

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

2

SENATE BILL 182

Judiciary II/Election Laws Committee Substitute Adopted 3/27/95

Short Title: Refund Filing Fee/Candidate Death.

(Public)

Sponsors:

Referred to: Finance

February 14, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT IF A CANDIDATE DIED BEFORE THE PRIMARY ELECTION, THE ESTATE OF THE CANDIDATE SHALL BE ENTITLED TO A REFUND OF THE FILING FEE.

The General Assembly of North Carolina enacts:

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

"(b) Refund of Fees. – If any person who has filed a notice of candidacy and paid the filing fee prescribed in subsection (a) of this section, withdraws his notice of candidacy within the period prescribed in G.S. 163-106(e), he shall be entitled to have the fee he paid refunded. If the fee was paid to the State Board of Elections, the chairman of that board shall cause a warrant to be drawn on the Treasurer of the State for the refund payment. If the fee was paid to a county board of elections, the chairman of the Board shall certify to the county ~~accountant~~ finance officer that the refund should be made, and the county accountant shall make the refund in accordance with the provisions of the ~~County~~ Local Government Budget and Fiscal Control Act. If any person who has filed a notice of candidacy and paid the filing fee prescribed in subsection (a) of this section dies prior to the date of the primary election provided by G.S. 163-1, the personal representative of the estate shall be entitled to have the fee refunded if application is made to the board of elections to which the fee was paid no later than one year after the

1 date of death, and refund shall be made in the same manner as in withdrawal of notice of  
2 candidacy.

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

8 Sec. 2. Notwithstanding the provisions of G.S. 163-107(b) as enacted by  
9 Section 1 of this act, the personal representative of the estate of a candidate who died  
10 before the primary in 1994 will be entitled to a refund of the candidate's filing fee if  
11 application is made before January 1, 1996.

12 Sec. 3. This act is effective on and after January 1, 1994.