

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 456
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PROPOSED COMMITTEE SUBSTITUTE S456-PCS15175-ST-47

Short Title: Candidate List Party or Unaffiliated Status. (Public)

Sponsors:

Referred to:

March 30, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW A CANDIDATE TO LIST PARTY AFFILIATION OR
3 UNAFFILIATED STATUS ON THE BALLOT IN ALL ELECTIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 115C-37(a) reads as rewritten:

6 "(a) Method of Election. – The county boards of education shall be elected on a
7 nonpartisan basis at the time of the primary election in 1970 and biennially thereafter.
8 ~~The~~Unless a candidate in the notice of candidacy under G.S. 163-106 chooses to list the
9 political party recognized under Article 9 of Chapter 163 of the General Statutes that the
10 candidate is affiliated with, the names of the candidates shall be printed on the ballots without
11 reference to any party affiliation and any qualified voter residing in the county shall be entitled
12 to vote such ballots. A candidate not affiliated with a political party may also list that status on
13 the ballot by so providing in the notice of candidacy under G.S. 163-106. Except as otherwise
14 provided herein, the election shall be conducted according to the provisions of Chapter 163 of
15 the General Statutes then governing primary elections."

16 **SECTION 1.(b)** Chapter 115C of the General Statutes is amended by adding a new
17 section to read:

18 **§ 115C-37.2. Nonpartisan elections under local act.**

19 Whenever a local act or plan of consolidation and merger provides that an election for a
20 county or city or merged board of education is to be elected on a nonpartisan basis, unless a
21 candidate in the notice of candidacy provided by law chooses to list the political party
22 recognized under Article 9 of Chapter 163 of the General Statutes with which the candidate is
23 affiliated, the names of the candidates shall be printed on the ballots without reference to any
24 party affiliation. A candidate not affiliated with a political party may also list that status on the
25 ballot by so providing in the notice of candidacy provided by law."

26 **SECTION 2.** G.S. 130A-50(c) reads as rewritten:

27 "(c) The election shall be nonpartisan and decided by simple plurality as provided in
28 G.S. 163-292 and shall be held and conducted by the county board of elections in accordance
29 with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.
30 Unless a candidate in the notice of candidacy under this section chooses to list the political
31 party recognized under Article 9 of this Chapter with which the candidate is affiliated, the
32 names of the candidates shall be printed on the ballots without reference to any party affiliation.



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1 A candidate not affiliated with a political party may also list that status on the ballot by so
2 providing in the notice of candidacy under this section. If the district is in more than one
3 county, then the county board of elections of the county including the largest part of the district
4 shall conduct the election for the entire district with the assistance and full cooperation of the
5 boards of elections in the other counties."

6 **SECTION 3.** G.S. 163-165.5 reads as rewritten:

7 **"§ 163-165.5. Contents of official ballots.**

8 Each official ballot shall contain all the following elements:

- 9 (1) The heading prescribed by the State Board of Elections. The heading shall
10 include the term "Official Ballot".
- 11 (2) The title of each office to be voted on and the number of seats to be filled in
12 each ballot item.
- 13 (3) The names of the candidates as they appear on their notice of candidacy filed
14 pursuant to G.S. 163-106 or G.S. 163-323, or on petition forms filed in
15 accordance with G.S. 163-122. No title, appendage, or appellation indicating
16 rank, status, or position shall be printed on the official ballot in connection
17 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
18 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
19 notice of candidacy or qualifying petition, but the nickname shall appear
20 according to standards adopted by the State Board of Elections. Those
21 standards shall allow the presentation of legitimate nicknames in ways that
22 do not mislead the voter or unduly advertise the candidacy. In the case of
23 candidates for presidential elector, the official ballot shall not contain the
24 names of the candidates for elector but instead shall contain the nominees for
25 President and Vice President which the candidates for elector represent. The
26 State Board of Elections shall establish a review procedure that local boards
27 of elections shall follow to ensure that candidates' names appear on the
28 official ballot in accordance with this subdivision.
- 29 (4) Party designations in partisan ballot ~~items~~ items and in nonpartisan ballot
30 items as requested by the candidate.
- 31 (5) A means by which the voter may cast write-in votes, as provided in
32 G.S. 163-123. No space for write-ins is required unless a write-in candidate
33 has qualified under G.S. 163-123 or unless the ballot item is exempt from
34 G.S. 163-123.
- 35 (6) Instructions to voters, unless the State Board of Elections allows instructions
36 to be placed elsewhere than on the official ballot.
- 37 (7) The printed title and facsimile signature of the chair of the county board of
38 elections."

39 **SECTION 4.** G.S. 163-165.6(e) reads as rewritten:

40 "(e) Straight-Party Voting. – Each official ballot shall be arranged so that the voter may
41 cast one vote for a party's nominees for all offices except President and Vice President. A vote
42 for President and Vice President shall be cast separately from a straight-party vote. The official
43 ballot shall be prepared so that a voter may cast a straight-party vote, but then make an
44 exception to that straight-party vote by voting for a candidate not nominated by that party or by
45 voting for fewer than all the candidates nominated by that party. The official ballot shall clearly
46 indicate that nonpartisan races with party designations are not included in the straight-party
47 vote. Instructions for general election ballots shall clearly advise voters of the rules in this
48 subsection and of the statutes providing for the counting of ballots."

49 **SECTION 5.** G.S. 163-323 is amended by adding a new subsection to read:

50 "(h) Unless a candidate in the notice of candidacy under this section chooses to list the
51 political party recognized under Article 9 of this Chapter with which the candidate is affiliated,

1 the names of the candidates shall be printed on the ballots without reference to any party
2 affiliation. A candidate not affiliated with a political party may also list that status on the ballot
3 by so providing in the notice of candidacy under this section."

4 **SECTION 6.** G.S. 163-294.2 is amended by adding a new subsection to read:

5 "(g) Unless a candidate in the notice of candidacy under this section chooses to list the
6 political party recognized under Article 9 of this Chapter with which the candidate is affiliated,
7 the names of the candidates shall be printed on the ballots without reference to any party
8 affiliation. A candidate not affiliated with a political party may also list that status on the ballot
9 by so providing in the notice of candidacy under this section."

10 **SECTION 7.** G.S. 139-6 reads as rewritten:

11 **"§ 139-6. District board of supervisors – elective members; certain duties.**

12 (a) After the issuance of the certificate of organization of the soil and water
13 conservation district by the Secretary of State, an election shall be held in each county of the
14 district to elect the members of the soil and water conservation district board of supervisors as
15 herein provided.

16 (b) The district board of supervisors shall consist of three elective members to be
17 elected in each county of the district, and that number of appointive members as provided in
18 G.S. 139-7. Upon the creation of a district, the first election of the members shall be held at the
19 next succeeding election for county officers.

20 All elections for members of the district board of supervisors shall be held at the same time
21 as the regular election for county officers beginning in November 1974. The election shall be
22 nonpartisan and no primary election shall be held. The election shall be held and conducted by
23 the county board of elections.

24 Candidates shall file their notice of candidacy on forms prescribed by the county board of
25 elections. The notice of candidacy must be filed no earlier than noon on the second Monday in
26 June and no later than noon on the first Friday in July preceding the election. The candidate
27 shall pay a filing fee of five dollars (\$5.00) at the time of filing the notice of candidacy.

28 Unless a candidate in the notice of candidacy under this section chooses to list the political
29 party recognized under Article 9 of Chapter 163 of the General Statutes with which the
30 candidate is affiliated, the names of the candidates shall be printed on the ballots without
31 reference to any party affiliation. A candidate not affiliated with a political party may also list
32 that status on the ballot by so providing in the notice of candidacy under this section.

33 (c) Beginning with the election to be held in November 1974, the two candidates
34 receiving the highest number of votes shall be elected for a term of four years, and the
35 candidate receiving the next highest number of votes shall be elected for a term of two years;
36 thereafter, as their terms expire, their successors shall be elected for terms of four years. If the
37 position of district supervisor is not filled by failure to elect, then the office shall be deemed
38 vacant upon the expiration of the term of the incumbent, and the office shall be filled as
39 provided in G.S. 139-7.

40 The persons elected in 1974 and thereafter shall take office on the first Monday in
41 December following their election.

42 The terms of the present members of the soil and water conservation districts, both elective
43 and appointive members, are hereby extended to or terminated on the first Monday in
44 December 1974.

45 All qualified voters of the district shall be eligible to vote in the election. Except as
46 provided in this Chapter, the election shall be held in accordance with the applicable provisions
47 of Articles 23 and 24 of Chapter 163 of the General Statutes.

48 (d) The district board of supervisors, after the appointment of the appointive members
49 has been made, shall select from its members a chairman, a vice-chairman and a secretary. It
50 shall be the duty of the district board of supervisors to perform those powers, duties, and
51 authority conferred upon supervisors under this Chapter; to develop annual county and district

1 goals and plans for soil conservation work therein; to request agencies, whose duties are such
2 as to render assistance in soil and water conservation, to set forth in writing what assistance
3 they may have available in the county and district."

4 **SECTION 8.** This act is effective with respect to elections conducted on or after
5 January 1, 2012.