

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 76
Committee Substitute Favorable 4/1/09
PROPOSED COMMITTEE SUBSTITUTE H76-PCS10829-LAf-10

Short Title: School Board Candidate Filing Fee.

(Public)

Sponsors:

Referred to:

February 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO SET A NEW MINIMUM FILING FEE FOR BOARD OF EDUCATION
3 CANDIDACY.

4 The General Assembly of North Carolina enacts:

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

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

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

17 **"§ 163-291. Partisan primaries and elections.**

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

24 ...

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



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1 ected on a partisan basis shall be one percent (1%) of the annual salary of
 2 the office sought or twenty-five dollars (\$25.00), whichever is greater. The
 3 fee shall be paid to the board of elections at the time notice of candidacy is
 4 filed."

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

6 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay
 7 to the board of elections with which he files under the provisions of G.S. 163-106 a filing fee
 8 for the office he seeks in the amount specified in the following tabulation:
 9

Office Sought	Amount of Filing Fee
10 Governor	One percent (1%) of the annual salary of the office sought
11 Lieutenant Governor	One percent (1%) of the annual salary of the office sought
12 All State executive offices	One percent (1%) of the annual salary of the office sought
13 All District Attorneys of the General Court of Justice	One percent (1%) of the annual salary of the office sought
14 United States Senator	One percent (1%) of the annual salary of the office sought
15 Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
16 State Senator	One percent (1%) of the annual salary of the office sought
17 Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought
18 All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
19 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)
20 <u>Members of boards of education</u>	<u>One percent (1%) of the annual salary of the office sought or twenty-five dollars (\$25.00), whichever is greater.</u>

21 The salary of any office that is the basis for calculating the filing fee is the starting salary
 22 for the office, rather than the salary received by the incumbent, if different. If no starting salary
 23 can be determined for the office, then the salary used for calculation is the salary of the
 24 incumbent, as of January 1 of the election year."
 25

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