

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H.B. 264  
Mar 2, 2023  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40106-LU-40

Short Title: Partisan Election/Muni./Haywood & Madison Cos. (Local)

Sponsors: Representative Pless.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS FOR  
3 MUNICIPALITIES IN HAYWOOD AND MADISON COUNTIES SHALL BE  
4 CONDUCTED ON A PARTISAN BASIS.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. MUNICIPALITIES IN HAYWOOD COUNTY**

8 **SECTION 1.1.** Section 5 of the Charter of the Town of Canton, being Chapter 90 of  
9 the Private Laws of 1907, as amended by Section 3 of Chapter 178 of the Private Laws of 1911,  
10 Section 5 of Chapter 78 of the Private Laws of 1920 [Extra Session], Section 2 of Chapter 204  
11 of the Private Laws of 1923, and Section 2-2 of the Town Ordinance adopted on August 27,  
12 2013, reads as rewritten:

13 "Sec. 5. At the next regular election of officers of the Town of Canton, North Carolina, to be  
14 held in 2013 as determined by the Haywood County Board of Elections, the qualified voters of  
15 the Town of Canton shall elect four Aldermen and a ~~Mayor~~ Mayor, all of whom must be residents  
16 of any part of the Town of Canton. During this election the two candidates receiving the highest  
17 number of votes shall be elected to serve a ~~(4) four~~ year term and the next two Aldermen  
18 candidates receiving the next highest votes shall serve a ~~(2) two~~ year term. The Mayor shall be  
19 elected for a ~~(4) four~~ year term. Thereafter, the citizens of the Town of Canton shall biennially  
20 elect two Aldermen to serve ~~(4) four~~ year terms and a Mayor shall be elected at alternate biennial  
21 elections to serve ~~(4) a four~~ year term. Town officers shall be elected according to the partisan  
22 election method, as provided in G.S. 163-291."

23 **SECTION 1.2.** Section 4 of the Charter of the Town of Clyde, being Chapter 189 of  
24 the Private Laws of 1889, as amended by Section 2 of Chapter 240 of the Private Laws of 1891,  
25 Section 3 of Chapter 873 of the 1945 Session Laws, Chapter 807 of the 1949 Session Laws, and  
26 Section 2 of Chapter 26 of the 1953 Session Laws, reads as rewritten:

27 "Sec. 4. All elections in the Town of Clyde shall be governed by the general laws of the State  
28 as to municipalities and as set forth in Chapter ~~160-160A~~ of the General Statutes, as amended.  
29 Town officers shall be elected according to the partisan election method, as provided in  
30 G.S. 163-291."

31 **SECTION 1.3.** Section 4-1 of the Charter of the Town of Maggie Valley, being  
32 Chapter 1337 of the 1973 Session Laws, reads as rewritten:

33 "Sec. 4 -1. Conduct of town elections. Town officers shall be elected on a ~~non-partisan basis~~  
34 ~~and the results determined by plurality, partisan basis,~~ as provided by ~~G.S. 163-~~  
35 ~~292.~~G.S. 163-291."



1           **SECTION 1.4.** Section 3.1 of the Charter of the Town of Waynesville, being S.L.  
2 1995-126, reads as rewritten:

3           "Sec. 3.1. **Regular Municipal Elections; Conduct.** Regular municipal elections shall be  
4 held in the Town every four years in odd-numbered years, and shall be conducted in accordance  
5 with the uniform municipal election laws of North Carolina. The Mayor and members of the  
6 Board shall be elected according to the ~~nonpartisan election method~~partisan election method, as  
7 provided in G.S. 163-291."  
8

## 9 **PART II. MUNICIPALITIES IN MADISON COUNTY**

10           **SECTION 2.1.** Section 4 of the Charter of the Town of Hot Springs, being Chapter  
11 210 of the Private Laws of 1929, reads as rewritten:

12           "Sec. 4. The corporate powers of the town of Hot Springs shall be exercised ~~as heretofore~~ by  
13 a mayor and board of aldermen consisting of three members, to be elected in accordance with the  
14 general laws regulating elections in cities and towns, and such other officers, agents and  
15 employees as may be ~~hereinafter~~ provided for, or chosen by the board of aldermen. The mayor  
16 and members of the board of aldermen shall be elected according to the partisan election method,  
17 as provided in G.S. 163-291. The present mayor of the town of Hot Springs shall hold office until  
18 the next general election and until his successor is elected and qualified, and the present members  
19 of the board of aldermen shall constitute the ~~said~~ board until the expiration of their present term  
20 of office and until their successors are elected and ~~qualified, and the said~~ qualified. The mayor  
21 and board of ~~aldermen, as such, aldermen~~ shall have the same power and authority ~~heretofore~~  
22 conferred upon them in the area within the present corporate limits of ~~said~~ the town and may  
23 exercise all ~~such~~ authority within the area mentioned in section three ~~hereof, of this Chapter,~~  
24 together with all ~~such~~ additional powers and authority conferred by this act."  
25

26           **SECTION 2.2.** Section 6 of the Charter of the Town of Mars Hill, being Chapter  
27 890 of the 1953 Session Laws, reads as rewritten:

28           "Sec. 6. That all elections held under the provisions of this Act shall be ~~nonpartisan, and no~~  
29 ~~absentee ballots shall be counted or permitted to be cast~~conducted on a partisan basis, as  
30 provided in G.S. 163-291."

31           **SECTION 2.3.** Section 3 of the Charter of the Town of Marshall, being Chapter 165  
32 of the Private Laws of 1905, as amended by Section 1 of Chapter 232 of the Private Laws of  
33 1913, reads as rewritten:

34           "Sec. 3. That the administration and government of ~~said~~ the town shall be vested in ~~one~~  
35 ~~principal officer styled the mayor,~~ and board of aldermen consisting of five members, which  
36 mayor and board of aldermen, with all subordinate officers shall have all the powers, privileges  
37 and emoluments, and shall be subjected to all the forfeitures, pains and penalties granted under  
38 the general laws governing cities and towns of the State of North Carolina, and be subjected to  
39 all the provisions ~~thereof~~ not in conflict with the provisions of this act. The mayor and members  
40 of the board of aldermen shall be elected according to the partisan election method, as provided  
41 in G.S. 163-291."

## 42 **PART III. EFFECT ON CERTAIN LOCAL ACTS**

43           **SECTION 3.1.** This act shall have the effect of repealing any conflicting provisions  
44 of local or special acts or conflicting local ordinances relating to the nonpartisan municipal  
45 election. This act shall not affect the filling of a vacancy in a municipal election that occurs for a  
46 seat elected prior to the effective date of this act.

47           **SECTION 3.2.** Any local act requiring a municipal election to be conducted in an  
48 odd-numbered year for any of the municipalities described in this act shall be held as a partisan  
49 election beginning in 2023.  
50

## 51 **PART IV. EFFECTIVE DATE**

1                   **SECTION 4.1.** This act is effective with respect to primaries and elections held on  
2 or after January 1, 2023.