

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 1089
Jun 7, 2018
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10490-LU-149

Short Title: Change Burden of Proof/Candidacy Challenge. (Public)

Sponsors: Representative Clampitt.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT THE BURDEN OF PROOF IN CERTAIN CHALLENGES TO
3 CANDIDACY BE PLACED ON THE CHALLENGER UNDER THE LAWS
4 GOVERNING ELECTIONS.
5 The General Assembly of North Carolina enacts:
6 **SECTION 1.** G.S. 163A-1029(a) reads as rewritten:
7 "(a) ~~The~~ Except for a challenge based on residency as provided in subsection (b) of this
8 section, the burden of proof shall be upon the ~~candidate,~~ challenger, who must show by a
9 preponderance of the evidence of the record as a whole that ~~he or she is~~ the candidate is not
10 qualified to be a candidate for the office."
11 **SECTION 2.** This act is effective when it becomes law and applies to challenges to
12 candidacy on or after that date.

