38 **"§ 163-182.13. New elections.**

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

- 42 (1) Ineligible voters sufficient in number to change the outcome of the election
43 were allowed to vote in the election, and it is not possible from examination
44 of the official ballots to determine how those ineligible voters voted and to
45 correct the totals.
 - 46 (2) Eligible voters sufficient in number to change the outcome of the election
47 were improperly prevented from voting.
 - 48 (3) Other irregularities affected a sufficient number of votes to change the
49 outcome of the election.
- 50

(4) Irregularities or improprieties occurred to such an extent that they taint the results of the entire election and cast doubt on its fairness.

...

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

(1) If a candidate dies or otherwise becomes ineligible between the time of the original election and the new election, that candidate may be replaced in the same manner as if the vacancy occurred before the original election.

(2) If the election is for a multiseat office, and the irregularities could not have affected the election of one or more of the candidates, the new election, upon agreement of at least ~~four~~ five members of the State Board, may be held among only those candidates whose election could have been affected by the irregularities.

..."

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

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

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

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

SECTION 5.5. G.S. 163-258.30 reads as rewritten:

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

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

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

PART VI. SEVERABILITY CLAUSE

SECTION 6.1. If any provision of this act or its application to any person, group of persons, or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provisions or application and, to this end, the provisions of this act are severable.

PART VII. EFFECTIVE DATE

1 **SECTION 7.1.** Except as otherwise provided, this act is effective when it becomes
2 law.