

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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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



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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 <b>Office Sought</b>	17 <b>Amount of Filing Fee</b>
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
22 <u>District Attorneys of the General</u>	<u>the office sought</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
26 of Representatives	the office sought
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
29 Representatives	the office sought
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
32 by salary and partly by fees	salary to be received (exclusive of 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

1 was not originally thought to be eligible to call for a second primary is in  
 2 fact eligible to call for a second primary, the Executive Director of the State  
 3 Board of Elections shall immediately notify such candidate and permit ~~him~~  
 4 the candidate to exercise any options available to ~~him~~ the candidate within a  
 5 48-hour period following the notification:

- 6 Governor,
- 7 Lieutenant Governor,
- 8 All State executive officers,
- 9 Justices, Judges, or District Attorneys of the General Court of Justice,
- 10 United States Senators,
- 11 Members of the United States House of Representatives,
- 12 State Senators in multi-county senatorial districts, and
- 13 Members of the State House of Representatives in multi-county
- 14 representative districts."

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

16 **"§ 163-114. Filling vacancies among party nominees occurring after nomination and**  
 17 **before election.**

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

24 Position 25 President 26 Vice President 27 28 29 Presidential elector or alternate elector 30 Any elective State office 31 United States Senator 32 33 A district office, including: 34 Member of the United States House 35 of Representatives 36 <u>Judge of district court</u> 37 District Attorney 38 State Senator in a multi-county 39 senatorial district 40 Member of State House of 41 Representatives in a multi-county 42 representative district 43 44 State Senator in a single-county 45 senatorial district 46 Member of State House of 47 Representatives in a single-county 48 representative district 49 Any elective county office 50 51	Vacancy is to be filled by appointment of national executive committee of political party in which vacancy occurs  Vacancy is to be filled by appointment of State executive committee of political party in which vacancy occurs  Appropriate district executive committee of political party in which vacancy occurs  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
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1  
2 Judge of superior court in a  
3 single-county judicial  
4 district where the district  
5 is the whole county or part  
6 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

7  
8  
9  
10  
11  
12  
13  
14  
15 Judge of superior court in a  
16 multicounty judicial  
17 district

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

18  
19 The party executive making a nomination in accordance with the provisions of this section shall  
20 certify the name of its nominee to the chairman of the board of elections, State or county, that  
21 has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made  
22 under this section the general election ballots have already been printed, the provisions of  
23 G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that  
24 vacancy arises from a cause other than death and the vacancy in nomination occurs more than  
25 120 days before the general election, the vacancy in nomination may be filled under this section  
26 only if the appropriate executive committee certifies the name of the nominee in accordance  
27 with this paragraph at least 75 days before the general election.

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

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

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

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

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

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

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

48 "**§ 163-165.5. Contents of official ballots.**

49 Each official ballot shall contain all the following elements:

50 ...

- 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.