

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 182

Short Title: Refund Filing Fee/Candidate Death.

(Public)

Sponsors: Senators Gulley; Carpenter, and Hartsell.

Referred to: Judiciary II/Election Laws.

February 14, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT IF A CANDIDATE DIED BEFORE THE PRIMARY
2 ELECTION IN 1994, A REFUND OF THE FILING FEE SHALL BE PAID TO THE
3 ESTATE OF THE CANDIDATE.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-107(b) reads as rewritten:

7 "(b) Refund of Fees. – If any person who has filed a notice of candidacy and paid
8 the filing fee prescribed in subsection (a) of this section, withdraws his notice of
9 candidacy within the period prescribed in G.S. 163-106(e), he shall be entitled to have the
10 fee he paid refunded. If the fee was paid to the State Board of Elections, the chairman of
11 that board shall cause a warrant to be drawn on the Treasurer of the State for the refund
12 payment. If any person who filed a notice of candidacy in 1994 with the State Board of
13 Elections and paid the filing fee prescribed in subsection (a) of this section died prior to
14 the date of the primary election in 1994 provided by G.S. 163-1, the personal
15 representative of the estate shall be entitled to have the fee refunded if application is
16 made to the State Board of Elections no later than one year after the date of death, and
17 refund shall be made in the same manner as in withdrawal of notice of candidacy. If the
18 fee was paid to a county board of elections, the chairman of the Board shall certify to the
19 county accountant that the refund should be made, and the county accountant shall make
20 the refund in accordance with the provisions of the County Fiscal Control Act.

1 If any person files a notice of candidacy and pays a filing fee to a board of elections
2 other than that with which he is required to file under the provisions of G.S. 163-106(e),
3 he shall be entitled to have the fee refunded in the manner prescribed in this subsection if
4 he requests the refund before the date on which the right to file for that office expires
5 under the provisions of G.S. 163-106(e)."

6 Sec. 2. This act is effective upon ratification.