

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 329
HOUSE BILL 157

AN ACT RELATING TO THE CERTIFICATION OF ELECTIONS WHICH ARE CONTESTED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-181 is rewritten to read as follows:

"§ 163-181. Certification of election stayed when election is contested. – The chairman of the county or city board of elections shall not issue a certification of election or nomination or the results of a referendum if there is an election contest pending before the county or city board of election or before the State Board of Elections on appeal or otherwise.

Appeals from a decision of the State Board of Elections shall be to the Superior Court of Wake County.

A copy of the State Board of Elections' final decision shall be served on the parties personally or by certified mail. After the decision by the State Board of Elections has been served on the parties, the certification of election shall issue unless the appealing party petitions the Superior Court of Wake County for a stay of the certification within 10 days after the date of service.

The Superior Court of Wake County shall not issue a stay of certification unless the petitioner shows the court that he intends to appeal the decision of the State Board of Elections and that he is likely to prevail and that the results of the election would be changed in his favor. Mere irregularities in the election which would not change the results of the election shall not be sufficient for the court to issue a stay of certification."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 20th day of May, 1983.