

Withdrawn



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 749

AMENDMENT NO. A4
(to be filled in by
Principal Clerk)

S749-AST-162 [v.2]

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Amends Title [NO]
Fourth Edition

Date _____, 2023

Representative Harrison

1 moves to amend the bill on page 12, lines 10-16, by rewriting those lines to read:

2
3 "SECTION 5.3. G.S. 163-182.15 reads as rewritten:

4 "§ 163-182.15. Certificate of nomination or election, or certificate of the results of a
5 referendum.

6 (a) Issued by County Board of Elections. – In ballot items within the jurisdiction of the
7 county board of elections, the county board shall issue a certificate of nomination or election, or
8 a certificate of the results of the referendum, as appropriate. The certificate shall be issued by the
9 county board six days after the completion of the canvass pursuant to G.S. 163-182.5, unless
10 there is an election protest ~~pending~~, or a majority of the county board of elections
11 determines that there is substantial evidence of a violation of election law or other irregularity or
12 misconduct exists that affected a sufficient number of votes to change the outcome of the election
13 pursuant to G.S. 163-182.10. If there is an election protest, the certificate of nomination or
14 election or the certificate of the result of the referendum shall be issued in one of the following
15 ways, as appropriate:

- 16 (1) The certificate shall be issued five days after the protest is dismissed or denied
17 by the county board of elections, unless that decision has been appealed to the
18 State Board of Elections.
19 (2) The certificate shall be issued on the tenth day after the final decision of the
20 State Board, unless the State Board has ordered a new election or the issuance
21 of the certificate is stayed by the Superior Court of Wake County pursuant to
22 G.S. 163-182.14.
23 (3) If the decision of the State Board has been appealed to the Superior Court of
24 Wake County and the court has stayed the certification, the certificate shall be
25 issued five days after the entry of a final order in the case in the Superior Court
26 of Wake County, unless that court or an appellate court orders otherwise.
27 (4) No certificate of election need be issued for any member of the General
28 Assembly following a contest of the election pursuant to Article 3 of Chapter
29 120.

30 (b) Issued by State Board of Elections. – In ballot items within the jurisdiction of the
31 State Board of Elections, the State Board of Elections shall issue a certificate of nomination or
32 election, or a certificate of the results of the referendum, as appropriate. The certificate shall be



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1 issued by the State Board six days after the completion of the canvass pursuant to G.S. 163-182.5,
2 unless there is an election protest pending. If there is an election protest, the certificate of
3 nomination or election or the certificate of the result of the referendum shall be issued in one of
4 the following ways, as appropriate:

5 (1) The certificate shall be issued 10 days after the final decision of the State
6 Board on the election protest, unless the State Board has ordered a new
7 election or the issuance of the certificate is stayed by the Superior Court of
8 Wake County pursuant to G.S. 163-182.14.

9 (2) If the decision of the State Board has been appealed to the Superior Court of
10 Wake County and the court has stayed the certification, the certificate shall be
11 issued five days after the entry of a final order in the case in the Superior Court
12 of Wake County, unless that court or an appellate court orders otherwise.

13 (3) The certificate shall be issued immediately upon the filing of a copy of the
14 determination of the General Assembly with the State Board of Elections in
15 contested elections involving any elective office established by Article III of
16 the Constitution.

17 (4) No certificate of election need be issued for any member of the General
18 Assembly following a contest of the election pursuant to Article 3 of Chapter
19 120.

20 (c) ~~Copy to for Secretary of State. – The State Board of Elections shall provide to the~~
21 ~~Secretary of State a copy of each certificate of nomination or election, or certificate of the results~~
22 ~~of a referendum, issued by it. The Secretary of State shall keep a copy of each certificate of~~
23 ~~nomination or election, or each certificate of results of a referendum, issued by the State Board.~~
24 The Secretary of State shall keep the certificates in a form readily accessible and useful to the
25 public.

26 (d) Determining Results. – In a primary for party nomination, the results shall be
27 determined in accordance with G.S. 163-111. In a general election, the individuals having the
28 highest number of votes for each office shall be declared elected to the office, and the certificate
29 shall be issued accordingly. In a referendum, the ballot proposal receiving the highest number of
30 votes shall be declared to have prevailed, and the certificate shall be issued accordingly.'''.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____