

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS35318-LU-155

Short Title: Modify State Board of Elections Authority. (Public)

Sponsors: Senator Chaudhuri (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE AUTHORITY OF THE STATE BOARD OF ELECTIONS IN
3 HANDLING CERTAIN CHALLENGES TO CANDIDACY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 163-127.1 reads as rewritten:

6 "§ 163-127.1. Definitions.

7 As used in this Article, the following terms mean:

- 8 (1) Board. – State Board of Elections.
9 (2) Candidate. – A person having filed a notice of candidacy under the appropriate
10 statute for any elective office in this ~~State~~ State or a person who has been
11 nominated as a presidential candidate pursuant to G.S. 163-213.4.
12 (3) Challenger. – Any qualified voter registered in the same district as the office
13 for which the candidate has filed or ~~petitioned~~ petitioned or, in the case of a
14 challenge to a presidential candidate, any qualified voter in this State.
15 (4) Office. – The elected office for which the candidate has filed or petitioned."

16 SECTION 2. G.S. 163-127.2 reads as rewritten:

17 "§ 163-127.2. When and how a challenge to a candidate may be made.

18 (a) When. – A challenge to a candidate may be filed under this Article with the board of
19 elections receiving the notice of the candidacy or petition no later than 10 business days after the
20 close of the filing period for notice of candidacy or petition.

21 (b) How. – The challenge must be made in a verified affidavit by a challenger, based on
22 reasonable suspicion or belief of the facts stated. Grounds for filing a challenge are that the
23 candidate does not meet the constitutional or statutory qualifications for the office, including
24 residency.

25 (c) If Defect Discovered After Deadline, Protest Available. – If a challenger discovers
26 one or more grounds for challenging a candidate after the deadline in subsection (a) of this
27 section, the grounds may be the basis for a protest under G.S. 163-182.9.

28 (d) Authority of the State Board. – The State Board shall have authority to review
29 challenges to qualifications under the United States Constitution, including qualifications found
30 in (i) Section 1[5] of Article II, (ii) Section 3 of the Fourteenth Amendment, and (iii) the
31 Twenty-Second Amendment."

32 SECTION 3. This act is effective when it becomes law.

