

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 749
Redistricting and Elections Committee Substitute Adopted 6/15/23
Third Edition Engrossed 6/21/23
PROPOSED HOUSE COMMITTEE SUBSTITUTE S749-PCS15381-ST-56

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, TO MAKE VARIOUS CONFORMING CHANGES, TO MAKE
6 CLARIFYING CHANGES TO SENATE BILL 512 OF THE 2023 REGULAR SESSION,
7 AND TO MAKE ADDITIONAL CONFORMING AND CLARIFYING CHANGES TO
8 IMPLEMENT PHOTO IDENTIFICATION FOR VOTING.

9 The General Assembly of North Carolina enacts:

10
11 **PART I. TRANSFER OF STATE BOARD OF ELECTIONS**

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

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

18 **"§ 163-28. State Board of Elections independent agency.**

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

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

25
26 **PART II. RESTRUCTURE STATE BOARD OF ELECTIONS**

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

28 **"§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.**

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

31 (b) ~~The State Board of Elections shall consist of five registered voters whose terms of~~
32 ~~office shall begin on May 1, 2019, and shall continue for four years, and until their successors~~
33 ~~are appointed and qualified. The Governor shall appoint the members of the State Board and~~
34 ~~likewise shall appoint their successors every four years at the expiration of each four-year term.~~



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1 ~~Not more than three members of the State Board shall be members of the same political party.~~
2 ~~The Governor shall appoint the members from a list of nominees submitted to the Governor by~~
3 ~~the State party chair of each of the two political parties having the highest number of registered~~
4 ~~affiliates as reflected by the latest registration statistics published by the State Board. Each party~~
5 ~~chair shall submit a list of four nominees who are affiliated with that political party.~~eight
6 registered voters in this State who are appointed by the General Assembly as follows:

7 (1) Two members appointed upon recommendation of the President Pro Tempore
8 of the Senate.

9 (2) Two members appointed upon recommendation of the Speaker of the House
10 of Representatives.

11 (3) Two members appointed upon recommendation of the minority leader of the
12 Senate.

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

15 (b1) No later than April 1 immediately following each election of the members of the
16 Council of State, the State party chair of each of 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 shall submit to the General Assembly a list of four nominees who are affiliated with
19 that political party. The General Assembly shall give due consideration to the nominees provided
20 by the party chairs. However, the General Assembly is not required to appoint members from the
21 submitted nominees and may appoint any registered voter in the State in accordance with this
22 section.

23 (b2) Members shall serve four-year terms, until a successor is appointed and qualified,
24 beginning May 1 immediately following each election of the members of the Council of State.

25 No person may serve more than two consecutive four-year terms.

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

39 ...

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

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

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

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

16 "

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

18 "**§ 163-20. Meetings of Board; quorum; minutes.**

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

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

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

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

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

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

47 "**§ 163-22. Powers and duties of State Board of Elections.**

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

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

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

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

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

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

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

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

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

49 (j) Notwithstanding the provisions of any other section of this Chapter, the State Board
50 ~~of Elections is empowered to shall~~ have access to any ballot boxes and their contents, any voting
51 machines and ~~their~~ its contents, any registration records, pollbooks, voter authorization cards or

1 voter lists, any lists of absentee voters, any lists of presidential registrants under the Voting Rights
2 Act of 1965 as amended, and any other voting equipment or similar records, books or lists in any
3 precinct, county, municipality or electoral district over whose elections it has jurisdiction or for
4 whose elections it has responsibility.

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

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

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

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

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

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

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

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

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

48 (r) Nothing in this Chapter shall grant authority to the State Board of Elections to alter,
49 amend, correct, impose, or substitute any plan apportioning or redistricting districts for a unit of
50 local government other than a plan imposed by a court, a plan enacted by the General Assembly,

1 or a plan adopted by the appropriate unit of local government under statutory or local act
2 authority."

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

4 "**§ 163-25. Authority of State Board to assist in litigation.**

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

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

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

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

19 "**§ 163-27. Executive Director to be appointed by State Board.**

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

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

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

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

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

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

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

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

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

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

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

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

5 **SECTION 2.6.** This Part becomes effective July 1, 2024, and appointments may be
6 made accordingly. The eight members of the State Board of Elections appointed in accordance
7 with G.S. 163-19, as amended by this act, shall serve until May 1, 2029. Any member so
8 appointed shall be eligible to serve one additional full consecutive term in accordance with
9 G.S. 163-19, as amended by this act. Upon the eight members of the State Board of Elections
10 appointed in accordance with G.S. 163-19, as amended by this act, taking the oath of office in
11 accordance with this act, a chair of the State Board of Elections and an Executive Director shall
12 be appointed in accordance with Article 3 of Chapter 163 of the General Statutes, as amended by
13 this act.

14 **PART III. EMERGENCY POWERS**

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

16 **"§ 163-27.1. Emergency powers.**

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

- 20 (1) A natural disaster.
- 21 (2) Extremely inclement weather.
- 22 (3) An armed conflict involving Armed Forces of the United States, or
23 mobilization of those forces, including North Carolina National Guard and
24 reserve components of the Armed Forces of the United States.

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

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

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

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

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

46 **PART IV. COUNTY BOARDS OF ELECTIONS**

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

48 **"§ 163-30. County boards of elections; appointments; terms of office; qualifications;**
49 **vacancies; oath of office; instructional meetings.**

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

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

25 ...

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

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

- 39 (1) If the vacancy occurs in 2025 and every eight years thereafter, the appointment
40 is made upon the recommendation of the President Pro Tempore of the Senate.
- 41 (2) If the vacancy occurs in 2026 and every eight years thereafter, the appointment
42 is made upon the recommendation of the Speaker of the House of
43 Representatives.
- 44 (3) If the vacancy occurs in 2027 and every eight years thereafter, the appointment
45 is made upon the recommendation of the President Pro Tempore of the Senate.
- 46 (4) If the vacancy occurs in 2028 and every eight years thereafter, the appointment
47 is made upon the recommendation of the Speaker of the House of
48 Representatives.
- 49 (5) If the vacancy occurs in 2029 and every eight years thereafter, the appointment
50 is made upon the recommendation of the Speaker of the House of
51 Representatives.

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

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

18 "

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

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

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

26 "**§ 163-27.2. Criminal history record checks of current and prospective employees of the**
 27 **State Board and county directors of elections.**

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

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

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

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

49 (d) A prospective employee may be denied ~~employment-employment,~~ or a current
 50 employee may be dismissed from ~~employment-employment,~~ for refusal to consent to a criminal
 51 history record check or to submit fingerprints or to provide other identifying information required

1 by the State or National Repositories of Criminal Histories. Any such refusal shall constitute just
2 cause for the employment denial or the dismissal from employment.

3"

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

5 **"§ 163-37.1. Criminal history record checks of current and prospective employees of county**
6 **boards of elections.**

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

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

20"

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

22 **"§ 143B-969. Criminal record checks for employees and contractors of the State Board of**
23 **Elections and county directors of elections.**

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

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

- 26 a. A current or prospective permanent or temporary employee of the
27 State Board ~~or a current or prospective county director of~~
28 ~~elections.~~ Board, other than the Executive Director.
29 b. A current or prospective contractor with the State Board.
30 c. An employee or agent of a current or prospective contractor with the
31 State Board.
32 d. Any other individual otherwise engaged by the State Board who has
33 or will have the capability to update, modify, or change elections
34 systems or confidential elections or ethics data.

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

36 (b) The Department of Public Safety may provide to the Executive Director of the State
37 Board a current or prospective employee's criminal history from the State and National
38 Repositories of Criminal Histories. The Department of Public Safety may provide the criminal
39 history record check report regarding any prospective appointee for the position of Executive
40 Director to the chair of the State Board in accordance with G.S. 163-27(a) or to the chair or chairs
41 of each standing committee handling the legislation regarding the appointment of the Executive
42 Director in accordance with G.S. 163-27(b). The Executive Director shall provide to the
43 Department of Public Safety, along with the request, the fingerprints of the current or prospective
44 employee, a form signed by the current or prospective employee consenting to the criminal record
45 check and use of fingerprints and other identifying information required by the State and National
46 Repositories, and any additional information required by the Department of Public Safety. The
47 fingerprints of the current or prospective employee shall be forwarded to the State Bureau of
48 Investigation for a search of the State's criminal history record file, and the State Bureau of
49 Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a
50 national criminal history record check.

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

4 (d) ~~The Except for criminal history reports on prospective appointees for the position of~~
5 Executive Director pursuant to subsection (b) of this section, the criminal history report shall be
6 provided to the Executive Director of the State Board, who shall keep all information obtained
7 pursuant to this section confidential to the State Board. The criminal history reports on
8 prospective appointees for the position of Executive Director shall be kept confidential by the
9 recipient under subsection (b) of this section. A criminal history report obtained as provided in
10 this section is not a public record under Chapter 132 of the General Statutes."

11 **SECTION 4.4.** This Part becomes effective July 1, 2024, and appointments may be
12 made accordingly. The four members of each county board of elections appointed in accordance
13 with G.S. 163-30, as amended by this act, shall serve until June 1, 2027.
14

15 **PART V. CONFORMING STATUTORY CHANGES**

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

17 **"§ 163-182.6. Abstracts.**

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

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

32"

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

34 **"§ 163-182.13. New elections.**

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

- 38 (1) Ineligible voters sufficient in number to change the outcome of the election
39 were allowed to vote in the election, and it is not possible from examination
40 of the official ballots to determine how those ineligible voters voted and to
41 correct the totals.
- 42 (2) Eligible voters sufficient in number to change the outcome of the election
43 were improperly prevented from voting.
- 44 (3) Other irregularities affected a sufficient number of votes to change the
45 outcome of the election.
- 46 (4) Irregularities or improprieties occurred to such an extent that they taint the
47 results of the entire election and cast doubt on its fairness.

48 ...

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

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

9"

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

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

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

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

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

23 **"§ 163-258.30. Regulations of State Board of Elections.**

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

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

37 **SECTION 5.6.** This Part becomes effective July 1, 2024.

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

39 **SECTION 6.1.** If Senate Bill 512, 2023 Regular Session, becomes law, then the
40 Environmental Management Commission shall elect a chair and vice-chair pursuant to
41 G.S. 143B-284, as amended by Section 2.1(b) of that act, no later than 90 days after the date that
42 both members to be appointed by the Commissioner of Agriculture pursuant to
43 G.S. 143B-283(a1), as amended by Section 2.1(a) of that act, have been initially appointed by
44 the Commissioner.

45 **SECTION 6.2.** If Senate Bill 512, 2023 Regular Session, becomes law, then the
46 Board of Transportation shall elect a chair and vice-chair pursuant to G.S. 143B-350(e), as
47 amended by Section 4.1(a) of that act, no later than 90 days after the date that all members to be
48 appointed by the President Pro Tempore of the Senate and the Speaker of the House of
49 Representatives pursuant to G.S. 143B-350(b)(1), as amended by Section 4.1(a) of that act, have
50

1 been initially appointed by the President Pro Tempore of the Senate and the Speaker of the House
2 of Representatives.

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

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

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

15 "(2) A process for a voter without acceptable photocopies of forms of readable
16 identification under subdivision (1) of this subsection to complete an
17 alternative affidavit in accordance with G.S. 163-166.16(d)(1), (d)(2), or
18 (d)(3) that includes inability to attach a physical copy of the voter's
19 identification with the ~~written request~~ returned application and voted ballots
20 as a reasonable impediment to compliance with the identification ~~requirement~~.
21 ~~If a reasonable impediment under this subdivision states inability to attach a~~
22 ~~physical copy of the voter's identification with the written request,~~
23 requirement, provided the reasonable impediment shall include ~~includes~~ one
24 of the following:

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

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

32 "(6) To make a color photocopy or otherwise make a color reproduction of a
33 drivers license, learner's permit, or special identification card, unless such
34 color photocopy or other color reproduction was authorized by the
35 Commissioner or is made to comply with ~~G.S. 163-230.2~~ G.S. 163-230.1. It
36 shall be lawful to make a black and white photocopy of a drivers license,
37 learner's permit, or special identification card or otherwise make a black and
38 white reproduction of a drivers license, learner's permit, or special
39 identification card. This subdivision does not apply to: (i) a lender that is
40 licensed or otherwise authorized to engage in the lending business in this
41 State; (ii) a licensed motor vehicle dealer creating, storing, or receiving, in the
42 ordinary course of business, a color image of a drivers license, learner's
43 permit, or special identification card of a borrower or loan applicant; or (iii) a
44 federally insured depository institution or its affiliates creating, storing, or
45 receiving, in the ordinary course of business, a color image of a drivers license,
46 learner's permit, or special identification card of a consumer."

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

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

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

1 "(a1) Personal Identifying Information. – Full or partial social security ~~numbers, numbers;~~
2 dates of ~~birth, birth;~~ the identity of the public agency at which the voter registered under
3 ~~G.S. 163-82.20, G.S. 163-82.20;~~ any electronic mail address submitted under this Article, Article
4 20, or Article 21A of this ~~Chapter, Chapter;~~ photographs for voter photo identification under
5 G.S. 163-82.8A; photocopies of identification for ~~voting, voting;~~ and drivers license numbers,
6 whether held by the State Board or a county board of elections, are confidential and shall not be
7 considered public records and subject to disclosure to the general public under Chapter 132 of
8 the General Statutes. Cumulative data based on those items of information may be publicly
9 disclosed as long as information about any individual cannot be discerned from the disclosed
10 data. Disclosure of information in violation of this subsection shall not give rise to a civil cause
11 of action. This limitation of liability does not apply to the disclosure of information in violation
12 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that
13 would otherwise be actionable."

14 **SECTION 6.8.** Notwithstanding any provision of S.L. 2022-74 or the Committee
15 Report described in Section 43.2 of that act to the contrary, the sum of five million dollars
16 (\$5,000,000) in nonrecurring funds appropriated in S.L. 2021-180 for the 2021-2022 fiscal year
17 to the State Board of Elections for a mobile voting program to assist individuals in need of photo
18 identification for in-person voting is expanded to allow the State Board of Elections to use those
19 funds for any photo identification implementation efforts and to implement the requirements of
20 Senate Bill 747, 2023 Regular Session, if that bill becomes law. These funds shall not revert on
21 June 30, 2023, but shall remain available until expended.

22 **PART VII. SEVERABILITY CLAUSE**

23 **SECTION 7.1.** If any provision of this act or its application to any person, group of
24 persons, or circumstances is held invalid, the invalidity does not affect other provisions or
25 applications of this act that can be given effect without the invalid provisions or application and,
26 to this end, the provisions of this act are severable.
27

28 **PART VIII. EFFECTIVE DATE**

29 **SECTION 8.1.** Notwithstanding G.S. 163-19(c), as amended by this act, the chairs
30 of the two political parties having the highest number of registered affiliates as reflected by the
31 latest registration statistics may submit a list of names to the General Assembly in accordance
32 with G.S. 163-19, as amended by this act, no later than March 1, 2024, for appointments to be
33 made effective July 1, 2024. Notwithstanding G.S. 163-19(e), as amended by this act, if a chair
34 is not elected within 30 days after taking the prescribed oath in 2024 or within 30 days of the
35 occurrence of a vacancy in the office of the chair in 2024, the office of the chair may be filled by
36 legislative appointment in accordance with G.S. 120-121 as if the chair is a member of a board
37 or commission by the President Pro Tempore of the Senate.

38 **SECTION 8.2.** Notwithstanding G.S. 163-30(c), as amended by this act, the chairs
39 of the two political parties having the highest number of registered affiliates as reflected by the
40 latest registration statistics may submit a list of names to the General Assembly in accordance
41 with G.S. 163-30, as amended by this act, no later than March 1, 2024, for appointments to be
42 made effective July 1, 2024. Notwithstanding G.S. 163-30(c1), as amended by this act, if a chair
43 is not elected within 15 days after the first meeting in July 2024, or within 30 days of the
44 occurrence of a vacancy in 2024, the office of the chair may be filled by legislative appointment
45 in accordance with G.S. 120-121 as if the chair is a member of a board or commission by the
46 President Pro Tempore of the Senate.

47 **SECTION 8.3.** Notwithstanding G.S. 163-27(b), as amended by this act,
48 Notwithstanding G.S. 163-19(e), as amended by this act, if an Executive Director is not selected
49 by July 15, 2024, or within 30 days of the occurrence of a vacancy in 2024, the position of
50

1 Executive Director may be filled by legislative appointment in accordance with G.S. 120-121 as
2 if the chair is a member of a board or commission by the President Pro Tempore of the Senate.
3 **SECTION 8.4.** Except as otherwise provided, this act is effective when it becomes
4 law.