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

The General Assembly of North Carolina enact:

PART I. TRANSFER OF STATE BOARD OF ELECTIONS

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

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

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

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

PART II. RESTRUCTURE STATE BOARD OF ELECTIONS

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

§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.
(a) There is established the State Board of Elections, which may be referred to as the
"State Board" in this Chapter.
(b) The State Board of Elections shall consist of five registered voters whose terms of
office shall begin on May 1, 2019, and shall continue for four years, and until their successors
are appointed and qualified. The Governor shall appoint the members of the State Board and
likewise shall appoint their successors every four years at the expiration of each four year term.
Not more than three members of the State Board shall be members of the same political party.
The Governor shall appoint the members from a list of nominees submitted to the Governor by
the State party chair of each of the two political parties having the highest number of registered
affiliates as reflected by the latest registration statistics published by the State Board. Each party
chair shall submit a list of four nominees who are affiliated with that political party.
individuals registered to vote in North Carolina who are appointed by the General Assembly as
follows:

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

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

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

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

(b1) The State party chair of each 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 submit to the General Assembly a list of four nominees who are affiliated with that political
party. The General Assembly shall give due consideration to the nominations provided by the
party chairs. However, the General Assembly is not required to appoint members from the
submitted lists and may appoint any registered voter in the State in accordance with this section.

Members shall serve four-year terms, until their successors are appointed and qualified,
beginning May 1 immediately following the election of the members of the Council of State. No
person may serve more than two consecutive four-year terms.

(c) Any vacancy occurring in the State Board shall be filled by the Governor. General
Assembly, and the person so appointed shall fill the unexpired term. The Governor shall fill the
vacancy from a list of three nominees submitted to the Governor by the State party chair of the
political party that nominated the vacating member as provided in subsection (b) of this section.
The section may submit a list of three nominees to fill the vacancy who are affiliated
with that political party. The General Assembly may fill the vacancy in accordance with
G.S. 120-121 during a regular or extra session. Notwithstanding G.S. 120-122, if the General
Assembly has adjourned for more than ten days, the vacancy shall be filled by the individual
recommending the initial appointment in accordance with subsection (a) of this section via a
letter appointing an individual to serve until the expiration of the term under subsection (a) of
this section or until the General Assembly fills the vacancy, whichever occurs first.

(e) After taking the prescribed oath, the State Board shall organize by electing one of its
members chair and another secretary. If for any reason a chair is not elected within 30 days after
new appointees take the prescribed oath or within 30 days of the occurrence of a vacancy in the
office of the chair, 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.

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

(a) Call of meeting. – The State Board of Elections shall meet at the call of the chairman
chair whenever necessary to discharge the duties and functions imposed upon it by this Chapter.
The chairman–chair shall call a meeting of the State Board upon the written application or
applications of any two three members thereof. If there is no chair the chairman–chair, or if the chairman
chair does not call a meeting within three days after receiving a written request or requests from
two three members, any three six members of the State Board shall have power to call a meeting
of the State Board, and any duties imposed or powers conferred on the State Board by this
Chapter may be performed or exercised at that meeting, although the time for performing or
exercising the same prescribed by this Chapter may have expired."
(a) The State Board of Elections shall have general supervision over the primaries and elections in the State, and it shall have authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict with any provisions of this Chapter.
(b) From time to time, the State Board shall publish and furnish to the county boards of elections and other election officials a sufficient number of indexed copies of all election laws and State Board rules and regulations then in force. It shall also publish, issue, and distribute to the electorate such materials explanatory of primary and election laws and procedures as the State Board shall deem necessary.
(c) The State Board of Elections shall appoint, in the manner provided by law, all members of the county boards of elections and advise them of the county boards of elections as to the proper methods of conducting primaries and elections. The State Board shall require such all reports from the county boards and election officers as are provided by law, or as are deemed necessary by the State Board, and shall compel observance of the requirements of the election laws by county boards of elections and other election officers. In performing these duties, the State Board shall have the right to hear and act on complaints arising by petition or otherwise, on the failure or neglect of a county board of elections to comply with any part of the election laws imposing duties upon such a board. The State Board of Elections shall have power to remove from office any member of a county board of elections for incompetency, neglect or failure to perform duties, fraud, or for any other satisfactory cause. Before exercising this power, the State Board shall notify the county board member affected and give that member an opportunity to be heard. When any county board member shall be removed by the State Board of Elections, the vacancy occurring shall be filled by the State Board of Elections.
(d) The State Board of Elections shall investigate when necessary or advisable, the administration of election laws, frauds and irregularities in elections in any county and municipality and special district, and shall report violations of the election laws to the Attorney General or district attorney or prosecutor of the district for further investigation and prosecution.
(e) The State Board of Elections shall determine, in the manner provided by law, the form and content of ballots, instruction sheets, pollbooks, tally sheets, abstract and return forms, certificates of election, and other forms to be used in primaries and elections. The State Board shall furnish to the county boards of elections the registration application forms required pursuant to G.S. 163-82.3. The State Board of Elections shall direct the county boards of elections to purchase a sufficient quantity of all forms attendant to the registration and elections process. In
addition, the State Board shall provide a source of supply from which the county boards of
elections may purchase the quantity of pollbooks needed for the execution of its responsibilities.
In the preparation of ballots, pollbooks, abstract and return forms, and all other forms, the State
Board of Elections may call to its aid the Attorney General of the State, and it shall be the duty
of the Attorney General to advise and aid in the preparation of these books, ballots and forms.
(f) The State Board of Elections shall prepare, print, distribute to the county boards of
elections all ballots for use in any primary or election held in the State which the law provides
shall be printed and furnished by the State to the counties. The State Board shall instruct the
county boards of elections as to the printing of county and local ballots.
(g) The State Board of Elections shall certify to the appropriate county boards of elections
the names of candidates for district offices who have filed notice of candidacy with the State
Board and whose names are required to be printed on county ballots.
(h) It shall be the duty of the State Board of Elections to tabulate the primary and election
returns, to declare the results, and to prepare abstracts of the votes cast in each county in the State
for offices which, according to law, shall be tabulated by the State Board.
(i) The State Board of Elections shall make recommendations to the Governor and
legislature relative to the conduct and administration of the primaries and elections in the State
as it may deem advisable.
(j) Notwithstanding the provisions of any other section of this Chapter, the State Board
of Elections is empowered to have access to any ballot boxes and their contents, any voting
machines and their contents, any registration records, pollbooks, voter authorization cards or
ter lists, any lists of absentee voters, any lists of presidential registrants under the Voting Rights
Act of 1965 as amended, and any other voting equipment or similar records, books or lists in any
precinct, county, municipality or electoral district over whose elections it has jurisdiction or for
whose elections it has responsibility.
(j1) Notwithstanding G.S. 153A-98 or any other provision of law, all officers, employees,
and agents of a county board of elections are required to give to the State Board of Elections,
upon request, all information, documents, and data within their possession, or
ascertainable from their records, including any internal investigation or personnel documentation
and are required to make available, upon request pursuant to an investigation under
subsection (d) of this section, any county board employee for interview and to produce any
equipment, hardware, or software for inspection. These requirements are mandatory and shall be
timely complied with as specified in a request made by any five members of the State Board.
(k) Notwithstanding the provisions contained in Article 20 or Article 21A of Chapter 163
the State Board of Elections shall be authorized, by resolution adopted prior to the printing of the
primary ballots, to reduce the time by which absentee ballots are required to be printed and
distributed for the primary election from 50 days to 45 days. This authority shall not be authorized
for absentee ballots to be voted in the general election, except if the law requires ballots to be
available for mailing 60 days before the general election, and they are not ready by that date, the
State Board of Elections shall allow the counties to mail them out as soon as they are available.
(l) Notwithstanding any other provision of law, in order to obtain judicial review of any
decision of the State Board of Elections rendered in the performance of its duties or in the exercise
of its powers under this Chapter, the person seeking review must file his petition in the Superior
Court of Wake County.
(m) The State Board of Elections shall provide specific training to county boards of
elections regarding rules for registering students.
(n) The State Board of Elections shall promulgate minimum requirements for the number
of pollbooks, voting machines and curbside ballots to be available at each precinct, such that
more will be available at general elections and a sufficient number will be available to
allow voting without excessive delay. The State Board of Elections shall provide for a training
and screening program for chief judges and judges. The State Board shall provide additional
testing of voting machines to ensure that they operate properly even with complicated ballots.

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

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

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

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

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

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

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

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

"(b) The Executive Director shall serve beginning May 15 after the first meeting held after
new appointments to the State Board are made, unless removed for cause, until a successor is
appointed. If for any reason the position of Executive Director is not filled within 30 days after
new appointees take the prescribed oath or within 30 days of the occurrence of a vacancy in the
position of Executive Director, the position of Executive Director may be filled by legislative
appointment in accordance with G.S. 120-121 as if the Executive Director 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."

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

**SECTION 2.7.** Notwithstanding G.S. 163-27.2 and G.S. 143B-969, a criminal
history record check for any prospective Executive Director appointed by the General Assembly
in 2023 shall be provided to the chair or chairs of the standing committee handling the legislation
regarding the appointment and not to the State Board of Elections or the Executive Director. The
criminal history record checks for any prospective Executive Director appointed by the General
Assembly in 2023 are not public records.

**PART III. EMERGENCY POWERS**

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


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

(1) A natural disaster.

(2) Extremely inclement weather.

(3) An armed conflict involving Armed Forces of the United States, or
mobilization of those forces, including North Carolina National Guard and
reserve components of the Armed Forces of the United States.

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

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

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

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

(1) Deliver absentee ballots to an eligible voter who did not submit a valid written
request form for absentee ballots as provided in G.S. 163-230.1 and
G.S. 163-230.2.

(2) Order an election to be conducted using all mail-in absentee ballots.

(3) Delegate its authority under this section to the Executive Director or any other
individual."

**PART IV. COUNTY BOARDS OF ELECTIONS**

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

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

(a) In every county of the State there shall be a county board of elections, to consist of
five persons of good moral character who are registered voters in the county in which they
are to act. Members of county boards of elections shall be appointed by the State Board of Elections General Assembly on the last Tuesday in June, and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. Four members of county boards of elections shall be appointed by the State Board on the last Tuesday in June and every two years thereafter, and their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. One member of the county boards of elections shall be 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 to fill the vacancy from the names thus recommended to fill the vacancy. The General Assembly may fill the vacancy in accordance with G.S. 120-121 during a regular or extra session. Notwithstanding G.S. 120-122, if the General Assembly has adjourned for more than ten days, the vacancy shall be filled by the individual recommending the initial appointment in accordance with subsection (a) of this section via a letter appointing an individual to serve until the expiration of the term under subsection (a) of this section or until the General Assembly fills the vacancy, whichever occurs first.

"§ 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 who commissioners in that county shall issue a letter of appointment. A person shall not serve as a county director of elections if that person does any of the following:

(1) Holds any elective public office.
(2) Is a candidate for any office in a primary or election.
(3) Holds any office in a political party or committee thereof.
(4) Is a campaign chairman or finance chairman for any candidate for public office or serves on any campaign committee for any 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.
(6) Has been removed at any time by the State Board of Elections following a public hearing or hearing or removed by another county.
(7) Is a member or a spouse, child, spouse of child, parent, sister, or brother of a member of the county board of elections by whom the person would be employed.

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

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

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

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

(d) Duties. — The county director of elections may be empowered by the county board of
elections to perform such administrative duties as might be assigned by the county board of
elections and the chairman. In addition, the county director of elections may be authorized
by the chairman to execute the responsibilities devolving upon the chairman provided
such authorization by any chairman shall in no way transfer the responsibility for
compliance with the law. The chairman shall remain liable for proper execution of all
matters specifically assigned to him by law.

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

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

SECTION 4.2.(b) G.S. 163-35.1 is repealed.
SECTION 4.3.(a) G.S. 163-27.2 reads as rewritten:
"§ 163-27.2. Criminal history record checks of current and prospective employees of the
State Board and county directors of elections.

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

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

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

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

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

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

(f) A county board of elections shall require a criminal history record check of all current or prospective employees of the county board of elections, as defined in G.S. 162-37.1(a)(1), who have or will have access to the statewide computerized voter registration system maintained under G.S. 163-82.11 and for any additional position or function as the State Board may designate. The county director of elections shall provide the criminal history record of all current or prospective employees of the county board of elections required by this subsection or in designated positions to the Executive Director and State Board.

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

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


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

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

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

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

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

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

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

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

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

(1) "Current or prospective employee" means any of the following:
   a. A current or prospective permanent or temporary employee of the
      State Board or a current or prospective county director of
      elections Board, other than the Executive Director.
   b. A current or prospective contractor with the State Board.
   c. An employee or agent of a current or prospective contractor with the
      State Board.
   d. Any other individual otherwise engaged by the State Board who has
      or will have the capability to update, modify, or change elections
      systems or confidential elections or ethics data.

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

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

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

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

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

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

(a) As used in this section, the term:
"Current or prospective employee" means a current or prospective permanent or temporary employee of a county board of elections.

"State Board" means the State Board of Elections.

(b) The Department of Public Safety may provide to a county board of elections a current or prospective employee's criminal history from the State and National Repositories of Criminal Histories. The Department of Public Safety may provide to the board of county commissioners the criminal history record check report regarding any prospective appointee for the position of county director of elections. The county board of elections shall provide to the Department of Public Safety, along with the request, the fingerprints of the current or prospective employee, a form signed by the current or prospective employee consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Public Safety. The fingerprints of the current or prospective employee shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

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

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

SECTION 4.4. The four members of the county board of elections appointed in accordance with G.S. 163-30, as amended by this act, shall serve until June 1, 2027. Chairs of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics may submit a list of names to the General Assembly in accordance with G.S. 163-30, as amended by this act. Upon appointment of the four members of the county board of elections in accordance with this act in 2024, the county director of elections shall be appointed in accordance with Article 4 of Chapter 163 of the General Statutes, as amended by this act.

SECTION 4.5. This Part becomes effective June 1, 2024, and appointments shall be made accordingly.

PART V. CONFORMING STATUTORY CHANGES

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

"§ 163-182.6. Abstracts.

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

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

(a) When State Board May Order New Election. – The State Board of Elections may order a new election, upon agreement of at least four-five of its members, in the case of any one or more of the following:
(1) Ineligible voters sufficient in number to change the outcome of the election were allowed to vote in the election, and it is not possible from examination of the official ballots to determine how those ineligible voters voted and to correct the totals.
(2) Eligible voters sufficient in number to change the outcome of the election were improperly prevented from voting.
(3) Other irregularities affected a sufficient number of votes to change the outcome of the election.
(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.

".§ 163-182.15(c) reads as rewritten:
"(c) Copy to 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."

".§ 163-182.17(d)(8) reads as rewritten:
"(8) Retain one original of the composite abstract and deliver to 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 of Elections.

G.S. 163-258.6."

".§ 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

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