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SENATE DRS45318-LU-35A (01/13)

Short Title: Elections Transparency.

(Public)

Sponsors: Senators Rabin, Tarte, and Sanderson (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD TRANSPARENCY TO CERTAIN ELECTIONS BY REQUIRING THAT
3 ELECTIONS CURRENTLY CONDUCTED ON A NONPARTISAN BASIS BE
4 CONDUCTED ON A PARTISAN BASIS AND TO MAKE VARIOUS CONFORMING
5 STATUTORY CHANGES.

6 The General Assembly of North Carolina enacts:

7
8 **Part 1. County Boards of Education Elections**

9 **SECTION 1.1.** G.S. 115C-37 reads as rewritten:

10 **"§ 115C-37. Election of board members.**

11 (a) Method of Election. – The county boards of education shall be elected biennially on
12 a ~~nonpartisan~~partisan basis at the time of the primary election in 1970 and biennially thereafter.
13 ~~The names of the candidates shall be printed on the ballots without reference to any party~~
14 ~~affiliation and any qualified voter residing in the county shall be entitled to vote such~~
15 ~~ballots.~~general election. Notwithstanding any provision of G.S. 153A-3 to the contrary, a local
16 act shall not supersede the method of partisan election provided for in this subsection. Except
17 as otherwise provided herein, the election shall be conducted according to the provisions of
18 Chapter 163 of the General ~~Statutes then governing primary elections.~~Statutes.

19 The terms of office of the members shall be staggered so as nearly equal to one half as
20 possible shall expire every two years.

21 (b) County Board of Elections to Provide for Elections. – The county board of elections
22 under the direction of the State Board of Elections, shall make all necessary provisions for
23 elections of county boards of education as are herein provided for. The county board of
24 elections of each county shall file with the State Board of Elections a statement specifying the
25 size and method of election of members of its county board of education.

26 (c) City Board of Education. – The board of education for any city administrative unit
27 shall be appointed or elected as now provided by law. If the board of education is elected, it
28 shall be elected biennially on a partisan basis. Notwithstanding any provision of G.S. 160A-3 to
29 the contrary, a local act shall not supersede the method of partisan election provided for in this
30 subsection.

31 The election of the board of education for a city administrative unit shall be conducted
32 according to the provisions of Articles 23 and 24 of Chapter 163 of the General Statutes
33 governing partisan elections.

34 If no provision is now made by the law for the filling of vacancies ~~in the membership of~~
35 appointed members of any city board of education, such vacancy may be filled by the
36 governing body of the city or town embraced by said administrative unit. In the event that any



1 such vacancy is not filled in this manner within 30 days, the State Board of Education may fill
2 such vacancy.

3 (d) Members to Qualify. – Each county board of education shall hold a meeting in
4 December following the election. At that meeting, newly elected members of the board of
5 education shall qualify by taking the oath of office prescribed in Article VI, Sec. 7 of the
6 Constitution.

7 This subsection shall not have the effect of repealing any local or special acts relating to
8 boards of education of any particular counties whose membership to said boards is chosen by a
9 vote of the people.

10 (e) Vacancies in Nominations for Membership on County Boards. – If any candidate
11 nominated on a partisan basis shall die, resign, or for any reason become ineligible or
12 disqualified between the date of his or her nomination and the time for the election, such
13 vacancy caused thereby may be filled by the actions of the county executive committee of the
14 political party of such candidate.

15 (f) Vacancies in Office. – All vacancies in the membership of the boards of education
16 whose members are elected pursuant to the provisions of ~~subsection (a) of this section~~ by death,
17 resignation, or other causes shall be filled by appointment by the remaining members of the
18 board, of a person to serve until the next election of members of such board, at which time the
19 remaining unexpired term of the office in which the vacancy occurs shall be filled by election.
20 The remaining members of the board shall consult with the executive committee of the
21 nominating political party of the member whose seat is vacant and appoint the person
22 recommended by that party executive committee, if the party executive committee makes a
23 recommendation within 30 days of the occurrence of the vacancy. Whenever only the qualified
24 voters of less than the area of the entire local school administrative unit were eligible to vote
25 for the member whose seat is vacant, the appointing authority must accept the recommendation
26 only if the party executive committee restricted voting to committee members who represent
27 precincts all or part of which were within the territory of the vacating school board member.
28 Notwithstanding any provisions of G.S. 153A-3 or G.S. 160A-3 to the contrary, a local act may
29 not supersede the method of filling vacancies in the membership of boards of education
30 provided for in this subsection.

31 (g) Eligibility for Board Membership; Holding Other Offices. – Any person possessing
32 the qualifications for election to public office set forth in Article VI, Sec. 6 of the Constitution
33 of North Carolina shall be eligible to serve as a member of a local board of education:
34 Provided, however, that any person elected or appointed to a local board of education, and also
35 employed by that board of education, shall resign his or her employment before taking office as
36 a member of that board of education.

37 Membership on a board of education is hereby declared to be an office that, with the
38 exceptions provided above, may be held concurrently with any appointive office, pursuant to
39 Article VI, Sec. 9 of the Constitution, but any person holding an elective office shall not be
40 eligible to serve as a member of a local board of education.

41 ~~(h) Death or Disqualification of Candidate in Nonpartisan Election. – If a candidate dies~~
42 ~~or becomes disqualified after the filing period has closed and before the election, and the~~
43 ~~ballots have not been printed, the county board of elections shall immediately reopen the filing~~
44 ~~period for five days so that additional candidates may file for election. If the ballots have been~~
45 ~~printed at the time the board of elections receives notice of the death or disqualification, the~~
46 ~~board shall reopen the filing period for three days if the board determines it will have time to~~
47 ~~reprint the ballots before the election.~~

48 ~~In the event the board of elections determines that there is not time enough to reopen the~~
49 ~~filing period for three days and to reprint the ballots, then the ballots shall not be reprinted and~~
50 ~~the name of the deceased or disqualified candidate shall remain on the ballot. Votes cast for~~

1 such candidate shall not be considered and the candidates receiving the highest number of votes
2 equal to the number of positions to be filled shall be elected.

3 (i) The local board of education shall revise electoral district boundaries from time to
4 time as provided by this subsection. If district boundaries are set by local act or court order and
5 the act or order does not provide a method for revising them, the local board of education shall
6 revise them only for the purpose of (i) accounting for territory annexed to or excluded from the
7 school administrative unit, and (ii) correcting population imbalances among the districts shown
8 by a new federal census or caused by exclusions or annexations. After the General Assembly
9 has ratified an act establishing district boundaries, the local board of education shall not revise
10 them again until a new federal census of population is taken or territory is annexed to or
11 excluded from the school administrative unit, whichever event first occurs. After the local
12 board of education has revised district boundaries in conformity with this act, the local board of
13 education shall not revise them again until a new federal census of population is taken or
14 territory is annexed to or excluded from the school administrative unit, whichever event occurs
15 first, except that the board may make an earlier revision of district boundaries it has drawn if it
16 must do so to comply with a court order or to gain approval of a district-revision plan by the
17 U.S. Justice Department under Section 5 of the Voting Rights Act. In establishing district
18 boundaries, the local board of education shall use data derived from the most recent federal
19 census."

20 **SECTION 1.2.** G.S. 115C-37.1 is repealed.

21 **SECTION 1.3.** G.S. 115C-67(3) reads as rewritten:

22 "(3) The establishment and maintenance of a board of education which shall
23 administer all the public schools of the newly created unit, including:

24 a. The termination of any terms of office proposed in the reorganization
25 of the board.

26 b. The method of constituting and continuing the board of education;
27 the manner of selection of board members, including (i) the number
28 of members of the board, (ii) the method of their election or
29 appointment, (iii) whether members shall be nominated, elected, or
30 appointed from districts or at large, and (iv) the manner of
31 determining the nominee, ~~and (v) whether the election shall be~~
32 ~~partisan or nonpartisan; nominee;~~ the length of the members' terms of
33 office; the dates of induction into office; the organization of the
34 board; ~~the procedure for filling vacancies;~~ and the compensation to
35 be paid members of the board for expenses incurred in performance
36 of their duties. To Except for the requirements of election on a
37 partisan basis and the filling of vacancies in the membership of a
38 local board of education, to the extent that the method conflicts with
39 G.S. 115C-35, G.S. 115C-37, or with any local act concerning any of
40 the units being merged and consolidated, the plan of merger and
41 consolidation shall prevail."

42 **SECTION 1.4.(a)** This act shall have the effect of repealing any provisions of local
43 or special acts relating to the nonpartisan election of a local board of education and any
44 conflicting methods of filling vacancies in the membership of boards of education than as
45 required by G.S. 115C-37(f), as amended by this act. This act shall not affect the filling of a
46 vacancy on a local board of education that occurs for a seat elected prior to the effective date of
47 this act.

48 **SECTION 1.4.(b)** Any local act requiring a board of education election to be
49 conducted in an odd-numbered year shall be held as a partisan election beginning in 2017.

50
51 **Part 2. Judicial Elections**

1 **SECTION 2.1.** G.S. 18C-112(e)(1) reads as rewritten:

2 "(e) If any member takes any of the following actions, the member vacates office as a
3 member of the Commission and the vacancy shall be filled as provided by G.S. 18C-111(c):

4 (1) Files a notice of candidacy under G.S. 163-106 ~~or G.S. 163-323~~ or a petition
5 under ~~G.S. 163-107.1 or G.S. 163-325~~ G.S. 163-107.1."

6 **SECTION 2.2.** G.S. 163-1(b) reads as rewritten:

7 "(b) On Tuesday next after the first Monday in May preceding each general election to
8 be held in November for the officers referred to in subsection (a) of this section, there shall be
9 held in all election precincts within the territory for which the officers are to be elected a
10 primary election for the purpose of nominating candidates for each political party in the State
11 for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of~~
12 ~~Article 25 of this Chapter, offices.~~"

13 **SECTION 2.3.** G.S. 163-22.3 reads as rewritten:

14 "**§ 163-22.3. State Board of Elections littering notification.**

15 At the time an individual files with the State Board of Elections a notice of candidacy
16 pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323, or 163-294.2,~~ is certified
17 to the State Board of Elections by a political party executive committee to fill a nomination
18 vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political
19 party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of
20 Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or
21 formally initiates a candidacy with the State Board of Elections pursuant to any statute or local
22 act, the State Board of Elections shall notify the candidate of the provisions concerning
23 campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of
24 Transportation pursuant to G.S. 136-18."

25 **SECTION 2.4.** G.S. 163-82.10B reads as rewritten:

26 "**§ 163-82.10B. Confidentiality of date of birth.**

27 Boards of elections shall keep confidential the date of birth of every voter-registration
28 applicant and registered voter, except in the following situations:

29 (1) When a voter has filed notice of candidacy for elective office under
30 G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been
31 nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has
32 otherwise formally become a candidate for elective office. The exception of
33 this subdivision does not extend to an individual who meets the definition of
34 "candidate" only by beginning a tentative candidacy by receiving funds or
35 making payments or giving consent to someone else to receive funds or
36 transfer something of value for the purpose of exploring a candidacy.

37 (2) When a voter is serving in an elective office.

38 (3) When a voter has been challenged pursuant to Article 8 of this Chapter.

39 (4) When a voter-registration applicant or registered voter expressly authorizes
40 in writing the disclosure of that individual's date of birth.

41 (5) When requested by a county jury commission established pursuant to
42 G.S. 9-1 for purposes of preparing the master jury list in that county
43 pursuant to G.S. 9-2.

44 The disclosure of an individual's age does not constitute disclosure of date of birth in
45 violation of this section.

46 The county board of elections shall give precinct officials access to a voter's date of birth
47 where necessary for election administration, consistent with the duty to keep dates of birth
48 confidential.

49 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of
50 action. This limitation of liability does not apply to the disclosure of a date of birth in violation

1 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing
2 that would otherwise be actionable."

3 **SECTION 2.5.** G.S. 163-106 reads as rewritten:

4 **"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.**

5 ...

6 (c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
7 nominations for the following offices shall file their notice of candidacy with the State Board of
8 Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00
9 noon on the last business day in February preceding the primary:

10 Governor

11 Lieutenant Governor

12 All State executive officers

13 Justices of the Supreme Court

14 Judges of the Court of Appeals

15 Judges of the superior court

16 Judges of the district court

17 United States Senators

18 Members of the House of Representatives of the United States

19 District attorneys

20 Candidates seeking party primary nominations for the following offices shall file their
21 notice of candidacy with the county board of elections no earlier than 12:00 noon on the second
22 Monday in February and no later than 12:00 noon on the last business day in February
23 preceding the primary:

24 State Senators

25 Members of the State House of Representatives

26 All county offices.

27 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in
28 which there are two or more vacancies for associate justices for the Supreme Court, two or
29 more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two
30 vacancies for United States Senator from North Carolina, each candidate shall, at the time of
31 filing notice of candidacy, file with the State Board of Elections a written statement designating
32 the vacancy to which ~~he~~the candidate seeks nomination. A person seeking election for a
33 specialized district judgeship established under G.S. 7A-147 shall, at the time of filing notice of
34 candidacy, file with the State Board of Elections a written statement designating the specialized
35 judgeship to which the person seeks nomination. Votes cast for a candidate shall be effective
36 only for his–nomination to the vacancy for which he–the candidate has given notice of
37 candidacy as provided in this subsection.

38 ...

39 (f) Candidates required to file their notice of candidacy with the State Board of
40 Elections under subsection (c) of this section shall file along with their notice a certificate
41 signed by the chairman of the board of elections or the director of elections of the county in
42 which they are registered to vote, stating that the person is registered to vote in that county, if
43 the candidacy is for superior court judge and the county contains more than one superior court
44 district, stating the superior court district of which the person is a resident, stating the party
45 with which the person is affiliated, and that the person has not changed his affiliation from
46 another party or from unaffiliated within three months prior to the filing deadline under
47 subsection (c) of this section. In issuing such certificate, the chairman or director shall check
48 the registration records of the county to verify such information. During the period
49 commencing 36 hours immediately preceding the filing deadline the State Board of Elections
50 shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to
51 secure the verification ordered herein subject to receipt of verification no later than three days

1 following the filing deadline. The State Board of Elections shall prescribe the form for such
 2 certificate, and distribute it to each county board of elections no later than the last Monday in
 3 December of each odd-numbered year.

4 ...
 5 (j) No person may file a notice of candidacy for superior court judge, unless that person
 6 is, at the time of filing the notice of candidacy, a resident of the judicial district as it will exist
 7 at the time the person would take office if elected. No person may be nominated as a superior
 8 court judge under G.S. 163-114, unless that person is, at the time of nomination, a resident of
 9 the judicial district as it will exist at the time the person would take office if elected. This
 10 subsection implements Section 9(1) of Article IV of the North Carolina Constitution which
 11 requires regular superior court judges to reside in the district for which elected."

12 **SECTION 2.6.** G.S. 163-107(a) reads as rewritten:

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

17 Office Sought	17 Amount of Filing Fee
18 Governor	One percent (1%) of the annual salary of the office sought
19 Lieutenant Governor	One percent (1%) of the annual salary of the office sought
20 All State executive offices	One percent (1%) of the annual salary of the office sought
21 <u>All Justices, Judges, and</u>	One percent (1%) of the annual salary of the office sought
22 <u>District Attorneys of the General</u>	
23 <u>Court of Justice</u>	
24 United States Senator	One percent (1%) of the annual salary of the office sought
25 Members of the United States House	One percent (1%) of the annual salary of the office sought
26 of Representatives	
27 State Senator	One percent (1%) of the annual salary of the office sought
28 Member of the State House of	One percent (1%) of the annual salary of the office sought
29 Representatives	
30 All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
31 All county offices compensated partly	One percent (1%) of the first annual salary to be received (exclusive of fees)
32 by salary and partly by fees	

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

37 **SECTION 2.7.** G.S. 163-107.1 reads as rewritten:

38 **"§ 163-107.1. Petition in lieu of payment of filing fee.**

39 (a) Any qualified voter who seeks nomination in the party primary of the political party
 40 with which he affiliates may, in lieu of payment of any filing fee required for the office he
 41 seeks, file a written petition requesting him to be a candidate for a specified office with the
 42 appropriate board of elections, State, county or municipal.

43 (b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant
 44 Governor, ~~or~~any State executive officer, Justice of the Supreme Court, or Judge of the Court of
 45 Appeals, the petition must be signed by 10,000 registered voters who are members of the

1 political party in whose primary the candidate desires to run, except that in the case of a
2 political party as defined by G.S. 163-96(a)(2) which will be making nominations by primary
3 election, the petition must be signed by five percent (5%) of the registered voters of the State
4 who are affiliated with the same political party in whose primary the candidate desires to run,
5 or in the alternative, the petition shall be signed by no less than 8,000 registered voters
6 regardless of the voter's political party affiliation, whichever requirement is greater. If the
7 office is superior court judge or district court judge, the petition shall be signed by ten percent
8 (10%) of the registered voters of the election area voting for that office. The petition must be
9 filed with the State Board of Elections not later than 12:00 noon on Monday preceding the
10 filing deadline before the primary in which he seeks to run. The names on the petition shall be
11 verified by the board of elections of the county where the signer is registered, and the petition
12 must be presented to the county board of elections at least 15 days before the petition is due to
13 be filed with the State Board of Elections. When a proper petition has been filed, the
14 candidate's name shall be printed on the primary ballot.

15 (c) County, Municipal and District Primaries. – If the candidate is seeking one of the
16 offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a
17 municipal or any other office requiring a partisan primary which is not set forth in
18 G.S. 163-106(c) or (d), ~~he~~ the candidate shall file a written petition with the appropriate board
19 of elections no later than 12:00 noon on Monday preceding the filing deadline before the
20 primary. The petition shall be signed by five percent (5%) of the registered voters of the
21 election area in which the office will be voted for, who are affiliated with the same political
22 party in whose primary the candidate desires to run, or in the alternative, the petition shall be
23 signed by no less than 200 registered voters regardless of said voter's political party affiliation,
24 whichever requirement is greater. The board of elections shall verify the names on the petition,
25 and if the petition is found to be sufficient, the candidate's name shall be printed on the
26 appropriate primary ballot. Petitions for candidates for member of the U.S. House of
27 Representatives, District Attorney, judge of the superior court, judge of the district court, and
28 members of the State House of Representatives from multi-county districts or members of the
29 State Senate from multi-county districts must be presented to the county board of elections for
30 verification at least 15 days before the petition is due to be filed with the State Board of
31 Elections, and such petition must be filed with the State Board of Elections no later than 12:00
32 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to
33 implement this section and to provide standard petition forms.

34 ~~(d) Nonpartisan Primaries and Elections. — Any qualified voter who seeks to be a~~
35 ~~candidate in any nonpartisan primary or election may, in lieu of payment of the filing fee~~
36 ~~required, file a written petition signed by five percent (5%) of the registered voters in the~~
37 ~~election area in which the office will be voted for with the appropriate board of elections. Any~~
38 ~~qualified voter may sign the petition. The petition shall state the candidate's name, address and~~
39 ~~the office which he is seeking. The petition must be filed with the appropriate board of~~
40 ~~elections no later than 60 days prior to the filing deadline for the primary or election, and if~~
41 ~~found to be sufficient, the candidate's name shall be printed on the ballot."~~

42 **SECTION 2.8.** G.S. 163-111(c)(1) reads as rewritten:

43 "(c) Procedure for Requesting Second Primary.

44 (1) A candidate who is apparently entitled to demand a second primary,
45 according to the unofficial results, for one of the offices listed below, and
46 desiring to do so, shall file a request for a second primary in writing with the
47 Executive Director of the State Board of Elections no later than 12:00 noon
48 on the ninth day (including Saturdays and Sundays) following the date on
49 which the primary was conducted, and such request shall be subject to the
50 certification of the official results by the State Board of Elections. If the vote
51 certification by the State Board of Elections determines that a candidate who

was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Director of the State Board of Elections shall immediately notify such candidate and permit ~~him~~ the candidate to exercise any options available to ~~him~~ the candidate within a 48-hour period following the notification:

- Governor,
- Lieutenant Governor,
- All State executive officers,
- Justices, Judges, or District Attorneys of the General Court of Justice,
- United States Senators,
- Members of the United States House of Representatives,
- State Senators in multi-county senatorial districts, and
- Members of the State House of Representatives in multi-county representative districts."

SECTION 2.9. G.S. 163-114 reads as rewritten:

"§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.

If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

Position President Vice President	Vacancy is to be filled by appointment of national executive committee of political party in which vacancy occurs
Presidential elector or alternate elector Any elective State office United States Senator	Vacancy is to be filled by appointment of State executive committee of political party in which vacancy occurs
A district office, including: Member of the United States House of Representatives <u>Judge of district court</u> District Attorney State Senator in a multi-county senatorial district Member of State House of Representatives in a multi-county representative district	Appropriate district executive committee of political party in which vacancy occurs
State Senator in a single-county senatorial district Member of State House of Representatives in a single-county representative district Any elective county office	County executive committee of political party in which vacancy occurs, provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside

Judge of superior court in a single-county judicial district where the district is the whole county or part of the county

within the district shall vote County executive committee of political party in which vacancy occurs; provided, in the case of a superior court judge in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote

Judge of superior court in a multicounty judicial district

Appropriate district executive committee of political party in which vacancy occurs.

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days before the general election.

In a county which is partly in a multicounty judicial district, in choosing that county's member or members of the judicial district executive committee for the multicounty district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multicounty district may vote.

In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote.

An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to be nominated to fill a vacancy in the nomination of another party for the same office in the same year."

SECTION 2.10. G.S. 163-122(c) is repealed.

SECTION 2.11. G.S. 163-123(g) is repealed.

SECTION 2.12. G.S. 163-165.5(3) reads as rewritten:

"§ 163-165.5. Contents of official ballots.

Each official ballot shall contain all the following elements:

...

- 1 (3) The names of the candidates as they appear on their notice of candidacy filed
 2 pursuant to G.S. 163-106 ~~or G.S. 163-323~~, or on petition forms filed in
 3 accordance with G.S. 163-122. No title, appendage, or appellation indicating
 4 rank, status, or position shall be printed on the official ballot in connection
 5 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
 6 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
 7 notice of candidacy or qualifying petition, but the nickname shall appear
 8 according to standards adopted by the State Board of Elections. Those
 9 standards shall allow the presentation of legitimate nicknames in ways that
 10 do not mislead the voter or unduly advertise the candidacy. In the case of
 11 candidates for presidential elector, the official ballot shall not contain the
 12 names of the candidates for elector but instead shall contain the nominees for
 13 President and Vice President which the candidates for elector represent. The
 14 State Board of Elections shall establish a review procedure that local boards
 15 of elections shall follow to ensure that candidates' names appear on the
 16 official ballot in accordance with this subdivision."

17 **SECTION 2.13.** Subchapter X (Article 25) of Chapter 163 of the General Statutes
 18 is repealed.

20 **Part 3. Municipal Elections**

21 **SECTION 3.1.** G.S. 160A-23.1(d) reads as rewritten:

22 "(d) If the council adopts the resolution provided for in subsection (a) of this section and
 23 does not adopt the changes, or does adopt the changes, but approval under the Voting Rights
 24 Act of 1965, as amended, is required, and notice of such approval is not received, by the end of
 25 the third day before the opening of the filing period, the municipal election shall be rescheduled
 26 as provided in this subsection and current officeholders shall hold over until their successors
 27 are elected and qualified. ~~For cities using the:~~ Pursuant to G.S. 163-291, the primary shall be
 28 held on the primary election date for county officers in the second year following a federal
 29 decennial census, the second primary, if necessary, shall be held on the second primary election
 30 date for county officers in that year, and the general election shall be held on the general
 31 election date for county officers in that year.

- 32 ~~(1) Partisan primary and election method under G.S. 163-291, the primary shall~~
 33 ~~be held on the primary election date for county officers in the second year~~
 34 ~~following a federal decennial census, the second primary, if necessary, shall~~
 35 ~~be held on the second primary election date for county officers in that year,~~
 36 ~~and the general election shall be held on the general election date for county~~
 37 ~~officers in that year.~~
- 38 ~~(2) Nonpartisan primary and election method under G.S. 163-294, the primary~~
 39 ~~shall be held on the primary election date for county officers in the second~~
 40 ~~year following a federal decennial census, and the election shall be held on~~
 41 ~~the date for the second primary for county officers in that year.~~
- 42 ~~(3) Nonpartisan plurality election method under G.S. 163-292, the election shall~~
 43 ~~be held on the primary election date for county officers in the second year~~
 44 ~~following a federal decennial census.~~
- 45 ~~(4) Election and runoff method under G.S. 163-293, the election shall be held on~~
 46 ~~the primary election date for county officers in the second year following a~~
 47 ~~federal decennial census, and the runoffs, if necessary, shall be held on the~~
 48 ~~date for the second primary for county officers in that year.~~

49 The organizational meeting of the new council may be held at any time after the results of
 50 the election have been officially determined and published, but not later than the time and date
 51 of the first regular meeting of the council in November of the second year following a federal

1 decennial census, except in the case of partisan municipal elections, when the organizational
 2 meeting shall be held not later than the time and date of the first regular meeting of the council
 3 in December of the second year following a federal decennial census."

4 **SECTION 3.2.** G.S. 160A-101 reads as rewritten:

5 **"§ 160A-101. Optional forms.**

6 Any city may change its name or alter its form of government by adopting any one or
 7 combination of the options prescribed by this section:

8 ...
 9 (6) Mode of election of the council:

10 ...
 11 e. The city shall be divided into single-member electoral districts;
 12 council members shall be apportioned to the districts so that each
 13 member represents the same number of persons as nearly as possible,
 14 except for members apportioned to the city at large, if any; ~~in a~~
 15 ~~nonpartisan primary, the qualified voters of each district shall~~
 16 ~~nominate two candidates who reside in the district, and the qualified~~
 17 ~~voters of the entire city shall nominate two candidates for each seat~~
 18 ~~apportioned to the city at large, if any; and all candidates shall be~~
 19 ~~elected by all the qualified voters of the city.~~

20 If either of options b, c, d or e is adopted, the council shall divide the city
 21 into the requisite number of single-member electoral districts according to
 22 the apportionment plan adopted, and shall cause a map of the districts so laid
 23 out to be drawn up and filed as provided by G.S. 160A-22 and 160A-23. No
 24 more than one half of the council may be apportioned to the city at large. An
 25 initiative petition may specify the number of single-member electoral
 26 districts to be laid out, but the drawing of district boundaries and
 27 apportionment of members to the districts shall be done in all cases by the
 28 council.

29 (7) Elections:

30 Municipal primaries and elections shall be conducted on a partisan basis
 31 as provided in G.S. 163-291.

- 32 a. ~~Partisan.~~ Municipal primaries and elections shall be conducted on a
 33 ~~partisan basis as provided in G.S. 163-291.~~
- 34 b. ~~Nonpartisan Plurality.~~ Municipal elections shall be conducted as
 35 ~~provided in G.S. 163-292.~~
- 36 c. ~~Nonpartisan Election and Runoff Election.~~ Municipal elections and
 37 ~~runoff elections shall be conducted as provided in G.S. 163-293.~~
- 38 d. ~~Nonpartisan Primary and Election.~~ Municipal primaries and
 39 ~~elections shall be conducted as provided in G.S. 163-294.~~

40"

41 **SECTION 3.3.** Subchapter IX of Chapter 163 of the General Statutes reads as
 42 rewritten:

43 **"Subchapter IX. Municipal Elections.**

44 "Article 23.

45 "Municipal Election Procedure.

46 **"§ 163-279. Time of municipal primaries and elections.**

47 (a) Primaries and elections for offices filled by election of the people in cities, towns,
 48 incorporated villages, and special districts shall be held in 1973 and every two or four years
 49 thereafter as provided by municipal charter on the following days: thereafter on a partisan basis.
 50 The election shall be held on Tuesday after the first Monday in November, the first primary

1 shall be held on the second Tuesday after Labor Day, and the second primary, if required, shall
2 be held on the fourth Tuesday before the election.

3 (1) ~~If the election is nonpartisan and decided by simple plurality, the election
4 shall be held on Tuesday after the first Monday in November.~~

5 (2) ~~If the election is partisan, the election shall be held on Tuesday after the first
6 Monday in November, the first primary shall be held on the second Tuesday
7 after Labor Day, and the second primary, if required, shall be held on the
8 fourth Tuesday before the election.~~

9 (3) ~~If the election is nonpartisan and the nonpartisan primary method of election
10 is used, the election shall be held on Tuesday after the first Monday in
11 November and the nonpartisan primary shall be held on the fourth Tuesday
12 before the election.~~

13 (4) ~~If the election is nonpartisan and the election and runoff election method of
14 election is used, the election shall be held on the fourth Tuesday before the
15 Tuesday after the first Monday in November, and the runoff election, if
16 required, shall be held on Tuesday after the first Monday in November.~~

17 (b) Repealed by Session Laws 2011-141, s. 1(a), effective July 1, 2011.

18 (c) Officers of sanitary districts elected in 1970 shall hold office until the first Monday
19 in December, 1973, notwithstanding G.S. 130-126. Beginning in 1973, sanitary district
20 elections shall be held at the times provided in this section or in G.S. 130A-50(b1).

21 ...

22 ~~"§ 163-283.1. Voting in nonpartisan primary.~~

23 ~~Any person who will become qualified by age to register and vote in the general election
24 for which a nonpartisan primary is held, even though not so qualified by the date of the
25 primary, shall be entitled to register for the primary and general election prior to the primary
26 and then to vote in the primary after being registered. Such a person may register not earlier
27 than 60 days nor later than the last day for making application to register under
28 G.S. 163-82.6(c) prior to the primary.~~

29 ...

30 ~~"§ 163-290. Alternative methods~~Method of determining the results of municipal elections.

31 (a) ~~Each city, town, village, and special district in this State shall operate under one of
32 the following alternative methods of nominating candidates for and determining the results of
33 its elections: nominate candidates for and determine the results of its elections on a partisan
34 basis in accordance with G.S. 163-291. Notwithstanding any provision of G.S. 160A-3 to the
35 contrary, a local act shall not supersede the method of partisan election provided for in this
36 subsection.~~

37 (1) ~~The partisan primary and election method set out in G.S. 163-291.~~

38 (2) ~~The nonpartisan primary and election method set out in G.S. 163-294.~~

39 (3) ~~The nonpartisan plurality method set out in G.S. 163-292.~~

40 (4) ~~The nonpartisan election and runoff election method set out in G.S. 163-293.~~

41 (b) ~~Each city whose charter provides for partisan municipal elections as of January 1,
42 1972, shall operate under the partisan primary and election method until such time as its charter
43 is amended to provide for nonpartisan elections. Each city, town, village, and special district
44 whose elections are by charter or general law nonpartisan may select the nonpartisan primary
45 and election method, the nonpartisan plurality method, or the nonpartisan election and runoff
46 election method by resolution of the municipal governing board adopted and filed with the
47 State Board of Elections not later than 5:00 P.M. Monday, January 31, 1972, except that a city
48 whose charter provides for a nonpartisan primary as of January 1, 1972, may not select the
49 plurality method unless its charter is so amended. If the municipal governing board does not
50 exercise its option to select another choice before that time, the municipality shall operate
51 under the method specified in the following table:~~

1	Cities, towns and villages of	
2	less than 5,000	Plurality
3	Cities, towns and villages of	
4	5,000 or more	Election and Runoff Election
5	Special districts	Plurality

6 After January 31, 1972, each city, town and village may change its method of election from
 7 one to another of the methods set out in subsection (a) by act of the General Assembly or in the
 8 manner provided by law for amendment of its charter.

9 "Article 24.

10 "Conduct of Municipal Elections.

11 **"§ 163-291. Partisan primaries and elections.**

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

- 18 (1) The dates of primary and election shall be as provided in G.S. 163-279.
- 19 (2) A candidate seeking party nomination for municipal or district office shall
 20 file notice of candidacy with the board of elections no earlier than 12:00
 21 noon on the first Friday in July and no later than 12:00 noon on the third
 22 Friday in July preceding the election, except:
 - 23 a. In the year following a federal decennial census, a candidate seeking
 24 party nomination for municipal or district office in any city which
 25 elects members of its governing board on a district basis, or requires
 26 that candidates reside in a district in order to run, shall file his notice
 27 of candidacy with the board of elections no earlier than 12:00 noon
 28 on the fourth Monday in July and no later than 12:00 noon on the
 29 second Friday in August preceding the election; and
 - 30 b. In the second year following a federal decennial census, if the
 31 election is held then under G.S. 160A-23.1, a candidate seeking party
 32 nomination for municipal or district office shall file his notice of
 33 candidacy with the board of elections at the same time as notices of
 34 candidacy for county officers are required to be filed under
 35 G.S. 163-106.

36 No person may file a notice of candidacy for more than one municipal
 37 office at the same election. If a person has filed a notice of candidacy for one
 38 office with the county board of elections under this section, then a notice of
 39 candidacy may not later be filed for any other municipal office for that
 40 election unless the notice of candidacy for the first office is withdrawn first.

- 41 (3) The filing fee for municipal and district primaries shall be fixed by the
 42 governing board not later than the day before candidates are permitted to
 43 begin filing notices of candidacy. There shall be a minimum filing fee of five
 44 dollars (\$5.00). The governing board shall have the authority to set the filing
 45 fee at not less than five dollars (\$5.00) nor more than one percent (1%) of
 46 the annual salary of the office sought unless one percent (1%) of the annual
 47 salary of the office sought is less than five dollars (\$5.00), in which case the
 48 minimum filing fee of five dollars (\$5.00) will be charged. The fee shall be
 49 paid to the board of elections at the time notice of candidacy is filed.
- 50 (4) The municipal ballot may not be combined with any other ballot.

1 (5) The canvass of the primary and second primary shall be held on the seventh
2 day following the primary or second primary. In accepting the filing of
3 complaints concerning the conduct of an election, a board of elections shall
4 be subject to the rules concerning Sundays and holidays set forth in
5 G.S. 103-5.

6 (6) Candidates having the right to demand a second primary shall do so not later
7 than 12:00 noon on the Thursday following the canvass of the first primary.

8 ~~"§ 163-292. Determination of election results in cities using the plurality method.~~

9 ~~In conducting nonpartisan elections and using the plurality method, elections shall be~~
10 ~~determined in accordance with the following rules:~~

11 (1) ~~When more than one person is seeking election to a single office, the~~
12 ~~candidate who receives the highest number of votes shall be declared~~
13 ~~elected.~~

14 (2) ~~When more persons are seeking election to two or more offices (constituting~~
15 ~~a group) than there are offices to be filled, those candidates receiving the~~
16 ~~highest number of votes, equal in number to the number of offices to be~~
17 ~~filled, shall be declared elected.~~

18 (3) ~~If two or more candidates receiving the highest number of votes each receive~~
19 ~~the same number of votes, the board of elections shall determine the winner~~
20 ~~by lot.~~

21 ~~"§ 163-293. Determination of election results in cities using the election and runoff~~
22 ~~election method.~~

23 (a) ~~Except as otherwise provided in this section, nonpartisan municipal elections in~~
24 ~~cities using the election and runoff election method shall be determined by a majority of the~~
25 ~~votes cast. A majority within the meaning of this section shall be determined as follows:~~

26 (1) ~~When more than one person is seeking election to a single office, the~~
27 ~~majority shall be ascertained by dividing the total vote cast for all candidates~~
28 ~~by two. Any excess of the sum so ascertained shall be a majority, and the~~
29 ~~candidate who obtains a majority shall be declared elected.~~

30 (2) ~~When more persons are seeking election to two or more offices (constituting~~
31 ~~a group) than there are offices to be filled, the majority shall be ascertained~~
32 ~~by dividing the total vote cast for all candidates by the number of offices to~~
33 ~~be filled, and by dividing the result by two. Any excess of the sum so~~
34 ~~ascertained shall be a majority, and the candidates who obtain a majority~~
35 ~~shall be declared elected. If more candidates obtain a majority than there are~~
36 ~~offices to be filled, those having the highest vote (equal to the number of~~
37 ~~offices to be filled) shall be declared elected.~~

38 (b) ~~If no candidate for a single office receives a majority of the votes cast, or if an~~
39 ~~insufficient number of candidates receives a majority of the votes cast for a group of offices, a~~
40 ~~runoff election shall be held as herein provided:~~

41 (1) ~~If no candidate for a single office receives a majority of the votes cast, the~~
42 ~~candidate receiving the highest number of votes shall be declared elected~~
43 ~~unless the candidate receiving the second highest number of votes requests a~~
44 ~~runoff election in accordance with subsection (c) of this section. In the~~
45 ~~runoff election only the names of the two candidates who received the~~
46 ~~highest and next highest number of votes shall be printed on the ballot. No~~
47 ~~space for write in votes shall be included on the ballot for the runoff~~
48 ~~election.~~

49 (2) ~~If candidates for two or more offices (constituting a group) are to be selected~~
50 ~~and aspirants for some or all of the positions within the group do not receive~~
51 ~~a majority of the votes, those candidates equal in number to the positions~~

1 remaining to be filled and having the highest number of votes shall be
2 declared elected unless some one or all of the candidates equal in number to
3 the positions remaining to be filled and having the second highest number of
4 votes shall request a runoff election in accordance with subsection (c) of this
5 section. In the runoff election to elect candidates for the positions in the
6 group remaining to be filled, the names of all those candidates receiving the
7 highest number of votes and demanding a runoff election shall be printed on
8 the ballot. No space for write-in votes shall be included on the ballot for the
9 runoff election.

10 (c) ~~The canvass of the first election shall be held on the seventh day after the election.~~
11 ~~A candidate entitled to a runoff election may do so by filing a written request for a runoff~~
12 ~~election with the board of elections no later than 12:00 noon on the Thursday after the result of~~
13 ~~the first election has been officially declared. In accepting the filing of complaints concerning~~
14 ~~the conduct of an election, a board of elections shall be subject to the rules concerning Sundays~~
15 ~~and holidays set forth in G.S. 103-5.~~

16 (d) ~~Tie votes; how determined:~~

17 (1) ~~If there is a tie for the highest number of votes in a first election, the board of~~
18 ~~elections shall conduct a recount and declare the results. If the recount shows~~
19 ~~a tie vote, a runoff election between the two shall be held unless one of the~~
20 ~~candidates, within three days after the result of the recount has been~~
21 ~~officially declared, files a written notice of withdrawal with the board of~~
22 ~~elections. Should that be done, the remaining candidate shall be declared~~
23 ~~elected.~~

24 (2) ~~If one candidate receives the highest number of votes cast in a first election,~~
25 ~~but short of a majority, and there is a tie between two or more of the other~~
26 ~~candidates receiving the second highest number of votes, the board of~~
27 ~~elections shall declare the candidate having the highest number of votes to~~
28 ~~be elected, unless all but one of the tied candidates give written notice of~~
29 ~~withdrawal to the board of elections within three days after the result of the~~
30 ~~first election has been officially declared. If all but one of the tied candidates~~
31 ~~withdraw within the prescribed three day period, and the remaining~~
32 ~~candidate demands a runoff election in accordance with subsection (c) of~~
33 ~~this section, a runoff election shall be held between the candidate who~~
34 ~~received the highest vote and the remaining candidate who received the~~
35 ~~second highest vote.~~

36 (e) ~~Runoff elections shall be held on the date fixed in G.S. 163-279(a)(4). Persons~~
37 ~~whose registrations become valid between the date of the first election and the runoff election~~
38 ~~shall be entitled to vote in the runoff election, but in all other respects the runoff election shall~~
39 ~~be held under the laws, rules, and regulations provided for the first election.~~

40 (f) ~~A second runoff election shall not be held. The candidates receiving the highest~~
41 ~~number of votes in a runoff election shall be elected. If in a runoff election there is a tie for the~~
42 ~~highest number of votes between two candidates, the board of elections shall determine the~~
43 ~~winner by lot.~~

44 **~~§ 163-294. Determination of election results in cities using nonpartisan primaries.~~**

45 (a) ~~In cities whose elections are nonpartisan and who use the nonpartisan primary and~~
46 ~~election method, there shall be a primary to narrow the field of candidates to two candidates for~~
47 ~~each position to be filled if, when the filing period closes, there are more than two candidates~~
48 ~~for a single office or the number of candidates for a group of offices exceeds twice the number~~
49 ~~of positions to be filled. If only one or two candidates file for a single office, no primary shall~~
50 ~~be held for that office and the candidates shall be declared nominated. If the number of~~

1 candidates for a group of offices does not exceed twice the number of positions to be filled, no
2 primary shall be held for those offices and the candidates shall be declared nominated.

3 (b) ~~In the primary, the two candidates for a single office receiving the highest number~~
4 ~~of votes, and those candidates for a group of offices receiving the highest number of votes,~~
5 ~~equal to twice the number of positions to be filled, shall be declared nominated. In both the~~
6 ~~primary and election, a voter should not mark more names for any office than there are~~
7 ~~positions to be filled by election. If two or more candidates receiving the highest number of~~
8 ~~votes each received the same number of votes, the board of elections shall determine their~~
9 ~~relative ranking by lot, and shall declare the nominees accordingly. The canvass of the primary~~
10 ~~shall be held on the seventh day following the primary. In accepting the filing of complaints~~
11 ~~concerning the conduct of an election, a board of elections shall be subject to the rules~~
12 ~~concerning Sundays and holidays set forth in G.S. 103-5.~~

13 (c) ~~In the election, the names of those candidates declared nominated without a primary~~
14 ~~and those candidates nominated in the primary shall be placed on the ballot. The candidate for a~~
15 ~~single office receiving the highest number of votes shall be elected. Those candidates for a~~
16 ~~group of offices receiving the highest number of votes, equal in number to the number of~~
17 ~~positions to be filled, shall be elected. If two candidates receiving the highest number of votes~~
18 ~~each received the same number of votes, the board of elections shall determine the winner by~~
19 ~~lot.~~

20 **"§ 163-294.1. Death of candidates or elected officers.**

21 (a) This section shall apply only to municipal and special district elections.

22 (b) If a candidate for political party nomination for office dies, becomes disqualified, or
23 withdraws before the primary but after the ballots have been printed, the provisions of
24 G.S. 163-112 shall govern.

25 ~~If a candidate for nomination in a nonpartisan municipal primary dies, becomes~~
26 ~~disqualified, or withdraws before the primary but after the ballots have been printed, the board~~
27 ~~of elections shall determine whether or not there is time to reprint the ballots. If the board~~
28 ~~determines that there is not enough time to reprint the ballots, the deceased or disqualified~~
29 ~~candidate's name shall remain on the ballots. If he receives enough votes for nomination, such~~
30 ~~votes shall be disregarded and the candidate receiving the next highest number of votes below~~
31 ~~the number necessary for nomination shall be declared nominated. If the death or~~
32 ~~disqualification of the candidate leaves only two candidates for each office to be filled, the~~
33 ~~nonpartisan primary shall not be held and all candidates shall be declared nominees.~~

34 If a nominee for political party nomination dies, becomes disqualified, or withdraws after
35 the primary and before election day, the provisions of G.S. 163-114 shall govern.

36 ~~If a candidate in a nonpartisan election dies, becomes disqualified, or withdraws before~~
37 ~~election day and after the ballots have been printed, the board of elections shall determine~~
38 ~~whether there is enough time to reprint the ballots. If there is not enough time to reprint the~~
39 ~~ballots, and should the deceased or disqualified candidate receive enough votes to be elected,~~
40 ~~the board of elections shall declare the office vacant, and it shall be filled as provided by law.~~

41 (c) If a person elected to any city office dies, becomes disqualified, or resigns on or
42 after election day and before he has qualified by taking the oath of office, the office shall be
43 deemed vacant, and shall be filled as provided by law.

44 (d) A vacancy that occurs in a municipal or special district elective office shall be filled
45 by the governing body as provided in G.S. 160A-63. In the case of a special district, the words
46 "city council" as used in G.S. 160A-63, shall mean the governing body of the special district.

47 **"§ 163-294.2. Notice of candidacy and filing fee in nonpartisan municipal elections.**

48 (a) ~~Each person offering himself as a candidate for election to any municipal office in~~
49 ~~municipalities whose elections are nonpartisan shall do so by filing a notice of candidacy with~~
50 ~~the board of elections in the following form, inserting the words in parentheses when~~
51 ~~appropriate:~~

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"Date _____;

I hereby file notice that I am a candidate for election to the office of _____
(at large) (for the _____ Ward) in the regular municipal election to be held in
_____ on _____,
(municipality)

Signed _____
(Name of Candidate)

Witness: _____
For the Board of Elections"

The notice of candidacy shall be either signed in the presence of the chairman or secretary of the board of elections or the director of elections of that county, or signed and acknowledged before an officer authorized to take acknowledgments who shall certify the notice under seal. An acknowledged and certified notice may be mailed to the board of elections. The candidate shall sign the notice of candidacy with his legal name and, in his discretion, any nickname by which he is commonly known, in the form that he wishes it to appear upon the ballot but substantially as follows: "Richard D. (Dick) Roc." A candidate may also, in lieu of his legal first name and legal middle initial or middle name (if any) sign his nickname, provided that he appends to the notice of candidacy an affidavit that he has been commonly known by that nickname for at least five years prior to the date of making the affidavit, and notwithstanding the previous sentence, if the candidate has used his nickname in lieu of first and middle names as permitted by this sentence, unless another candidate for the same office who files a notice of candidacy has the same last name, the nickname shall be printed on the ballot immediately before the candidate's surname but shall not be enclosed by parentheses. If another candidate for the same office who filed a notice of candidacy has the same last name, then the candidate's name shall be printed on the ballot in accordance with the next sentence of this subsection. The candidate shall also include with the affidavit the way his name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

(b) Only persons who are registered to vote in the municipality shall be permitted to file notice of candidacy for election to municipal office. The board of elections shall inspect the voter registration lists immediately upon receipt of the notice of candidacy and shall cancel the notice of candidacy of any candidate who is not eligible to vote in the election. The board shall give notice of cancellation to any candidate whose notice of candidacy has been cancelled under this subsection by mail or by having the notice served on him by the county sheriff.

(c) Candidates seeking municipal office shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the third Friday in July preceding the election, except:

- (1) In the year following a federal decennial census, candidates seeking municipal office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and
- (2) In the second year following a federal decennial census, if the election is held then under G.S. 160A 23.1, candidates seeking municipal office shall file their notices of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

Notices of candidacy which are mailed must be received by the board of elections before the filing deadline regardless of the time they were deposited in the mails.

1 (d) Any person may withdraw his notice of candidacy at any time prior to the close of
2 business on the third business day prior to the filing deadline prescribed in subsection (c), and
3 shall be entitled to a refund of his filing fee if he does so.

4 (e) The filing fee for the primary or election shall be fixed by the governing board not
5 later than the day before candidates are permitted to begin filing notices of candidacy. There
6 shall be a minimum filing fee of five dollars (\$5.00). The governing board shall have the
7 authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent
8 (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of
9 the office sought is less than five dollars (\$5.00), in which case the minimum filing fee of five
10 dollars (\$5.00) will be charged. The fee shall be paid to the board of elections at the time notice
11 of candidacy is filed.

12 (f) No person may file a notice of candidacy for more than one municipal office at the
13 same election. If a person has filed a notice of candidacy for one office with the board of
14 elections under this section, then a notice of candidacy may not later be filed for any other
15 municipal office for the election unless the notice of candidacy for the first office is withdrawn
16 first.

17 **~~§ 163-294.3. Sole candidates to be voted upon in nonpartisan municipal elections.~~**

18 Each candidate for municipal office in nonpartisan municipal elections shall be voted upon,
19 even though only one candidate has filed or has been nominated for a given office, in order that
20 the voters may have the opportunity to cast write-in votes under the general election laws.

21 **~~§ 163-294.4. Failure of candidates to file; death of a candidate before election.~~**

22 (a) If in a nonpartisan municipal election, when the filing period expires, candidates
23 have not filed for all offices to be filled, the board of elections may extend the filing period for
24 five days.

25 (b) If at the time the filing period closes only two persons have filed notice of
26 candidacy for election to a single office or only as many persons have filed notices of
27 candidacy for group offices as there are offices to be filled, and thereafter one of the candidates
28 dies before the election and before the ballots are printed, the board of elections shall, upon
29 notification of the death, immediately reopen the filing period for an additional five days during
30 which time additional candidates shall be permitted to file for election. If the ballots have been
31 printed at the time the board of elections receives notice of the candidate's death, the board
32 shall determine whether there will be sufficient time to reprint them before the election if the
33 filing period is reopened for three days. If the board determines that there will be sufficient
34 time to reprint the ballots, it shall reopen the filing period for three days to allow other
35 candidates to file for election.

36 (c) If the ballots have been printed at the time the board of elections receives notice of a
37 candidate's death, and if the board determines that there is not enough time to reprint the ballots
38 before the election if the filing period is reopened for three days, then, regardless of the number
39 of candidates remaining for the office, the ballots shall not be reprinted and the name of the
40 deceased candidate shall remain on the ballots. If a deceased candidate should poll the highest
41 number of votes in the election, even though short of a majority the board of elections shall
42 declare the office vacant and it shall be filled in the manner provided by law. If no candidate in
43 an election receives a majority of the votes cast and the second highest vote is cast for a
44 deceased candidate, no runoff election shall be held, but the board of elections shall declare the
45 candidate receiving the highest vote to be elected.

46 ...

47 **~~§ 163-296. Nomination by petition.~~**

48 ~~In cities conducting partisan elections, any~~Any qualified voter who seeks to have ~~his~~the
49 voter's name printed on the regular municipal election ballot as an unaffiliated candidate may
50 do so in the manner provided in G.S. 163-122, except that the petitions and affidavits shall be
51 filed not later than 12:00 noon on the Friday preceding the seventh Saturday before the

1 election, and the petitions shall be signed by a number of qualified voters of the municipality
2 equal to at least four percent (4%) of the whole number of voters qualified to vote in the
3 municipal election according to the voter registration records of the State Board of Elections as
4 of January 1 of the year in which the general municipal election is held. A person whose name
5 appeared on the ballot in a primary election is not eligible to have his name placed on the
6 regular municipal election ballot as an unaffiliated candidate for the same office in that year.
7 The Board of Elections shall examine and verify the signatures on the petition, and shall certify
8 only the names of signers who are found to be qualified registered voters in the municipality.
9 Provided that in the case where a qualified voter seeks to have his name printed on the regular
10 municipal election ballot as an unaffiliated candidate for election from an election district
11 within the municipality, the petition shall be signed by four percent (4%) of the voters qualified
12 to vote for that office.

13 ...

14 **"§ 163-298. Municipal primaries and elections.**

15 The phrases "county board of elections," and "chairman of the board of elections" as used in
16 this Article, with respect to all municipal primaries and elections, shall mean the county board
17 of elections and its chairman in all municipalities. The words "general election," as used in this
18 Article, shall include regular municipal elections, ~~runoff elections, and nonpartisan primaries,~~
19 except where specific provision is made for municipal elections ~~and nonpartisan~~
20 ~~primaries elections.~~

21 **"§ 163-299. Ballots; municipal primaries and elections.**

22 (a) The ballots printed for use in general and special elections under the provisions of
23 this Article shall contain:

- 24 (1) The names of all candidates who have been put in nomination in accordance
25 with the provisions of this Chapter by any political party recognized in this
26 State, ~~or, in nonpartisan municipal elections, the names of all candidates who~~
27 ~~have filed notices of candidacy or who have been nominated in a nonpartisan~~
28 ~~primary.State.~~
- 29 (2) The names of all persons who have qualified as unaffiliated candidates under
30 the provisions of G.S. 163-296.
- 31 (3) All questions, issues and propositions to be voted on by the people.

32 (b) The form of municipal ballots to be used in partisan municipal elections shall be the
33 same as the form prescribed in this Chapter for the county ballot.

34 (c) The names of candidates for nomination or election in municipal primaries or
35 elections shall be placed on the ballot in strict alphabetical order, unless the municipal
36 governing body has adopted a resolution no later than 60 days prior to a primary or election
37 requesting that candidates' names be rotated on ballots. In the event such a resolution has been
38 adopted, then the board of elections responsible for printing the ballots shall have them printed
39 so that the name of each candidate shall, as far as practicable, occupy alternate positions on the
40 ballot; to that end the name of each candidate shall occupy with reference to the name of every
41 other candidate for the same office, first position, second position and every other position, if
42 any, upon an equal number of ballots, and the ballots shall be distributed among the precinct
43 voting places impartially and without discrimination.

44 (d) The provisions of Articles 14A and 15A of this Chapter shall apply to ballots used
45 in municipal primaries and elections in the same manner as it is applied to county ballots.

46 (e) The rules contained in G.S. 163-182.1 and G.S. 163-182.2 for counting primary
47 ballots shall be followed in counting ballots in municipal ~~primaries and nonpartisan~~ primaries.

48 (f) The requirements contained in G.S. 163-182.2(b) shall apply to all municipal
49 elections.

50 (g) The county board of elections shall, in addition to the requirements contained in
51 G.S. 163-182.5 canvass the results ~~in a nonpartisan municipal primary, election or runoff~~

1 ~~election, and~~ in a special district election, the number of legal votes cast in each precinct for
2 each candidate, the name of each person voted for, and the total number of votes cast in the
3 municipality or special district for each person for each different office.
4"

5 **SECTION 3.4.(a)** This act shall have the effect of repealing any provisions of local
6 or special acts relating to the nonpartisan municipal elections. This act shall not affect the
7 filling of a vacancy in a municipal election that occurs for a seat elected prior to the effective
8 date of this act.

9 **SECTION 3.4.(b)** Any local act requiring a municipal election to be conducted in
10 an odd-numbered year shall be held as a partisan election beginning in 2017.

11
12 **Part 4. Application of this act**

13 **SECTION 4.1.** In applying this act, a candidate's party affiliation or unaffiliated
14 status shall be based on the party affiliation or unaffiliated status under which the candidate
15 registered at the general election immediately preceding the candidate's filing for office
16 pursuant to this act.

17 **Part 5. Effective Date**

18 **SECTION 5.1.** This act is effective with respect to primaries and elections held on
19 or after January 1, 2016.