



SENATE BILL 27: Soil and Water/Partisan Election Option.

2023-2024 General Assembly

Committee:	House Local Government. If favorable, re- refer to Rules, Calendar, and Operations of the House	Date:	May 22, 2023
Introduced by:	Sen. Johnson	Prepared by:	Erika Churchill
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 27 would allow a district soil and water conservation board the option to change the method of election of the elected members of the board from non-partisan to partisan elections.*

CURRENT LAW: Soil and water conservation districts are organized as governmental subdivisions of the State to address soil erosion, flood damage and water quality problems. Currently, 96 districts cover the 100 counties of the State, corresponding to county boundaries with the exception of the Albemarle Soil and Water Conservation District which serves Camden, Chowan, Currituck, Pasquotank and Perquimans Counties. To create a soil and water conservation district, a petition must be filed with the Soil and Water Conservation Commission (Commission). The Commission must then conduct a public hearing and the question of whether to create the district must be submitted to voters in a referendum. Following the referendum, the Department of Agriculture and Consumer Services (Department) must publish the results of the referendum and consider whether creation of the district is appropriate. Ultimately, if approved, a certificate of organization of the district is issued by the Secretary of State's office upon completion of the creation process.

With the exception of the Albemarle Soil and Water Conservation District, each district is governed by a board of supervisors consisting of five members, with three elected members and two appointed members. The three elected members are elected on a nonpartisan basis at the same time as other county offices, and serve staggered four-year terms.

When a district is composed of less than four counties, the district board of supervisors of each county shall recommend two people from the district to be appointed by the Commission. If the names are not submitted, the Commission must appoint two people. The appointed members serve four-year terms.

If a vacancy occurs for an elected or appointed position, the vacancy is filled by appointment of the Commission for the remainder of the unexpired term. The person appointed to fill the vacancy must reside in the same county as the vacating member.

BILL ANALYSIS: The bill would allow a district board to adopt a resolution, on or before December 1, 2023, to change the method of election from nonpartisan to partisan. The district board of supervisors would be required to conduct at least one public hearing prior to adopting the resolution. Upon adoption, the resolution would become effective for the next general election for which the filing period for candidates has not opened, and would apply to elections for the elected members of the district board of

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supervisors until repealed. All members of the district board, both elected and appointed, would participate in the board vote on the resolution.

For a district board of supervisors opting to elect its elected members by partisan election, elections would be conducted in accordance with Chapter 163 of the General Statutes with candidates filing for partisan primaries in December of the odd-numbered year, the partisan primary in March of the even-numbered year, and the general election in November of the even-numbered year. For candidates, at the time of filing, the individual would need to have been affiliated with the political party for which the candidate is seeking the party nomination for at least 90 days. A person registered as "unaffiliated" is ineligible to file as a candidate in a partisan primary election, but could petition to be on the general election ballot.

For a district board of supervisors opting to elect its elected members by partisan election, vacancies would be filled by appointment by the Commission of a qualified voter from the county in the district in which the vacancy occurs who is a member of the same political party as the vacating board member.

EFFECTIVE DATE: Effective when it becomes law, but any resolution opting for the partisan method of election must be adopted on or before December 1, 2023. The filing period for the 2024 elections opens on Monday, December 4, 2023. Individuals filing for partisan primary nomination on that day would need to be associated with the political party for which they seek party nomination by September 5, 2023.

BACKGROUND: Article II, Section 24 of the North Carolina Constitution prohibits local acts relating to health, sanitation, and the abatement of nuisances.