

Constitution and Elections

See full summary documents for additional detail

Amend Rule 4/Acceptance of Service - Part IV.

SL 2023-97 (S91)

Part IV of S.L. 2023-97 establishes a process by which an elected sanitary board can opt to conduct elections in the even-numbered years, rather than odd-numbered years.

This part became effective July 10, 2023, and applies to elections held on or after that date.

Protect Our Students Act.

SL 2023-128 (H142)

S.L. 2023-128 does the following:

- Effective December 1, 2023, makes the crimes of sexual activity with a student and taking indecent liberties with a student Class G felonies.
- Effective December 1, 2023, modifies the definition of sexual activity with a student and taking indecent liberties with a student to include individuals who were in school within six months of the violation.
- Effective December 1, 2023, requires superintendents, assistant superintendents, associate superintendents, personnel administrators, and principals to report certain misconduct to the State Board of Education (SBE) if they know, have reason to believe, or have actual notice of a complaint that an employee licensed under Article 17E of Chapter 115C of the General Statutes engaged in misconduct that resulted in dismissal, disciplinary action, or resignation. If the employee resigns within 30 days of a complaint or during an investigation, the misconduct is presumed to have resulted in the resignation. Failure to report is a Class I felony.
- Requires the Center for Safer Schools to develop and produce age-appropriate videos on child abuse and neglect, including age-appropriate information on sexual abuse. The SBE must adopt a rule that requires that students in grades 6-12 view the video no more than 5 days after the first day of the school year, beginning with the 2024-2025 school year.
- Effective July 1, 2023, forfeits the retirement benefits for school employees as a result of conduct directly related to the office or employment, which is the following:
 - An offense that would lead to an automatic revocation of a professional educator license without a hearing, and the commission of the offense occurred while the member was employed in a public school or working in a public school subject to a memorandum of understanding.
 - An offense which required the revocation of the member's licensure or certification required for the member's employment or office at the time of the commission of the offense.
 - Conduct that was directly related to the member's employment or office as determined by the Board of Trustees of the Retirement System.

- Requires the Buncombe County Board of Education and Asheville City Board of Education to jointly study the feasibility of merging the two local school administrative units, including the potential economic and educational impact of merging the school units and any other relevant information. The Boards must report their findings and recommendations to the standing committees of the General Assembly hearing elections matters no later than February 15, 2025.

Except as otherwise provided, this act became effective September 29, 2023.

State Board of Elections Post-Election Audit Report – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 26.2

Section 26.2 of S.L. 2023-134 specifies the information that must be included in the post-election audit report following a general election, effective July 1, 2023.

State Board of Elections - Prohibit Electronic Registration Information Center Membership – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 26.3

Section 26.3 of S.L. 2023-134 prohibits North Carolina from becoming a member of the Electronic Registration Information Center, Inc. (ERIC).

This section of the act became effective July 1, 2023.

Statewide Elections Information Management System – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 26.7

Section 26.7 of S.L. 2023-134 requires the State Board of Elections to use funds appropriated in this act to replace the Statewide Elections Information Management System, and requires the State Board of Elections, in consultation with the Department of Information Technology, to create and develop an initial plan to replace the Statewide Elections Information Management System and provide ongoing reports on the progress of the project.

This section became effective July 1, 2023.

Modify Constitutional Amendment Publication Process – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 27.5

Section 27.5 of S.L. 2023-134 places responsibility for preparation and distribution of summaries of proposed amendments to the North Carolina Constitution upon the Legislative Services Officer, effective July 1, 2023.

Bond Referendum Transparency – 2023 Appropriations Act.

SL 2023-134 (H259), Sec. 36.3

Section 36.3 of S.L. 2023-134 amends the ballot language required for a general obligation bond referendum to add the following:

- The estimated cumulative cost over the life of the bond, using the highest interest rate charged for similar debt.
- The amount of property tax liability increase to service the cumulative cost over the life of the bond, stated for each \$100,000 of property tax value.

Section 36.3 also requires that the ballot language explicitly state that additional property taxes can be levied on property located in the unit of local government to repay the debt.

This section became effective December 31, 2023, and applies to bond referendums conducted on or after that date.

No Partisan Advantage in Elections.

SL 2023-139 (S749)

S.L. 2023-139 does all of the following:

- Effective January 1, 2024:
 - Increases the number of members of the State Board of Elections (State Board) from five to eight, with all eight members being appointed by the General Assembly.
 - Decreases the number of members of each of the 100 county boards of elections from five to four, with all four members being appointed by the General Assembly.
 - Administratively transfers the State Board to the Secretary of State's Office; however, the Secretary of State will not direct or supervise management functions of the State Board.
- Effective October 10, 2023:
 - Requires that, with respect to the conduct of elections, the emergency powers be exercised by the State Board rather than the Executive Director of the State Board of Elections (Executive Director).

- Clarifies that the Executive Director can designate an acting county director of elections if the county board of elections does not nominate an individual to serve as county director of elections.
- Makes technical and clarifying changes to photo ID for voting,.
- Changes the filing date for filings of the statement of economic interest associated with a notice of candidacy.
- Clarifies the 2024 appointments to certain boards and commissions modified by S.L. 2023-136 of the 2023 Regular Session.

This bill was vetoed by the Governor on September 28, 2023, and that veto was overridden by the General Assembly on October 10, 2023. Except as otherwise provided, this act became effective October 10, 2023.

Elections Law Changes.

SL 2023-140 (S747)

S.L. 2023-140 makes various changes to the elections laws of the State.

This bill was vetoed by the Governor on August 24, 2023, and that veto was overridden by the General Assembly on October 10, 2023. The section of the act adding two additional election-related Class 1 misdemeanors became effective December 1, 2023. The section of the act pertaining to removing foreign citizens from voter rolls becomes effective July 1, 2024. The remainder of the act became effective January 1, 2024, and applies to elections held on or after that date.