

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 1089

Short Title: Change Burden of Proof/Candidacy Challenge. (Public)

Sponsors: Representative Clampitt.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Elections and Ethics Law

June 11, 2018

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT THE BURDEN OF PROOF IN CERTAIN CHALLENGES TO
CANDIDACY BE PLACED ON THE CHALLENGER UNDER THE LAWS
GOVERNING ELECTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163A-1029(a) reads as rewritten:

"(a) ~~The~~ Except for a challenge based on residency as provided in subsection (b) of this section, the burden of proof shall be upon the ~~candidate, challenger,~~ who must show by a preponderance of the evidence of the record as a whole that ~~he or she is~~ the candidate is not qualified to be a candidate for the office."

SECTION 2. This act is effective when it becomes law and applies to challenges to candidacy on or after that date.



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