

January 29, 2001

S 14. ELECTION REWRITE/COUNTING AND CANVASSING. TO REWRITE ARTICLE 15 AND ARTICLE 16 OF CHAPTER 163, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION. Art. 15 concerns counting ballots, canvassing votes, and certifying results in precincts and counties. Art. 16 addresses canvass of returns for higher offices and preparation of state abstracts. Bill reorganizes these topics into single Article on counting official ballots, canvassing votes, hearing protests, and certifying results. New GS 163-182 defines terms, including abstract, certificate of election, and protest. New GS 163-182.1 lays out principles and rules for counting ballots, including rules on write-in votes, discerning voter's choice, and interpreting straight-party and split-ticket voting (similar to present GS 163-170). For example, official ballots rejected by a counting machine are to be counted by hand and eye. Also authorizes State Board of Elections to promulgate rules for applying these principles in each type of voting system, and requires that Board direct the county boards of elections in the application of the statute and rules.

The new Article contains statutes addressing the following topics: initial counting of official ballots, jurisdiction of state and local election officials, canvassing of votes, creation of abstracts summarizing the vote, ordering recounts, determining result in case of a tie, filing an election protest, the county board's consideration of protests, appeals of county board decision's about protest to the State Board of Election, the ordering of new elections (replaces present GS 163-22.1, now in a different Article), appeal of State Board decisions to superior court, and certification of election results.

New statutes addressing the handling of election protests generally provide rules for notice and hearing, as well as standards to be followed and permissible actions by the reviewing body. The new statute on ordering recounts provides for discretionary and mandatory recounts, and lists requirements for demanding a recount. New GS 163-182.8 (determining results in case of tie) provides for a new election involving only the tied parties in races where more than 5,000 voters cast official ballots, and calls for random selection of a winner in races involving 5,000 or fewer voters (present GS 163-191 provides only for new election). New GS 163-182.17 summarizes duties of various officials under the new Article, including precinct officials, county boards of elections, State Board of Elections, and the Governor. Absent from the new article are present statutes on proceedings when polls close (GS 163-168) and preservation of ballots and sealing ballot boxes (GS 163-171). Effective January 1, 2002.

Intro. by Gulley.

Ref. to Judiciary I	GS 163
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April 16, 2001

S 14. ELECTION REWRITE-2. Intro. 01/29/01. Senate committee substitute makes the following changes to 1st edition. Makes technical and clarifying changes only.

August 1, 2001

S 14. ELECTION REWRITE-2. Intro. 1/29/01. House committee substitute makes the following changes to 2nd edition. (1) Adds a provision specifying that the State Board of Elections, in securing missing abstracts needed for it to conduct its canvass after an election, may secure the originals or copies from the appropriate clerks of superior court or county boards of elections, at the expense of the counties. (2) Adds a provision specifying that the Secretary of State, after receiving from the State Board of Elections a copy of each certificate of nomination or election, is to keep the certificates in a form readily accessible and useful to the public. (3) Adds a provision permitting the State Board of Elections to make temporary rules before the first election following the effective date of the act (Jan. 1, 2002). (4) Makes conforming changes to numerous provisions of GS Ch. 163.

August 14, 2001

S 14. ELECTION REWRITE-2. Intro. 1/29/01. House amendment makes the following changes to 3rd edition. Makes technical changes only.

