

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 344

Short Title: Recount Law Changes.

(Public)

Sponsors: Representatives Dawkins; Beall, N. Crawford, and Bowman.

Referred to: Judiciary.

February 23, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE AUTOMATIC RECOUNT LAW SO THAT CANDIDATES OTHER THAN THE "NEXT HIGHEST" CANDIDATE MAY CALL FOR A RECOUNT IF THEY RECEIVED VOTES WITHIN THE STATUTORY RANGE FROM VICTORY, SO THAT NO RECOUNT IS REQUIRED IN A STATEWIDE RACE IF THE PETITIONER IS LESS THAN THE LESSER OF ONE-HALF PERCENT OR TEN THOUSAND VOTES BEHIND, AND SO THAT A MULTI-COUNTY CANDIDATE MAY REQUEST A RECOUNT EIGHT DAYS AFTER THE ELECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-179.1 reads as rewritten:

"§ 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~~ any candidate in the race 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~~ a candidate whose votes

1 fell within one percent (1%) of a successful candidate shall, by noon on the second day
2 (Saturdays and Sundays excepted) following the canvass, request in writing such a
3 recount.

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

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

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

21 Sec. 2. G.S. 163-192.1 reads as rewritten:

22 "**§ 163-192.1. Mandatory recounts.**

23 (a) Whenever, according to the canvass made under this Article, the difference
24 between the number of votes received by a candidate who:

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

29 and the number of votes received by ~~the candidate receiving the next highest number of~~
30 ~~votes but not declared nominated under G.S. 163-192~~ any candidate in the race is not more
31 than one percent (1%) of the total votes which were cast for that office, except in multi-
32 seat races one percent (1%) of the total votes cast for those two candidates, the State
33 Board of Elections shall, before declaring the person nominated, order a recount of the
34 primary if ~~the candidate having the next highest number of votes~~ a candidate whose votes
35 fell within one percent (1%) of a successful candidate shall, by noon on the ~~second~~
36 eighth day (Saturdays and Sundays ~~excepted~~included) following the ~~canvass~~election,
37 request in writing such a recount. Provided, however, that in a statewide contest, no
38 candidate shall be entitled to a recount unless the difference is at least one-half of one
39 percent (0.5%) of the votes cast, or 10,000 votes, whichever is less.

40 (b) Whenever, according to the canvass made under this Article, the difference
41 between the number of votes received by a candidate who has been declared elected to
42 an office in a general election and the number of votes received by ~~the candidate~~
43 ~~receiving the next highest number of votes but not declared elected under G.S. 163-192~~ any
44 other candidate in the race shall be not more than one percent (1%) of the total votes

1 which were cast for that office, except in multi-seat races one percent (1%) of the total
2 votes cast for those two candidates, or where there is a tie vote between those
3 candidates, the State Board of Elections shall, before certifying the result to the
4 Secretary of State under G.S. 163-193, order a recount of the election if ~~the candidate~~
5 ~~having the next highest number of votes~~ a candidate whose votes fell within one percent
6 (1%) of a successful candidate (or in the case of a tie, either candidate) shall, by noon
7 on the ~~second~~ eighth day (Saturdays and Sundays ~~excepted~~ included) following the
8 ~~canvass~~ election, request in writing such a recount. Provided, however, that in a
9 statewide contest, no candidate shall be entitled to a recount unless the difference is at
10 least one-half of one percent (0.5%) of the votes cast, or 10,000 votes, whichever is less.

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

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

14 Sec. 3. This act shall become effective with respect to all elections held on or
15 after January 1, 1990.