

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 85
Committee Substitute Favorable 4/8/25

Short Title: Removal of Precinct Officials.

(Public)

Sponsors:

Referred to:

February 11, 2025

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT PRECINCT OFFICIALS MAY BE REMOVED FROM THEIR POSITION DUE TO FAILURE TO DISCHARGE THEIR DUTIES, TO PROVIDE THAT CERTAIN PRECINCT OFFICIALS MAY BE PROHIBITED FROM SERVING AS A PRECINCT OFFICIAL IN SUBSEQUENT ELECTIONS, TO ESTABLISH THE MINIMUM NUMBER OF EMERGENCY ELECTION-DAY ASSISTANTS FOR EACH COUNTY, AND TO SPECIFY TRAINING REQUIREMENTS FOR PRECINCT OFFICIALS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Article 5 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-41.3. Removal of precinct officials; vacancies."

SECTION 1.(b) G.S. 163-41(d) is recodified as G.S. 163-41.3.

SECTION 1.(c) G.S. 163-41, as amended by this section, reads as rewritten:

"§ 163-41. Precinct chief judges and judges of election; appointment; terms of office; qualifications; ~~vacancies~~; oaths of office.

(a) Appointment of Chief Judge and Judges. – At the meeting required by G.S. 163-31 to be held on the Tuesday following the third Monday in August of the year in which they are appointed, the county board of elections shall appoint one person to act as chief judge and two other persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified, except that if a nonresident of the precinct is appointed as chief judge or judge for a precinct, that person's term of office shall end if the county board of elections appoints a qualified resident of the precinct of the same party to replace the nonresident chief judge or judge. It shall be ~~their~~ the duty of the precinct officials to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the county in which the precinct is located, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the chief judge.

(b) ~~The~~ As used in this Article, the term "precinct official" shall mean chief judges and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. 163-42, unless the context of a statute clearly indicates a more restrictive meaning.

(b1) No person shall be eligible to serve as a precinct official, ~~as that term is defined above, who holds~~ if any of the following apply:

(1) The person holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.



- (2) ~~No person shall be eligible to serve as a precinct official who is~~ The person is a candidate for nomination or election.
- (3) ~~No person shall be eligible to serve as a precinct official who holds~~ The person holds any office in a state, congressional district, county, or precinct political party or political organization, or ~~who~~ is a manager or treasurer for any candidate or political party, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this subsection.
- (4) The person has been prohibited from serving as a precinct official in any subsequent election in accordance with G.S. 163-41.3(a).

...."

SECTION 2. G.S. 163-41.3, as enacted by Section 1 of this act, reads as rewritten:

"§ 163-41.3. Removal of precinct officials; filling vacancies.

(a) Any precinct official may be removed from office, including on the day of the election or primary, for incompetency or failure to discharge the duties of office by the county board in accordance with G.S. 163-33. The county board may prohibit a precinct official who has been removed from office from serving as a precinct official in any subsequent election.

(b)
...."

SECTION 3. G.S. 163-33(2) reads as rewritten:

"(2) To appoint all chief judges, judges, assistants, and other officers of elections, and designate the precinct in which each shall serve; and, after notice and hearing, to remove any chief judge, judge of elections, assistant, or other officer of election appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud, or for any other satisfactory ~~cause.~~ cause, as provided in G.S. 163-41.3. In exercising the powers and duties of this subdivision, the board may act only when a majority of its members are present at any meeting at which such powers or duties are exercised."

SECTION 4. G.S. 163-42(c) reads as rewritten:

"(c) In addition, a county board ~~of elections~~ by unanimous vote of all of its members may appoint any registered voter in the county as an emergency election-day assistant, as long as that voter is otherwise qualified to be a precinct official. The State Board ~~of Elections~~ shall determine for each election the number of emergency election-day assistants each county may have, based on population, expected turnout, and complexity of election ~~duties.~~ duties; however, each county must have, at a minimum, six emergency election-day assistants. The county board by unanimous vote of all of its members may assign emergency election-day assistants on the day of the election to any precinct in the county where the number of precinct officials is insufficient because of an ~~emergency occurring within 48 hours of the opening of the polls~~ emergency, the removal of a precinct official, or any other reason that prevents an appointed ~~a~~ precinct official from ~~serving.~~ serving throughout the day of the primary or election. A person appointed to serve as an emergency election-day assistant shall be trained and paid like other precinct assistants in accordance with G.S. 163-46. A county board ~~of elections~~ shall apportion the appointments ~~as of~~ emergency election-day ~~assistant~~ assistants among registrants of each political party so as to make possible the staffing of each precinct with officials of more than one party, and the county board shall make assignments so that no precinct has precinct officials all of whom are registered with the same party."

SECTION 5. G.S. 163-82.24(a) reads as rewritten:

"(a) Training. – The State Board ~~of Elections~~ shall conduct training programs in election law and procedures. Every county elections director shall receive training conducted by the State Board at least as often as required in the following schedule:

- 1 (1) Once during each odd-numbered year before the municipal election held in
2 the ~~county;~~county.
- 3 (2) Once during each even-numbered year before the first partisan ~~primary;~~
4 and primary.
- 5 (3) Once during each even-numbered year after the partisan primaries but before
6 the general election.

7 (a1) Every member of a county board ~~of elections~~ shall receive training conducted by the
8 State Board at least once during the six months after the member's initial appointment and at least
9 once again during the first two years of the member's service. The State Board ~~of Elections~~ shall
10 promulgate rules for the training of precinct officials, which shall be followed by the county
11 ~~boards of elections;~~boards. At a minimum, the training for all precinct officials shall include
12 information regarding the following:

- 13 (1) The duties of the office of precinct officials.
- 14 (2) How to confirm whether a person presenting to vote is registered in that
15 county.
- 16 (3) How to issue ballots.
- 17 (4) How to properly provide voter assistance, including how to provide assistance
18 to those curbside voting.
- 19 (5) The procedure for opening and closing of polls.
- 20 (6) The prohibition regarding election-related activity in the voting place and
21 buffer zone of that voting place.
- 22 (7) The potential for removal from office for failure to comply with all provisions
23 of this Chapter."

24 **SECTION 6.** This act is effective when it becomes law and applies to elections
25 conducted on or after that date.