

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 750

Short Title: Limited Voting/Extending Terms.

(Public)

Sponsors: Senator Davis.

Referred to: Judiciary II/Election Laws

April 18, 1995

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE PRACTICES OF LIMITED VOTING AND EXTENSION OF TERMS.

The General Assembly of North Carolina enacts:

Section 1. Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-35. Policy against limited voting and extension of terms of office without election.

(a) It is the policy of the State of North Carolina that no county commissioner shall be elected by the method of 'limited voting', whereby the voter voting in a multiseat contest is limited to casting fewer votes than there are seats to be filled. To this end, the General Assembly shall not enact, by general law or local act, a system of electing county commissioners that employs limited voting, and no county or agent thereof shall agree to a settlement of litigation that employs limited voting.

(b) It is the policy of the State of North Carolina that no county commissioner shall serve longer than the term for which elected without facing another election. To this end, the General Assembly shall not enact a general law or local act that extends a county commissioner's service beyond the term for which that commissioner was elected without conditioning that extended service on the commissioner's being elected again. For the purpose of this subsection, a person who was appointed to fill a vacancy in an office for a

1 term shall be treated as if that person was elected to the term. This subsection does not
2 apply to any continuation in office pursuant to Article VI, Section 10, of the Constitution
3 of North Carolina."

4 Sec. 2. Article 5 of Chapter 160A of the General Statutes is amended by
5 adding a new section to read:

6 "**§ 160A-62.1. Policy against limited voting and extension of terms of office without**
7 **election.**

8 (a) It is the policy of the State of North Carolina that no elective city official shall
9 be elected by the method of 'limited voting', whereby the voter voting in a multiseat
10 contest is limited to casting fewer votes than there are seats to be filled. To this end, the
11 General Assembly shall not enact, by general law or local act, a system of electing city
12 officials that employs limited voting, and no city or agent thereof shall agree to a
13 settlement of litigation that employs limited voting.

14 (b) It is the policy of the State of North Carolina that no elective city official shall
15 serve longer than the term for which elected without facing another election. To this end,
16 the General Assembly shall not enact a general law or local act that extends an elective
17 city official's service beyond the term for which that official was elected without
18 conditioning that extended service on the official's being elected again. For the purpose
19 of this subsection, a person who was appointed to fill a vacancy in an office for a term
20 shall be treated as if that person was elected to the term. This subsection does not apply to
21 any continuation in office pursuant to Article VI, Section 10, of the Constitution of North
22 Carolina or by G.S. 160A-62."

23 Sec. 3. Article 5 of Chapter 115C of the General Statutes is amended by
24 adding a new section to read:

25 "**§ 115C-37.2. Policy against limited voting and extension of terms of office without**
26 **election.**

27 (a) It is the policy of the State of North Carolina that no member of a local board
28 of education shall be elected by the method of 'limited voting', whereby the voter voting
29 in a multiseat contest is limited to casting fewer votes than there are seats to be filled. To
30 this end, the General Assembly shall not enact, by general law or local act, a system of
31 electing members of local boards of education that employs limited voting, and no unit of
32 local government or agent thereof shall agree to a settlement of litigation that employs
33 limited voting in the election of members of local boards of education.

34 (b) It is the policy of the State of North Carolina that no member of a local board
35 of education shall serve longer than the term for which elected without facing another
36 election. To this end, the General Assembly shall not enact a general law or local act that
37 extends a local board of education member's service beyond the term for which that
38 member was elected without conditioning that extended service on the member's being
39 elected again. For the purpose of this subsection, a person who was appointed to fill a
40 vacancy in an office for a term shall be treated as if that person was elected to the term.
41 This subsection does not apply to any continuation in office pursuant to Article VI,
42 Section 10, of the Constitution of North Carolina."

43 Sec. 4. This act is effective upon ratification.