



2023-2024 General Assembly

SENATE BILL 382: Disaster Relief-3/Budget/Various Law Changes, Sec. 3A.1-3A.3: Transfer of State Board of Elections to State Auditor

Committee:		Date:	January 9, 2025
Introduced by:		Prepared by:	Erika Churchill
Analysis of:	Sec. 3A.1-3A.3 of S.L. 2024-57		Staff Attorney

OVERVIEW: Sections 3A.1 through 3A.3 of S.L. 2024-57, effective July 1, 2025, administratively transfer the State Board of Elections to the Department of the State Auditor, with the State Auditor having appointment authority beginning in 2025 for all members of the State Board of Elections and the chair of each of the county boards of elections.

This bill was vetoed by the Governor on November 26, 2024, and the veto was overridden by the General Assembly on December 11, 2024.

CURRENT LAW:

The State Board of Elections (State Board) consists of five registered voters serving four-year terms. Members of the State Board are appointed by the Governor from a list of nominees submitted by the State party chair of each of the two political parties having the highest number of registered affiliates in the State. Each State party chair must submit four nominees affiliated with that political party. No more than three members of the State Board can be of the same political party. A person cannot serve more than two consecutive four-year terms on the State Board.

Vacancies occurring on the State Board are filled by the Governor for the remainder of the unexpired term. The Governor must fill the vacancy from a list of three individuals submitted by the State party chair of the political party of the vacating member.

The Executive Director serves as the chief election official in the State and is required to perform all duties assigned by statute and under federal law, including maintaining voter registration and implementing list maintenance.

An Executive Director is appointed by the State Board for a two-year term, with their term beginning on May 15 after the first meeting held after new appointments to the State Board are made. The Executive Director's responsibilities include staffing, administrating, and executing the State Board's decisions and orders, and performing other responsibilities assigned by the State Board.

Each county in the State has a county board of elections (county board) consisting of five registered voters of the county of good moral character. Members of the county boards are appointed in the following manner:

- Four members are appointed by the State Board on the last Tuesday in June of each odd-numbered year for a two-year term. Two members appointed to the county boards must belong to each of the

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two political parties having the highest number of registered affiliates in the State. Each of the State party chairs from the two political parties having the highest number of registered voters in the State can recommend three registered voters in each county for appointment to the county boards. If these recommendations are received by the State Board 15 or more days before the last Tuesday in June, the State Board must appoint members from the names provided.

- One member is appointed by the Governor to serve as chair of the county board on the last Tuesday in June, and every two years thereafter.

Vacancies occurring on the county boards are filled by the State Board, with the State Board filling the vacancy from the names of two registered voters provided by the State chair of the political party of the vacating member, if so provided.

In 2023, the General Assembly enacted legislation to alter the structure of the State Board and the county boards, and to administratively transfer the State Board to the Department of the Secretary of State. Those changes were challenged in court, and remain the subject of litigation.

BILL ANALYSIS and EFFECTIVE DATES:

Sections 3A.1 through 3A.3 repeal the 2023 legislation, effective December 11, 2024, and restructure the State Board from an independent agency under the Governor to a board operating under the Department of the State Auditor, another member of the Council of State, effective July 1, 2025. The State Auditor is not to direct or supervise management functions of the State Board, but is responsible for budgeting of the State Board beginning with fiscal year 2025-2026.

Beginning in 2025, the State Auditor will make all appointments to, and fill any vacancies occurring on, the State Board and appoint the chair of each county board.

The terms for the current members of the State Board terminate on April 30, 2025, and new members to the State Board will be appointed by the State Auditor for a term beginning on May 1, 2025. The terms for the current members of the county boards terminate on June 24, 2025, and new members of the county boards will be appointed for a term beginning on June 25, 2025. Four of the five members of the 100 county boards will be appointed by the State Board, and the chair of each of the 100 county boards will be appointed by the State Auditor.

This bill was vetoed by the Governor on November 26, 2024, and the veto was overridden by the General Assembly on December 11, 2024.