

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 859  
SENATE BILL 733

AN ACT TO MAKE UNIFORM THE PROCEDURE FOR EMPLOYMENT AND  
DISMISSAL OF EXECUTIVE SECRETARIES OF COUNTY BOARDS OF  
ELECTIONS.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 163-35, as it appears in Volume 3D of the General Statutes (1972 Replacement), is amended by deleting it in its entirety and is rewritten to read as follows:

**"§ 163-35. Executive secretary to county board of elections; appointment; compensation; duties; dismissal.** — (a) In the event a vacancy occurs in the office of County Executive Secretary in any of the County Boards of Elections in this State, the County Board of Elections shall submit the name of the person they recommend to fill the vacancy to the Executive Secretary-Director of the State Board of Elections, and the procedure for employment thereafter shall be the same as the procedure hereinafter set out for termination of employment. Persons who shall not serve as an executive secretary include the following:

- (1) Any person who holds any elective public office.
- (2) Any person who is a candidate for any office in a primary or election.
- (3) Any person who holds any office in a political party or committee thereof.
- (4) Any person who is a campaign chairman or finance chairman for any candidate for public office, or who serves on any campaign committee for any candidate.
- (5) Any person who has been convicted of a felony in any court unless such person's citizenship has been restored pursuant to the provisions of Chapter 13 of the General Statutes of North Carolina.
- (6) Any person who has been removed by the State Board of Elections following a public hearing at any time.
- (7) Any person who is a spouse, child, spouse of a child, sister, or brother of any member of the county board of elections by whom such person would be employed or any person who is a member of said board.

(b) Termination of Employment. The County Board of Elections may, by petition signed by a majority of the board, recommend to the Executive Secretary-Director of the State Board of Elections the termination of the employment of the county board's Executive Secretary. The petition shall clearly state the reasons for termination. Upon receipt of the petition the Executive Secretary-Director shall, within thirty (30) days, render a decision as to the termination or retention of the board's executive secretary. The decision of the Executive Secretary-Director of the State Board of Elections shall be final unless such decision shall be overruled by a majority of the State Board of Elections. In the event the Executive Secretary-Director's decision is to terminate the employment of the executive secretary, the dismissal shall be effective immediately. The employment of any executive secretary presently employed or hereafter employed shall not be terminated except in compliance with the procedures herein prescribed.

(c) Compensation. The executive secretary shall be paid compensation as recommended by the county board of elections and approved by the respective boards of county commissioners.

(d) Duties. The executive secretary may be empowered by the county board of elections to perform such administrative duties as might be assigned by the board and the chairman. In addition to any administrative duties the executive secretary shall be authorized to receive applications for registration and in pursuit of such authority shall be given the oath required of all registrars. In addition, the executive secretary 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 executive secretary 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 board or its members as the county board of elections may see fit: Provided, that the board shall not delegate to an executive secretary any of its quasi-judicial or policy-making duties and authority. Within the limitations imposed upon him by the resolution of the county board of elections, the acts of a properly appointed executive secretary shall be deemed to be the acts of the county board of elections, its officers and members."

**Sec. 2.** G.S. 163-67.1, as it appears in Volume 3D of the General Statutes (1972 Replacement) is hereby repealed.

**Sec. 3.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of February, 1974.