

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1440

Short Title: Election Improvement Act of 2005.

(Public)

Sponsors: Representative Pate.

Referred to: Election Law and Campaign Finance Reform.

April 21, 2005

A BILL TO BE ENTITLED

1 AN ACT TO PREVENT ONE POLITICAL PARTY FROM CONTROLLING THE
2 STATE BOARD OF ELECTIONS.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 163-19 reads as rewritten:

6 "**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath**
7 **of office.**

8 All of the terms of office of the present members of the State Board of Elections
9 shall expire on May 1, 1969, or when their successors in office are appointed and
10 qualified.

11 The State Board of Elections shall consist of ~~five~~six registered voters whose terms
12 of office shall begin on ~~May 1, 1969,~~ May 1 of the first odd-numbered year after an
13 election for a full term for Governor and shall continue for four years, and until their
14 successors are appointed and qualified. The Governor shall appoint the members of this
15 Board and likewise shall appoint their successors every four years at the expiration of
16 each four-year term. Not more than three members of the Board shall be members of the
17 same political party. The Governor shall appoint the members from a list of nominees
18 submitted to him by the State party chairman of each of the two political parties having
19 the highest number of registered affiliates as reflected by the latest registration statistics
20 published by the State Board of Elections. Each party chairman shall submit a list of
21 five nominees who are affiliated with that political party.

22 The Governor shall designate one of the six appointees to be chair of the Board and
23 another to be secretary of the Board.

24 Any vacancy occurring in the Board shall be filled by the Governor, and the person
25 so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a
26 list of three nominees submitted to him by the State party chairman of the political party
27 that nominated the vacating member as provided by the preceding paragraph. The three
28 nominees must be affiliated with that political party.

1 At the first meeting held after new appointments are made, the members of the State
2 Board of Elections shall take the following oath:

3 "I, _____, do solemnly swear (or affirm) that I will support the
4 Constitution of the United States; that I will be faithful and bear true
5 allegiance to the State of North Carolina, and to the constitutional powers
6 and authorities which are or may be established for the government
7 thereof; that I will endeavor to support, maintain and defend the
8 Constitution of said State, and that I will well and truly execute the duties
9 of the office of member of the State Board of Elections according to the
10 best of my knowledge and ability, according to law, so help me, God."

11 ~~After taking the prescribed oath, the Board shall organize by electing one of its~~
12 ~~members chairman and another secretary.~~

13 No person shall be eligible to serve as a member of the State Board of Elections who
14 holds any elective or appointive office under the government of the United States, or of
15 the State of North Carolina or any political subdivision thereof. No person who holds
16 any office in a political party, or organization, or who is a candidate for nomination or
17 election to any office, or who is a campaign manager or treasurer of any candidate in a
18 primary or election shall be eligible to serve as a member of the State Board of
19 Elections."

20 **SECTION 2.** As soon as possible after this act becomes law, the Governor
21 shall appoint a sixth member of the State Board of Elections. The appointment shall be
22 treated as if it were a vacancy appointment under G.S. 163-19 in a position held by a
23 minority-party member of the State Board.

24 **SECTION 3.** This act is effective when it becomes law.