

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 456  
Corrected Copy 3/31/11  
Judiciary I Committee Substitute Adopted 6/7/11

Short Title: Candidate List Party or Unaffiliated Status. (Public)

Sponsors:

Referred to:

March 30, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO ALLOW A CANDIDATE TO LIST PARTY AFFILIATION OR  
3 UNAFFILIATED STATUS ON THE BALLOT IN ALL ELECTIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 115C-37(a) reads as rewritten:

6 "(a) Method of Election. – The county boards of education shall be elected on a  
7 nonpartisan basis at the time of the primary election in 1970 and biennially thereafter.  
8 ~~The~~Unless a candidate in the notice of candidacy under G.S. 163-106 chooses to list the  
9 political party recognized under Article 9 of Chapter 163 of the General Statutes that the  
10 candidate is affiliated with, the names of the candidates shall be printed on the ballots without  
11 reference to any party affiliation and any qualified voter residing in the county shall be entitled  
12 to vote such ballots. A candidate not affiliated with a political party may also list that status on  
13 the ballot by so providing in the notice of candidacy under G.S. 163-106. Except as otherwise  
14 provided herein, the election shall be conducted according to the provisions of Chapter 163 of  
15 the General Statutes then governing primary elections."

16 **SECTION 1.(b)** Chapter 115C of the General Statutes is amended by adding a new  
17 section to read:

18 "**§ 115C-37.2. Nonpartisan elections under local act.**

19 Whenever a local act or plan of consolidation and merger provides that an election for a  
20 county or city or merged board of education is to be elected on a nonpartisan basis, unless a  
21 candidate in the notice of candidacy provided by law chooses to list the political party  
22 recognized under Article 9 of Chapter 163 of the General Statutes with which the candidate is  
23 affiliated, the names of the candidates shall be printed on the ballots without reference to any  
24 party affiliation. A candidate not affiliated with a political party may also list that status on the  
25 ballot by so providing in the notice of candidacy provided by law."

26 **SECTION 2.** G.S. 130A-50(c) reads as rewritten:

27 "(c) The election shall be nonpartisan and decided by simple plurality as provided in  
28 G.S. 163-292 and shall be held and conducted by the county board of elections in accordance  
29 with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes.  
30 Unless a candidate in the notice of candidacy under this section chooses to list the political  
31 party recognized under Article 9 of this Chapter with which the candidate is affiliated, the  
32 names of the candidates shall be printed on the ballots without reference to any party affiliation.  
33 A candidate not affiliated with a political party may also list that status on the ballot by so  
34 providing in the notice of candidacy under this section. If the district is in more than one  
35 county, then the county board of elections of the county including the largest part of the district



1 shall conduct the election for the entire district with the assistance and full cooperation of the  
2 boards of elections in the other counties."

3 **SECTION 3.** G.S. 163-165.5 reads as rewritten:

4 "**§ 163-165.5. Contents of official ballots.**

5 Each official ballot shall contain all the following elements:

- 6 (1) The heading prescribed by the State Board of Elections. The heading shall  
7 include the term "Official Ballot".
- 8 (2) The title of each office to be voted on and the number of seats to be filled in  
9 each ballot item.
- 10 (3) The names of the candidates as they appear on their notice of candidacy filed  
11 pursuant to G.S. 163-106 or G.S. 163-323, or on petition forms filed in  
12 accordance with G.S. 163-122. No title, appendage, or appellation indicating  
13 rank, status, or position shall be printed on the official ballot in connection  
14 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,  
15 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the  
16 notice of candidacy or qualifying petition, but the nickname shall appear  
17 according to standards adopted by the State Board of Elections. Those  
18 standards shall allow the presentation of legitimate nicknames in ways that  
19 do not mislead the voter or unduly advertise the candidacy. In the case of  
20 candidates for presidential elector, the official ballot shall not contain the  
21 names of the candidates for elector but instead shall contain the nominees for  
22 President and Vice President which the candidates for elector represent. The  
23 State Board of Elections shall establish a review procedure that local boards  
24 of elections shall follow to ensure that candidates' names appear on the  
25 official ballot in accordance with this subdivision.
- 26 (4) Party designations in partisan ballot ~~items~~items and in nonpartisan ballot  
27 items as requested by the candidate.
- 28 (5) A means by which the voter may cast write-in votes, as provided in  
29 G.S. 163-123. No space for write-ins is required unless a write-in candidate  
30 has qualified under G.S. 163-123 or unless the ballot item is exempt from  
31 G.S. 163-123.
- 32 (6) Instructions to voters, unless the State Board of Elections allows instructions  
33 to be placed elsewhere than on the official ballot.
- 34 (7) The printed title and facsimile signature of the chair of the county board of  
35 elections."

36 **SECTION 4.** G.S. 163-165.6(e) reads as rewritten:

37 "(e) Straight-Party Voting. – Each official ballot shall be arranged so that the voter may  
38 cast one vote for a party's nominees for all offices except President and Vice President. A vote  
39 for President and Vice President shall be cast separately from a straight-party vote. The official  
40 ballot shall be prepared so that a voter may cast a straight-party vote, but then make an  
41 exception to that straight-party vote by voting for a candidate not nominated by that party or by  
42 voting for fewer than all the candidates nominated by that party. The official ballot shall clearly  
43 indicate that nonpartisan races with party designations are not included in the straight-party  
44 vote. Instructions for general election ballots shall clearly advise voters of the rules in this  
45 subsection and of the statutes providing for the counting of ballots."

46 **SECTION 5.** G.S. 163-323 is amended by adding a new subsection to read:

47 "(h) Unless a candidate in the notice of candidacy under this section chooses to list the  
48 political party recognized under Article 9 of this Chapter with which the candidate is affiliated,  
49 the names of the candidates shall be printed on the ballots without reference to any party  
50 affiliation. A candidate not affiliated with a political party may also list that status on the ballot  
51 by so providing in the notice of candidacy under this section."

1           **SECTION 6.** G.S. 163-294.2 is amended by adding a new subsection to read:

2           "(g) Unless a candidate in the notice of candidacy under this section chooses to list the  
3 political party recognized under Article 9 of this Chapter with which the candidate is affiliated,  
4 the names of the candidates shall be printed on the ballots without reference to any party  
5 affiliation. A candidate not affiliated with a political party may also list that status on the ballot  
6 by so providing in the notice of candidacy under this section."

7           **SECTION 7.** G.S. 139-6 reads as rewritten:

8           "**§ 139-6. District board of supervisors – elective members; certain duties.**

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

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

17           All elections for members of the district board of supervisors shall be held at the same time  
18 as the regular election for county officers beginning in November 1974. The election shall be  
19 nonpartisan and no primary election shall be held. The election shall be held and conducted by  
20 the county board of elections.

21           Candidates shall file their notice of candidacy on forms prescribed by the county board of  
22 elections. The notice of candidacy must be filed no earlier than noon on the second Monday in  
23 June and no later than noon on the first Friday in July preceding the election. The candidate  
24 shall pay a filing fee of five dollars (\$5.00) at the time of filing the notice of candidacy.

25           Unless a candidate in the notice of candidacy under this section chooses to list the political  
26 party recognized under Article 9 of Chapter 163 of the General Statutes with which the  
27 candidate is affiliated, the names of the candidates shall be printed on the ballots without  
28 reference to any party affiliation. A candidate not affiliated with a political party may also list  
29 that status on the ballot by so providing in the notice of candidacy under this section.

30           (c) Beginning with the election to be held in November 1974, the two candidates  
31 receiving the highest number of votes shall be elected for a term of four years, and the  
32 candidate receiving the next highest number of votes shall be elected for a term of two years;  
33 thereafter, as their terms expire, their successors shall be elected for terms of four years. If the  
34 position of district supervisor is not filled by failure to elect, then the office shall be deemed  
35 vacant upon the expiration of the term of the incumbent, and the office shall be filled as  
36 provided in G.S. 139-7.

37           The persons elected in 1974 and thereafter shall take office on the first Monday in  
38 December following their election.

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

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

45           (d) The district board of supervisors, after the appointment of the appointive members  
46 has been made, shall select from its members a chairman, a vice-chairman and a secretary. It  
47 shall be the duty of the district board of supervisors to perform those powers, duties, and  
48 authority conferred upon supervisors under this Chapter; to develop annual county and district  
49 goals and plans for soil conservation work therein; to request agencies, whose duties are such  
50 as to render assistance in soil and water conservation, to set forth in writing what assistance  
51 they may have available in the county and district."

1                   **SECTION 8.** This act is effective with respect to elections conducted on or after  
2   January 1, 2012.