

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 642  
HOUSE BILL 457

AN ACT TO ALLOW FOR RECOUNTS IN PRIMARIES AND ELECTIONS  
WHERE THE MARGIN IS ONE PERCENT OR LESS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-179.1. **Mandatory recounts.**—(a) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who:

- (1) has received the number of votes necessary to be declared nominated for an office in a primary election with a majority; or
- (2) has received the number of votes necessary to be declared nominated for an office in a second primary election

and the number of votes received by the candidate receiving the next highest number of votes but not declared nominated under G.S. 163-179 is not more than one percent (1%) of the total votes which were cast for that office, except in multi-seat races one percent (1%) of the total votes cast for those two candidates, the county board of elections shall, before declaring the person nominated, order a recount of the primary if the candidate having the next highest number of votes shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(b) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who has been declared elected to an office in a general election and the number of votes received by the candidate receiving the next highest number of votes but not declared elected under G.S. 163-179 shall be not more than one percent (1%) of the total votes which were cast for that office, except in multi-seat races one percent (1%) of the total votes cast for those two candidates, or where there is a tie vote between those candidates, the county board of elections shall, before issuing a certificate of election, order a recount of the election if the candidate having the next highest number of votes (or in the case of a tie, either candidate) shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(c) The recount shall be conducted under the supervision of the county board of elections.

(d) This section applies to offices other than those covered by G.S. 163-192.1; except that it does not apply to elections conducted under Subchapter IX of this Chapter."

Sec. 2. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-192.1. **Mandatory recounts.**—(a) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who:

- (1) has received the number of votes necessary to be declared nominated for an office in a primary election with a majority; or
- (2) received the number of votes necessary to be declared nominated for an office in a second primary election

and the number of votes received by the candidate receiving the next highest number of votes but not declared nominated under G.S. 163-192 is not more than one percent (1%) of the total votes which were cast for that office, except in multi-seat races one percent (1%) of the total votes cast for those two candidates, the State Board of Elections shall, before declaring the person nominated, order a recount of the primary if the candidate having the next highest number of votes shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(b) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who has been declared elected to an office in a general election and the number of votes received by the candidate receiving the next highest number of votes but not declared elected under G.S. 163-192 shall be not more than one percent (1%) of the total votes which were cast for that office, except in multi-seat races one percent (1%) of the total votes cast for those two candidates, or where there is a tie vote between those candidates, the State Board of Elections shall, before certifying the result to the Secretary of State under G.S. 163-193, order a recount of the election if the candidate having the next highest number of votes (or in the case of a tie, either candidate) shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(c) The recount shall be conducted under the supervision of the State Board of Elections.

(d) This section applies to the offices listed in G.S. 163-192."

Sec. 3. G.S. 163-22 is amended by adding a new subsection to read:

"(m) The State Board of Elections shall issue rules to regulate recounts held under the provisions of G.S. 163-179.1 or G.S. 163-192.1."

Sec. 4. This act shall become effective with respect to all primaries and elections held on or after January 1, 1988.

In the General Assembly read three times and ratified this the 20th day of July, 1987.