GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2023

S SENATE BILL 762

Short Title:	Modify State Board of Elections Authority.	(Public)
Sponsors:	Senator Chaudhuri (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

February 15, 2024

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

The General Assembly of North Carolina enacts:

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

"§ 163-127.1. Definitions.

 As used in this Article, the following terms mean:

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

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

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

- (a) When. A challenge to a candidate may be filed under this Article with the board of elections receiving the notice of the candidacy or petition no later than 10 business days after the close of the filing period for notice of candidacy or petition.
- (b) How. The challenge must be made in a verified affidavit by a challenger, based on reasonable suspicion or belief of the facts stated. Grounds for filing a challenge are that the candidate does not meet the constitutional or statutory qualifications for the office, including residency.
- (c) If Defect Discovered After Deadline, Protest Available. If a challenger discovers one or more grounds for challenging a candidate after the deadline in subsection (a) of this section, the grounds may be the basis for a protest under G.S. 163-182.9.
- (d) Authority of the State Board. The State Board shall have authority to review challenges to qualifications under the United States Constitution, including qualifications found in (i) Section 1[5] of Article II, (ii) Section 3 of the Fourteenth Amendment, and (iii) the Twenty-Second Amendment."
 - **SECTION 3.** This act is effective when it becomes law.

