



CHAPTER 55D
ARTICLE 2 - SUBMISSION OF DOCUMENTS TO THE SECRETARY OF STATE FOR FILING

N.C.G.S. § 55D-16.

Appeal from Secretary of State's refusal to file document.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2001-413, s. 6 — fifth act in the lineage	21 September 2026, 04:24 UTC	0e61c6f80d44247bf4209ad2 - 93733047100d918f35695ebb - 4480afdd6402d70b

- § 55D-16(a)

If the Secretary of State refuses to file a document delivered to the Secretary of State's office for filing, the person on whose behalf the document was submitted for filing may, within 30 days after the date of the refusal, appeal the refusal to the Superior Court of Wake County. The appeal is commenced by filing a petition with the court and with the Secretary of State requesting the court to compel the Secretary of State to file the document. The petition must have attached to it the document to be filed and the Secretary of State's explanation for the refusal to file. No service of process on the Secretary of State is required except for the filing of the petition as set forth in this subsection. The appeal to the superior court is not governed by Chapter 150B of the General Statutes, the Administrative Procedure Act, and shall be determined by a judge of the superior court upon such further notice and opportunity to be heard, if any, as the court may deem appropriate under the circumstances.
- § 55D-16(b)

Upon consideration of the petition and any response made by the Secretary of State, the court may, prior to entering final judgment, order the Secretary of State to file the document or take other action the court considers appropriate.
- § 55D-16(c)

The court's final decision may be appealed as in other civil proceedings.

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1989		1995		2001
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1989	c. 265, s. 1	ENACTED	
02	1989	1989 (Reg. Sess., 1990), c. 1024, s. 12.3	AMENDED	
03	2001	S.L. 2001-358, ss. 3(b), 4	AMENDED	
04	2001	S.L. 2001-387, ss. 173, 175(a)	AMENDED	
05	2001	S.L. 2001-413, s. 6	AMENDED	

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 55D-16 (2001).

PINPOINT

N.C. Gen. Stat. § 55D-16(a) (2001).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1989, c. 265, s. 1; 1989 (Reg. Sess., 1990), c. 1024, s. 12.3; 2001-358, ss. 3(b), 4; 2001-387, ss. 173, 175(a); 2001-413, s. 6.)

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