

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 76  
PROPOSED COMMITTEE SUBSTITUTE H76-PCS50384-TC-14

Short Title: School Board Candidate Filing Fee.

(Public)

Sponsors:

Referred to:

February 9, 2009

A BILL TO BE ENTITLED

AN ACT TO SET A NEW MINIMUM FILING FEE FOR BOARD OF EDUCATION  
CANDIDACY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 163-294.2(e) reads as rewritten:

"(e) ~~The~~ Except for boards of education elected on a nonpartisan basis, the filing fee for the primary or election shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars (\$5.00). The governing board shall have the authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars (\$5.00), in which case the minimum filing fee of five dollars (\$5.00) will be charged. The filing fee for boards of education elected on a nonpartisan basis shall be one percent (1%) of the annual salary of the office sought, unless one percent (1%) of the annual salary of the office sought is less than twenty-five dollars (\$25.00), in which case a minimum filing fee of twenty-five dollars (\$25.00) shall be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed."

**SECTION 2.** G.S. 163-291(3) reads as rewritten:

**"§ 163-291. Partisan primaries and elections.**

The nomination of candidates for office in cities, towns, villages, and special districts whose elections are conducted on a partisan basis shall be governed by the provisions of this Chapter applicable to the nomination of county officers, and the terms "county board of elections," "chairman of the county board of elections," "county officers," and similar terms shall be construed with respect to municipal elections to mean the appropriate municipal officers and candidates, except that:

...

(3) ~~The~~ Except for boards of education elected on a partisan basis, the filing fee for municipal and district primaries shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars (\$5.00). The governing board shall have the authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars (\$5.00), in which case the minimum filing fee



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of five dollars (\$5.00) will be charged. The filing fee for boards of education elected on a partisan basis shall be one percent (1%) of the annual salary of the office sought, unless one percent (1%) of the annual salary of the office sought is less than twenty-five dollars (\$25.00), in which case a minimum filing fee of twenty-five dollars (\$25.00) shall be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed."

**SECTION 3.** G.S. 163-107(a) reads as rewritten:

"(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which he files under the provisions of G.S. 163-106 a filing fee for the office he seeks in the amount specified in the following tabulation:

| <b>Office Sought</b>   | <b>Amount of Filing Fee</b>  |
|--|--|
| Governor   | One percent (1%) of the annual salary of the office sought   |
| Lieutenant Governor  | One percent (1%) of the annual salary of the office sought   |
| All State executive offices  | One percent (1%) of the annual salary of the office sought   |
| All District Attorneys of the General Court of Justice             | One percent (1%) of the annual salary of the office sought   |
| United States Senator  | One percent (1%) of the annual salary of the office sought   |
| Members of the United States House of Representatives              | One percent (1%) of the annual salary of the office sought   |
| State Senator  | One percent (1%) of the annual salary of the office sought   |
| Member of the State House of Representatives                       | One percent (1%) of the annual salary of the office sought   |
| All county offices not compensated by fees                         | One percent (1%) of the annual salary of the office sought   |
| All county offices compensated partly by salary and partly by fees | One percent (1%) of the first annual salary to be received (exclusive of fees)   |
| <u>Members of boards of education</u>                              | <u>One percent (1%) of the annual salary of the office sought, unless the annual salary of the office sought is less than twenty-five dollars (\$25.00), in which case a minimum filing fee of twenty-five dollars (\$25.00) shall be charged.</u> |

The salary of any office that is the basis for calculating the filing fee is the starting salary for the office, rather than the salary received by the incumbent, if different. If no starting salary can be determined for the office, then the salary used for calculation is the salary of the incumbent, as of January 1 of the election year."

**SECTION 4.** This act becomes effective January 1, 2010, and applies with respect to elections held on or after that date.