

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1034

Short Title: No Report/New Election.

(Public)

Sponsors: Senators Miller and Reeves.

Referred to: Judiciary.

April 21, 1997

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE STATE BOARD OF ELECTIONS SHALL
2 ORDER A NEW ELECTION IF IT FINDS THAT FAILURE TO FILE A
3 CAMPAIGN FINANCE REPORT WAS SUFFICIENT TO CHANGE THE RESULT
4 OF AN ELECTION.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 163-22.1 reads as rewritten:

8 "**§ 163-22.1. Power of State Board to order new elections.**

9 (a) State Board's Authority. – If the State Board of Elections, acting upon the
10 agreement of at least four of its members, and after holding public hearings on election
11 contests, alleged election irregularities or fraud, or violations of elections laws,
12 determines that a new primary, general or special election should be held, the Board may
13 order that a new primary, general or special election be held, either statewide, or in any
14 counties, electoral districts, special districts, or municipalities over whose elections it has
15 jurisdiction. The State Board shall be authorized to order a new election without
16 conducting a public hearing provided a public hearing on the allegations was held by the
17 county or municipal board of elections and the State Board is satisfied that such hearing
18 gave sufficient opportunity for presentation of evidence and provided further that the
19 State Board adopts the findings of the county or municipal board of elections.

1 Any new primary, general or special election so ordered shall be conducted under
2 applicable constitutional and statutory authority and shall be supervised by the State
3 Board of Elections and conducted by the appropriate elections officials.

4 The State Board of Elections has authority to adopt rules and regulations and to issue
5 orders to carry out its authority under this section.

6 (a1) Failure to File Campaign Reports in Time for Disclosure. – If a candidate or
7 that candidate's treasurer has failed to file a campaign finance report as required by
8 Article 22A of this Chapter in time for that report to result in disclosure to the public
9 before a primary, general, or special election, and if the State Board of Elections
10 determines by agreement of at least four of its members that the failure to file was
11 sufficient cause to change the result of the primary, general, or special election, then the
12 State Board shall order a new primary, general, or special election.

13 (b) Special Circumstances in Which New Election Shall Be Called. –
14 Notwithstanding the provisions of subsection (a) of this section, if

15 (1) The number of ineligible voters who voted in the election was sufficient
16 to change the result of the election; and

17 (2) The way those votes were cast cannot be determined by examining the
18 ballots,

19 then the person protesting the election shall have the right to a new election.

20 (c) Special Circumstances in Which Tie Shall Be Declared. – Notwithstanding the
21 provisions of subsection (a) of this section, if the circumstances described in subsection
22 (b) of this section obtain except that the number of ineligible voters was sufficient to
23 change the result to a tie but not result in a different winner, then the person protesting
24 the election shall have the right to have a tie declared by the State Board. If a tie is
25 declared, the provisions of law governing tied elections shall apply."

26 Section 2. This act becomes effective January 1, 1998, and applies to primaries
27 and elections occurring on or after that date.