

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 27
PROPOSED COMMITTEE SUBSTITUTE S27-PCS45202-STf-8

Short Title: Soil and Water/Partisan Election Option.

(Public)

Sponsors:

Referred to:

January 27, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE A SOIL AND WATER CONSERVATION BOARD TO OPT TO
3 CONDUCT PARTISAN ELECTIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 1 of Chapter 139 of the General Statutes is amended by adding
6 a new section to read:

7 "**§ 139-6.5. Optional partisan election method.**

8 (a) After conducting the initial election after the issuance of the certificate of
9 organization, a district board of supervisors may adopt a resolution to alter the method of election
10 from nonpartisan, as provided for in G.S. 139-6(c), to partisan. Prior to voting on such a
11 resolution, the district board of supervisors shall conduct at least one public hearing on the matter,
12 with notice provided at least two weeks prior to the date of the public hearing.

13 (b) The resolution adopted under this section shall be delivered to the county board of
14 elections and to the Soil and Water Conservation Commission. The resolution shall be effective
15 upon delivery to the county board of elections for the next general election for which the filing
16 period for primaries has not commenced under G.S. 163-106. The resolution may be repealed by
17 resolution of the district board of supervisors, effective upon delivery to the county board of
18 elections for the next general election for which the filing period for primaries has not
19 commenced under G.S. 163-106 after the adoption of the resolution of repeal.

20 (c) Notwithstanding G.S. 139-6(c), a partisan election under this section shall be held in
21 accordance with Chapter 163 of the General Statutes.

22 (d) Nothing in this section alters the application of G.S. 139-7 for the selection and
23 appointment of the appointive members of the district board of supervisors.

24 (e) A resolution adopted under this section shall remain valid until repealed by the district
25 board of supervisors. Any resolution altering the method of election from nonpartisan to partisan
26 shall be adopted on or before December 1, 2023."

27 **SECTION 2.** G.S. 139-6 reads as rewritten:

28 "**§ 139-6. District board of supervisors – elective members; certain duties.**

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

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



1 (c) All elections for members of the district board of supervisors shall be held at the same
2 time as the regular election for county officers ~~beginning in November 1974. The officers. All~~
3 qualified voters of the district shall be eligible to vote in the election. Except as provided in
4 G.S. 139-6.5, the election shall be nonpartisan and no primary election shall be held. The election
5 shall be held and conducted by the county board of elections. Candidates shall file their notice of
6 candidacy on forms prescribed by the county board of elections. The notice of candidacy must
7 be filed no earlier than noon on the second Monday in June and no later than noon on the first
8 Friday in July preceding the election. The candidate shall pay a filing fee of five dollars (\$5.00)
9 at the time of filing the notice of candidacy in accordance with Article 10 of Chapter 163 of the
10 General Statutes. Except as provided in this Chapter, the election shall be held in accordance
11 with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.

12 (d) Beginning with the election ~~to be held in November 1974, initial election after the~~
13 issuance of the certificate of organization, the two candidates receiving the highest number of
14 votes shall be elected for a term of four years, and the candidate receiving the next highest number
15 of votes shall be elected for a term of two years; thereafter, as their terms expire, their successors
16 shall be elected for terms of four years. If the position of district supervisor is not filled by failure
17 to elect, then the office shall be deemed vacant upon the expiration of the term of the incumbent,
18 and the office shall be filled as provided in G.S. 139-7.

19 (e) ~~The persons elected in 1974 and thereafter. Newly elected members of the district~~
20 board of supervisors shall take office on the first Monday in December following their election.

21 ~~The terms of the present members of the soil and water conservation districts, both elective~~
22 ~~and appointive members, are hereby extended to or terminated on the first Monday in December~~
23 ~~1974.~~

24 ~~All qualified voters of the district shall be eligible to vote in the election. Except as provided~~
25 ~~in this Chapter, the election shall be held in accordance with the applicable provisions of Articles~~
26 ~~23 and 24 of Chapter 163 of the General Statutes.~~

27 (f) ~~The district board of supervisors, after the appointment of the appointive members~~
28 ~~has been made, shall select from its members a chairman, a vice chairman and a secretary. It~~
29 ~~shall be the duty of the district board of supervisors to do all of the following:~~

30 (1) ~~To perform those powers, duties, and authority conferred upon supervisors~~
31 ~~under this Chapter; to Chapter.~~

32 (2) ~~To develop annual county and district goals and plans for soil conservation~~
33 ~~work therein; to therein.~~

34 (3) ~~To request agencies, whose duties are such as to render assistance in soil and~~
35 ~~water conservation, to set forth in writing what assistance they may have is~~
36 ~~available in the county and district.~~

37 (g) To fill any vacancy in the elected supervisors, the Commission shall appoint a
38 qualified voter from the county in the district in which the vacancy occurs for the unexpired term.
39 If the board member creating the vacancy was elected in a partisan election in accordance with
40 G.S. 139-6.5, the remaining district board members shall appoint a qualified voter from the
41 county in the district in which the vacancy occurs who is a member of the same political party as
42 the vacating board member to fill the vacancy for the remainder of the unexpired term."

43 **SECTION 3.** G.S. 139-7 reads as rewritten:

44 **"§ 139-7. District board of supervisors – appointive members; organization of board;**
45 **certain powers and duties.**

46 (a) The governing body of a soil and water conservation district shall consist of the three
47 elective supervisors from the county or counties in the district, together with the appointive
48 members appointed by the Soil and Water Conservation Commission pursuant to this section,
49 and shall be known as the district board of supervisors.

50 (b) When a district is composed of less than four counties, the board of supervisors of
51 each county shall on or before October 31, 1978, and on or before October 31 as the terms of the

1 appointive supervisors expire, recommend in writing two persons from the district to the
2 Commission to be appointed to serve with the elective supervisors. If the names are not submitted
3 to the Commission as required, the office shall be deemed vacant on the date the term is set to
4 expire and the Commission shall appoint two persons of the district to the district board of
5 supervisors to serve with the elected supervisors. The Commission shall make its appointments
6 prior to or at the November meeting of the Commission. Appointive supervisors shall take office
7 on the first Monday in December following their appointment. Such appointive supervisors shall
8 serve for a term of four years, and thereafter, as their terms expire, their successors shall serve
9 for a term of four years. ~~The terms of office of all appointive supervisors who have heretofore~~
10 ~~been lawfully appointed for terms the final year of which presently extends beyond the first~~
11 ~~Monday in December are hereby terminated on the first Monday in December of the final year~~
12 ~~of appointment.~~

13 (c) Vacancies for any reason in the appointive supervisors shall be filled for the unexpired
14 term by the appointment of a person by the Commission from the district in which the vacancy
15 occurs. ~~Vacancies for any reason in the elected supervisors shall be filled for the unexpired term~~
16 ~~by appointment by the Commission of a person from the county in the district in which the~~
17 ~~vacancy occurs.~~

18 (d) In those districts composed of four or more counties, the Commission may, but is not
19 required to, appoint two persons from the district without recommendation from the board of
20 supervisors, to serve as district supervisors along with the elected members of the board of
21 supervisors. Such appointments shall be made at the same time other appointments are made
22 under this section, and the persons appointed shall serve for a term of four years.

23 (e) The supervisors shall designate a ~~chairman~~ chair and may, from time to time, change
24 such designation. A simple majority of the board shall constitute a quorum for the purpose of
25 transacting the business of the board, and approval by a majority of those present shall be
26 adequate for a determination of any matter before the board, provided at least a quorum is present.

27 (f) Supervisors of soil and water conservation districts shall be compensated for their
28 services at the per diem rate and allowed travel, subsistence and other expenses, as provided for
29 State boards, commissions and committees generally, under the provisions of G.S. 138-5;
30 provided, that when per diem compensation and travel, subsistence, or other expense is claimed
31 by any supervisor for services performed outside the district for which such supervisor ordinarily
32 may be appointed or elected to serve, the same may not be paid unless prior written approval is
33 obtained from the Department of Agriculture and Consumer Services.

34 (g) The supervisors may employ a ~~secretary~~ secretary; technical experts, whose
35 qualifications shall be approved by the ~~Department~~ Department; and such other employees as
36 they may require, and shall determine their qualifications, duties and compensation. The
37 supervisors may call upon the Attorney General of the State for such legal services as they may
38 require. The supervisors may delegate to their ~~chairman~~ chair, to one or more supervisors, or to
39 one or more agents, or employees such powers and duties as they may deem proper. The
40 supervisors shall furnish to the Soil and Water Conservation Commission, upon request, copies
41 of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall
42 adopt or employ, and such other information concerning their activities as it may require in the
43 performance of its duties under this Chapter.

44 (h) The supervisors shall provide for the execution of surety bonds for all employees and
45 officers who shall be entrusted with funds or property; shall provide for the keeping of a full and
46 accurate record of all proceedings and of all resolutions, regulations, and orders issued or
47 adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. In
48 any given year, if the supervisors provide for an internal audit, and the supervisor serving as
49 ~~chairman~~ chair certifies, under oath, that this internal audit is a true and accurate reflection of the
50 accounts of receipts and disbursements, then the supervisors shall not be required,
51 notwithstanding the provisions of G.S. 159-34, to provide for an audit of the accounts of receipts

1 and disbursements by a certified public accountant or by an accountant certified by the Local
2 Government Commission.

3 (i) Any supervisor may be removed by the Soil and Water Conservation Commission
4 upon notice and hearing, for neglect of duty, or for incompetence or malfeasance in office, but
5 for no other reason.

6 (j) The supervisors may invite the legislative body of any municipality or county located
7 near the territory comprised within the district to designate a representative to advise and consult
8 with the supervisors of the district on all questions of program and policy which may affect the
9 property, water supply, or other interests of such municipality or county."

10 **SECTION 4.** This act is effective when it becomes law.