

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

S

1

SENATE BILL 748

Short Title: Voter Fraud Prevention Act. (Public)

Sponsors: Senators Garrett, Marcus, and Batch (Primary Sponsors).

Referred to: Rules and Operations of the Senate

June 7, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A SPECIAL ELECTION WHEN AN ELECTED OR APPOINTED
3 MEMBER OF THE GENERAL ASSEMBLY CHANGES PARTY AFFILIATION
4 DURING THE MEMBER'S TERM IN OFFICE WITH MORE THAN SIX MONTHS OF
5 THE TERM REMAINING AND TO REQUIRE THE RETURN OF CAMPAIGN
6 CONTRIBUTIONS UPON THE REQUEST OF THE CONTRIBUTOR.

7 Whereas, nothing is more important to the functioning of an open and free democracy
8 than voter confidence in elections; and

9 Whereas, members of the General Assembly are duty-bound to faithfully pursue the
10 interests and issues for which they were elected; and

11 Whereas, political party affiliation switches by seated legislators may have profound
12 consequences for those legislators' constituents and all residents of North Carolina; and

13 Whereas, both major parties have had members switch political party affiliation; and

14 Whereas, 25,986 votes were cast in the 2022 general election for or against a North
15 Carolina legislator who chose to switch political party affiliation less than six months after being
16 sworn into office; Now, therefore,

17 The General Assembly of North Carolina enacts:

18 **SECTION 1.** Article 2 of Chapter 163 of the General Statutes is amended by adding
19 a new section to read:

20 "**§ 163-3.5. Special election; change in party affiliation.**

21 Notwithstanding any provision of law to the contrary, if an elected or appointed member of
22 the General Assembly changes party affiliation during the member's term of office with more
23 than six months remaining on the member's term, that member's office shall be deemed vacated
24 and the vacancy shall automatically trigger a special election which shall be held within 90 days
25 from the date the member changed party affiliation. The State Board of Elections shall develop
26 the guidelines and procedures to be used in conducting the special election required by this
27 section, including reimbursement to the county board of elections for the actual cost involved in
28 administering the special election."

29 **SECTION 2.** Article 22A of Chapter 163 of the General Statutes is amended by
30 adding a new section to read:

31 "**§ 163-278.16C. Request to return contribution; change in party affiliation.**

32 Notwithstanding any provision of law to the contrary, any elected or appointed member of
33 the General Assembly who changes party affiliation as described in G.S. 163-3.5 shall return any
34 contributions made to the member's or candidate's campaign committee, as defined in
35 G.S. 163-278.38Z, during the most recent election cycle upon the request of the contributor. A
36 contribution refund under this section shall be made within 30 days from the date of the request."



1

SECTION 3. This act is effective when it becomes law.