

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 344
Committee Substitute Favorable 4/10/89

Short Title: Recount Law Changes.

(Public)

Sponsors:

Referred to:

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 MUST 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

1 primary if ~~the candidate having the next highest number of votes~~ a candidate whose votes
2 fell within one percent (1%) of a successful candidate shall, by noon on the second day
3 (Saturdays and Sundays excepted) following the canvass, request in writing such a
4 recount.

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

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

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

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

23 "**§ 163-192.1. Mandatory recounts.**

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

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

30 and the number of votes received by ~~the candidate receiving the next highest number of~~
31 ~~votes but not declared nominated under G.S. 163-192~~ any candidate in the race is not more
32 than one percent (1%) of the total votes which were cast for that office, except in multi-
33 seat races one percent (1%) of the total votes cast for those two candidates, the State
34 Board of Elections shall, before declaring the person nominated, order a recount of the
35 primary if ~~the candidate having the next highest number of votes~~ a candidate whose votes,
36 according to a tally of the canvasses made under Article 15 of this Chapter, fell within
37 one percent (1%) of a successful candidate shall, by noon on the ~~second~~ eighth day
38 (Saturdays and Sundays ~~excepted~~ included) following the ~~canvass~~ election, request in
39 writing such a recount. Provided, however, that in a statewide contest, no candidate
40 shall be entitled to an automatic recount under this section unless the difference is at
41 least one-half of one percent (0.5%) of the votes cast, or 10,000 votes, whichever is less.
42 Provided further that if the canvass made under this Article determines that a candidate
43 who was not originally thought to be within the percentage entitling him to a recount
44 based on the tally of canvasses made under Article 15 of this Chapter is in fact within

1 the percentage entitling him to a recount, the Executive Secretary-Director of the State
2 Board of Elections shall immediately notify the candidate and the candidate shall be
3 entitled to a recount if he so requests within 48 hours of notification.

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. 163-192~~ any
8 other candidate in the race shall be not more than one percent (1%) of the total votes
9 which were cast for that office, except in multi-seat races one percent (1%) of the total
10 votes cast for those two candidates, or where there is a tie vote between those
11 candidates, the State Board of Elections shall, before certifying the result to the
12 Secretary of State under G.S. 163-193, order a recount of the election if ~~the candidate~~
13 ~~having the next highest number of votes~~ a candidate whose votes, according to a tally of
14 the canvasses made under Article 15 of this Chapter, fell within one percent (1%) of a
15 successful candidate (or in the case of a tie, either candidate) shall, by noon on the
16 ~~second~~ eighth day (Saturdays and Sundays ~~excepted~~ included) following the
17 ~~canvass~~ election, request in writing such a recount. Provided, however, that in a
18 statewide contest, no candidate shall be entitled to an automatic recount under this
19 section unless the difference is at least one-half of one percent (0.5%) of the votes cast,
20 or 10,000 votes, whichever is less. Provided further that if the canvass made under this
21 Article determines that a candidate who was not originally thought to be within the
22 percentage entitling him to a recount based on the tally of canvasses made under Article
23 15 of this Chapter is in fact within the percentage entitling him to a recount, the
24 Executive Secretary-Director of the State Board of Elections shall immediately notify
25 the candidate and the candidate shall be entitled to a recount if he so requests within 48
26 hours of notification.

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

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

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