



Independence of Boards of Elections in North Carolina

Issue Background Sheet | Last Updated May 19, 2023

Talking Points

- Elections in North Carolina are run by bipartisan, independent election boards at the state and local levels. These boards ensure that our elections are accessible, fair, and secure.
- While the NC state legislature creates election law, the state and local boards of elections administer elections – two distinct roles that must be kept separate.
- State and county boards of elections must operate as independent agencies. This reduces the politicization of election administration and allows for appropriate checks and balances between the branches of government.
- NC Board of Elections board members are appointed by the Governor. This process is in line with other executive agencies in the state and has been upheld by NC courts.¹
- Attempts by the state legislature to control the actions or composition of state or local boards are dangerous attempts at consolidating power.

NC Board of Elections Structure & Power²

The North Carolina Board of Elections (NCSBE) is a bipartisan, independent agency housed under the state's executive branch. This agency oversees all elections held within the state.

NC Board of Elections – Board Members

Duties: Ensure election laws are followed, review voter and election challenges, appoint and oversee county board of election members, and appoint the NCSBE Executive Director.

Structure: Consists of five board members, led by a Chair. The board is bipartisan – no more than three members can be from the same political party.

Appointment & Removal: The Governor appoints NCSBE board members from a list of nominees submitted by the two political parties with the largest number of registered voters, and has the power to remove board members.

¹ See *Cooper v. Berger and Moore*, No. 16-CVS-15636; *Cooper v. Berger and Moore*, 17-CVS-5084; and *Cooper v. Berger and Moore*, Wake County Case No. 18-CVS-3348.

² North Carolina General Statutes 163-19 through 163-28.

NC Board of Election – Staff

Duties: Provide support and training for local election officials, investigate election law violations, maintain voting systems, interact with voters, and issue guidelines for election administration.

Structure: Led by an Executive Director, who serves as the state’s chief election official. The Executive Director oversees hiring all staff – as of February 2023, there were 64 full-time staff.³

Appointment & Removal: The Executive Director is appointed, and can be removed, by the NCSBE board. Other NCSBE staff are hired and removed similar to other state employees.

County Board of Elections Structure & Power⁴

Every county in North Carolina has a County Board of Elections (CBOE). The CBOE conducts elections with the county, including operating voting sites and maintaining voter registration lists.

County Board of Elections – Board Members

Duties: Oversee elections conducted within the county, ensuring they comply with all relevant laws; count absentee ballots; inspect voting equipment; certify the county’s election results.

Structure: Consists of five board members, led by a Chair. The board is bipartisan – no more than three members can be from the same political party. Board members are chosen from a list of nominees submitted by the two political parties with the most registered voters.

Appointment & Removal: Four CBOE board members are appointed by the NCSBE; one (the chair) is appointed by the Governor. Board members can be removed by the NCSBE.

County Board of Elections – Staff

Duties: Operate voting sites, maintain voter registration lists, and interact with voters.

Structure: Although the number of staff varies widely by county, each county has a County Director of Elections. Other staff includes temporary election workers.

Appointment & Removal: The County Director of Elections is appointed and can only be removed by the state board of elections (in consultation with the CBOE). Election judges – who are tasked with operating voting sites – are appointed and can be removed by the CBOE board (although this duty can be delegated to the County Director of Elections).

³ “2023-24 Budget Presentation,” NC Board of Elections, February 9, 2023.

⁴ North Carolina General Statutes 163-30 through 163-37.

Recent Attacks on Board of Election Independence

2021: The state legislature passes a law eroding the power of the NC Board of Elections to independently settle some election-related lawsuits, giving the Speaker of the House of Representatives and the President Pro Tempore of the Senate more power.⁵

2021: The state legislature introduces (but does not pass) [House Bill 487](#), which would have allowed unspecified individuals to fire election officials for undefined reasons.

2021: Members of the NC House Freedom Caucus threaten to force their way into the Durham County Board of Elections office to “inspect” voting equipment, in violation of state election law.⁶

2016-2018: Immediately following the election of Governor Roy Cooper, the state legislature passes legislation abolishing the NC Board of Elections, creating a Bipartisan State Board of Elections and Ethics Enforcement, and giving the state legislature appointment powers previously held by the Governor.⁷ The legislation is challenged in court and is struck down. Similar legislation is passed in 2017 and 2018 but is invalidated by NC courts.⁸

Fast Facts

- The state board of elections was established as an independent body under the executive branch, with board members appointed by the Governor, nearly a century ago.⁹
- Only four states in the country allow their state legislature to play a role in appointing their chief election official.¹⁰
- A lawsuit challenging state law requiring NCSBE board members to be from one of the two political parties with the largest number of registered voters has been filed.¹¹

Opposing Arguments + Rebuttals

“The Board of Elections is a partisan body.”

The state and local boards of elections were designed as a bipartisan body, consisting of members of both major political parties. Many of the decisions made by the board are made unanimously.

⁵ After Governor Cooper vetoed the original bill ([Senate Bill 360](#)), the bill’s text was buried within the 628-page budget and was passed into law ([NC Session Law 2021-180](#)).

⁶ Laura Leslie, “[GOP lawmaker backs down from threat to force way into Durham elections office](#),” WRAL News, October 7, 2021.

⁷ North Carolina Session Laws 2016-125 and 2016-126.

⁸ North Carolina Session Laws 2017-6 and 2018-2.

⁹ 1933 North Carolina Session Laws, chapter 165.

¹⁰ National Conference of State Legislatures, “[State Level Election Administration](#),” accessed May 10, 2023.

¹¹ “Common Cause & NC residents file lawsuit to let unaffiliated voters serve on State Board of Elections,” Common Cause North Carolina, August 2, 2022.

“The state legislature should have more power over the State Board of Elections.”

It is essential that the state and county boards of elections remain as independent and autonomous executive bodies. This both reduces the politicization of elections and allows for appropriate checks and balances of power.

Looking Ahead

Election administration is not a partisan issue — and should not be controlled by politicians. To protect our democracy, we must remove partisan incentives and strengthen the wall between politics and election administration. North Carolina must also do more to increase public trust in our elections by creating new on-ramps for public involvement. Our recommendations include:

- Requiring all counties to offer virtual meeting access
- Disqualifying public officials who refuse to certify an election without evidence
- Prohibiting politicians from taking possession of voting equipment
- Banning sham ballot reviews, while funding state-certified election audits
- Protecting election officials who are the target of intimidation and harassment
- Update state law to designate a neutral decision-maker to resolve contested elections

Read more about our vision for democracy in North Carolina:
[2023 Blueprint for a Stronger Democracy](#)

Talk to the Experts

These organizations are fighting for an independent and nonpartisan election system:

- [Common Cause North Carolina](#)
- [Democracy North Carolina](#)
- [North Carolina Voters for Clean Elections](#)

Further Reading

- [Election Administration at State and Local Levels](#) | National Conference of State Legislatures
- [Spate of bills the latest volleys in longtime power struggle between NC legislature and governor](#) | WRAL
- [Elections 101](#) and [Local Election Administration 101 Kit](#) | Democracy NC
- [North Carolina Precinct Officials: Rules and Constraints](#) | Brennan Center for Justice