

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 94

Short Title: Elections Transparency. (Public)

Sponsors: Senators Rabin (Primary Sponsor); and Sanderson.

Referred to: Rules and Operations of the Senate

February 16, 2017

A BILL TO BE ENTITLED

AN ACT TO ADD TRANSPARENCY TO CERTAIN ELECTIONS BY REQUIRING THAT
ELECTIONS CURRENTLY CONDUCTED ON A NONPARTISAN BASIS BE
CONDUCTED ON A PARTISAN BASIS AND TO MAKE VARIOUS CONFORMING
STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

PART I. COUNTY BOARDS OF EDUCATION ELECTIONS

SECTION 1.1. G.S. 115C-37 reads as rewritten:

"§ 115C-37. Election of board members.

(a) Method of Election. – The county boards of education shall be elected biennially on a ~~nonpartisan~~partisan basis at the time of the ~~primary election in 1970 and biennially thereafter.~~ The names of the candidates shall be printed on the ballots without reference to any party affiliation and any qualified voter residing in the county shall be entitled to vote such ballots. general election. Notwithstanding any provision of G.S. 153A-3 to the contrary, a local act shall not supersede the method of partisan election provided for in this subsection. Except as otherwise provided herein, the election shall be conducted according to the provisions of Chapter 163 of the ~~General Statutes then governing primary elections.~~ Statutes.

The terms of office of the members shall be staggered so as nearly equal to one half as possible shall expire every two years.

(b) County Board of Elections to Provide for Elections. – The county board of elections under the direction of the State Board of Elections, shall make all necessary provisions for elections of county boards of education as are herein provided for. The county board of elections of each county shall file with the State Board of Elections a statement specifying the size and method of election of members of its county board of education.

(c) City Board of Education. – The board of education for any city administrative unit shall be appointed or elected as now provided by law. If the board of education is elected, it shall be elected biennially on a partisan basis. Notwithstanding any provision of G.S. 160A-3 to the contrary, a local act shall not supersede the method of partisan election provided for in this subsection.

The election of the board of education for a city administrative unit shall be conducted according to the provisions of Articles 23 and 24 of Chapter 163 of the General Statutes governing partisan elections.

If no provision is now made by the law for the filling of vacancies ~~in the membership of~~ appointed members of any city board of education, such vacancy ~~may~~ shall be filled by the governing body of the city or town embraced by said administrative unit. In the event that any



1 such vacancy is not filled in this manner within 30 days, the State Board of Education ~~may~~ shall
2 fill 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 disqualified
12 between the date of his or her nomination and the time for the election, such vacancy caused
13 thereby ~~may~~ shall be filled by the actions of the county executive committee of the political party
14 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~~ created by
17 death, 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. The
20 remaining members of the board shall consult with the executive committee of the nominating
21 political party of the member whose seat is vacant and appoint the person recommended by that
22 party executive committee, if the party executive committee makes a recommendation within 30
23 days of the occurrence of the vacancy. Whenever only the qualified voters of less than the area of
24 the entire local school administrative unit were eligible to vote for the member whose seat is
25 vacant, the appointing authority must accept the recommendation only if the party executive
26 committee restricted voting to committee members who represent precincts all or part of which
27 were within the territory of the vacating school board member. Notwithstanding any provisions of
28 G.S. 153A-3 or G.S. 160A-3 to the contrary, a local act may not supersede the method of filling
29 vacancies in the membership of boards of education provided for in this subsection.

30 (g) Eligibility for Board Membership; Holding Other Offices. – Any person possessing the
31 qualifications for election to public office set forth in Article VI, Sec. 6 of the Constitution of
32 North Carolina shall be eligible to serve as a member of a local board of education: Provided,
33 however, that any person elected or appointed to a local board of education, and also employed by
34 that board of education, shall resign his or her employment before taking office as a member of
35 that board of education.

36 Membership on a board of education is hereby declared to be an office that, with the
37 exceptions provided above, may be held concurrently with any appointive office, pursuant to
38 Article VI, Sec. 9 of the Constitution, but any person holding an elective office shall not be
39 eligible to serve as a member of a local board of education.

40 ~~(h) Death or Disqualification of Candidate in Nonpartisan Election. – If a candidate dies or~~
41 ~~becomes disqualified after the filing period has closed and before the election, and the ballots have~~
42 ~~not been printed, the county board of elections shall immediately reopen the filing period for five~~
43 ~~days so that additional candidates may file for election. If the ballots have been printed at the time~~
44 ~~the board of elections receives notice of the death or disqualification, the board shall reopen the~~
45 ~~filing period for three days if the board determines it will have time to reprint the ballots before the~~
46 ~~election.~~

47 ~~In the event the board of elections determines that there is not time enough to reopen the filing~~
48 ~~period for three days and to reprint the ballots, then the ballots shall not be reprinted and the name~~
49 ~~of the deceased or disqualified candidate shall remain on the ballot. Votes cast for such candidate~~
50 ~~shall not be considered and the candidates receiving the highest number of votes equal to the~~
51 ~~number of positions to be filled shall be elected.~~

1 (i) The local board of education shall revise electoral district boundaries from time to time
2 as provided by this subsection. If district boundaries are set by local act or court order and the act
3 or order does not provide a method for revising them, the local board of education shall revise
4 them only for the purpose of (i) accounting for territory annexed to or excluded from the school
5 administrative unit, and (ii) correcting population imbalances among the districts shown by a new
6 federal census or caused by exclusions or annexations. After the General Assembly has ratified an
7 act establishing district boundaries, the local board of education shall not revise them again until a
8 new federal census of population is taken or territory is annexed to or excluded from the school
9 administrative unit, whichever event first occurs. After the local board of education has revised
10 district boundaries in conformity with this act, the local board of education shall not revise them
11 again until a new federal census of population is taken or territory is annexed to or excluded from
12 the school administrative unit, whichever event occurs first, except that the board may make an
13 earlier revision of district boundaries it has drawn if it must do so to comply with a court order or
14 to gain approval of a district-revision plan by the U.S. Justice Department under Section 5 of the
15 Voting Rights Act. In establishing district boundaries, the local board of education shall use data
16 derived from the most recent federal census."

17 **SECTION 1.2.** G.S. 115C-37.1 is repealed.

18 **SECTION 1.3.** G.S. 115C-67(3) reads as rewritten:

19 "(3) The establishment and maintenance of a board of education which shall
20 administer all the public schools of the newly created unit, including:

21 a. The termination of any terms of office proposed in the reorganization of
22 the board.

23 b. The method of constituting and continuing the board of education; the
24 manner of selection of board members, including (i) the number of
25 members of the board, (ii) the method of their election or appointment,
26 (iii) whether members shall be nominated, elected, or appointed from
27 districts or at large, and (iv) the manner of determining the ~~nominee,~~
28 ~~and (v) whether the election shall be partisan or nonpartisan; nominee;~~
29 the length of the members' terms of office; the dates of induction into
30 office; the organization of the board; ~~the procedure for filling vacancies;~~
31 and the compensation to be paid members of the board for expenses
32 incurred in performance of their duties. ~~To~~Except for the requirements
33 of election on a partisan basis and the filling of vacancies in the
34 membership of a local board of education, to the extent that the method
35 conflicts with G.S. 115C-35, G.S. 115C-37, or with any local act
36 concerning any of the units being merged and consolidated, the plan of
37 merger and consolidation shall prevail."

38 **SECTION 1.4.(a)** This act shall have the effect of repealing any provisions of local or
39 special acts relating to the nonpartisan election of a local board of education and any conflicting
40 methods of filling vacancies in the membership of boards of education as required by
41 G.S. 115C-37(f), as amended by this act. This act shall not affect the filling of a vacancy on a local
42 board of education that occurs for a seat elected prior to the effective date of this act.

43 **SECTION 1.4.(b)** Any local act requiring a board of education election to be
44 conducted in an odd-numbered year shall be held as a partisan election beginning in 2019.

45 **PART II. JUDICIAL ELECTIONS**

46 **SECTION 2.1.** G.S. 18C-112(e)(1) reads as rewritten:

47 "(e) If any member takes any of the following actions, the member vacates office as a
48 member of the Commission and the vacancy shall be filled as provided by G.S. 18C-111(c):

49 (1) Files a notice of candidacy under G.S. 163-106 ~~or G.S. 163-323~~ or a petition
50 under ~~G.S. 163-107.1 or G.S. 163-325~~G.S. 163-107.1."
51

1 **SECTION 2.2.** G.S. 163-1(b) reads as rewritten:

2 "(b) On Tuesday next after the first Monday in May preceding each general election to be
3 held in November for the officers referred to in subsection (a) of this section, there shall be held in
4 all election precincts within the territory for which the officers are to be elected a primary election
5 for the purpose of nominating candidates for each political party in the State for those ~~offices, and~~
6 ~~nonpartisan candidates as to offices elected under the provisions of Article 25 of this~~
7 ~~Chapter offices.~~"

8 **SECTION 2.3.** G.S. 163-22.3 reads as rewritten:

9 "**§ 163-22.3. State Board of Elections littering notification.**

10 At the time an individual files with the State Board of Elections a notice of candidacy pursuant
11 to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified to the State
12 Board of Elections by a political party executive committee to fill a nomination vacancy pursuant
13 to G.S. 163-114, is certified to the State Board of Elections by a new political party as that party's
14 nominee pursuant to G.S. 163-98, qualifies with the State Board of Elections as an unaffiliated or
15 write-in candidate pursuant to Article 11 of this Chapter, or formally initiates a candidacy with the
16 State Board of Elections pursuant to any statute or local act, the State Board of Elections shall
17 notify the candidate of the provisions concerning campaign signs in G.S. 136-32 and G.S. 14-156,
18 and the rules adopted by the Department of Transportation pursuant to G.S. 136-18."

19 **SECTION 2.4.** G.S. 163-82.10B reads as rewritten:

20 "**§ 163-82.10B. Confidentiality of date of birth.**

21 Boards of elections shall keep confidential the date of birth of every voter-registration
22 applicant and registered voter, except in the following situations:

- 23 (1) When a voter has filed notice of candidacy for elective office under
24 G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been nominated
25 as a candidate under G.S. 163-98 or G.S. 163-114, or has otherwise formally
26 become a candidate for elective office. The exception of this subdivision does
27 not extend to an individual who meets the definition of "candidate" only by
28 beginning a tentative candidacy by receiving funds or making payments or
29 giving consent to someone else to receive funds or transfer something of value
30 for the purpose of exploring a candidacy.
- 31 (2) When a voter is serving in an elective office.
- 32 (3) When a voter has been challenged pursuant to Article 8 of this Chapter.
- 33 (4) When a voter-registration applicant or registered voter expressly authorizes in
34 writing the disclosure of that individual's date of birth.
- 35 (5) When requested by a county jury commission established pursuant to G.S. 9-1
36 for purposes of preparing the master jury list in that county pursuant to
37 G.S. 9-2.

38 The disclosure of an individual's age does not constitute disclosure of date of birth in violation
39 of this section.

40 The county board of elections shall give precinct officials access to a voter's date of birth
41 where necessary for election administration, consistent with the duty to keep dates of birth
42 confidential.

43 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of
44 action. This limitation of liability does not apply to the disclosure of a date of birth in violation of
45 this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing that
46 would otherwise be actionable."

47 **SECTION 2.5.** G.S. 163-106, as amended by Section 21(a) of S.L. 2016-125, reads as
48 rewritten:

49 "**§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.**

50 ...

1 (c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations
2 for the following offices shall file their notice of candidacy with the State Board of Elections no
3 earlier than 12:00 noon on the second Monday in February and no later than 12:00 noon on the
4 last business day in February preceding the primary:

5 Governor

6 Lieutenant Governor

7 All State executive officers

8 Justices of the Supreme Court

9 Judges of the Court of Appeals

10 Judges of the superior court

11 Judges of the district court

12 United States Senators

13 Members of the House of Representatives of the United States

14 District attorneys

15 Candidates seeking party primary nominations for the following offices shall file their notice
16 of candidacy with the county board of elections no earlier than 12:00 noon on the second Monday
17 in February and no later than 12:00 noon on the last business day in February preceding the
18 primary:

19 State Senators

20 Members of the State House of Representatives

21 All county offices.

22 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in
23 which there are two or more vacancies for associate justices for the Supreme Court, two or more
24 vacancies for the Court of Appeals, ~~or two or more vacancies for district court judge,~~ or two
25 vacancies for United States Senator from North Carolina, each candidate shall, at the time of filing
26 notice of candidacy, file with the State Board of Elections a written statement designating the
27 vacancy to which the candidate seeks nomination. A person seeking election for a specialized
28 district judgeship established under G.S. 7A-147 shall, at the time of filing notice of candidacy,
29 file with the State Board of Elections a written statement designating the specialized judgeship to
30 which the person seeks nomination. Votes cast for a candidate shall be effective only for
31 nomination to the vacancy for which the candidate has given notice of candidacy as provided in
32 this subsection.

33 ...

34 (f) Candidates required to file their notice of candidacy with the State Board of Elections
35 under subsection (c) of this section shall file along with their notice a certificate signed by the
36 chairman of the board of elections or the director of elections of the county in which they are
37 registered to vote, stating that the person is registered to vote in that county, if the candidacy is for
38 superior court judge and the county contains more than one superior court district, stating the
39 superior court district of which the person is a resident, stating the party with which the person is
40 affiliated, and that the person has not changed his affiliation from another party or from
41 unaffiliated within three months prior to the filing deadline under subsection (c) of this section. In
42 issuing such certificate, the chairman or director shall check the registration records of the county
43 to verify such information. During the period commencing 36 hours immediately preceding the
44 filing deadline the State Board of Elections shall accept, on a conditional basis, the notice of
45 candidacy of a candidate who has failed to secure the verification ordered herein subject to receipt
46 of verification no later than three days following the filing deadline. The State Board of Elections
47 shall prescribe the form for such certificate, and distribute it to each county board of elections no
48 later than the last Monday in December of each odd-numbered year.

49 ...

50 (j) No person may file a notice of candidacy for superior court judge unless that person is,
51 at the time of filing the notice of candidacy, a resident of the judicial district as it will exist at the

1 time the person would take office if elected. No person may be nominated as a superior court
 2 judge under G.S. 163-114 unless that person is, at the time of nomination, a resident of the judicial
 3 district as it will exist at the time the person would take office if elected. This subsection
 4 implements Section 9(1) of Article IV of the North Carolina Constitution which requires regular
 5 superior court judges to reside in the district for which elected."

6 **SECTION 2.6.** G.S. 163-107(a), as amended by Section 21(b) of S.L. 2016-125, reads
 7 as rewritten:

8 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to
 9 the board of elections with which the candidate files under the provisions of G.S. 163-106 a filing
 10 fee for the office sought in the amount specified in the following tabulation:

Office Sought	Amount of Filing Fee
13 Governor	One percent (1%) of the annual salary of the office sought
15 Lieutenant Governor	One percent (1%) of the annual salary of the office sought
17 All State executive offices	One percent (1%) of the annual salary of the office sought
19 All Justices of the Supreme Court, 20 Judges of the Court of Appeals, and 21 <u>Justices, Judges, and</u> 22 District Attorneys of the General 23 Court of Justice	One percent (1%) of the annual salary of the office sought
24 United States Senator	One percent (1%) of the annual salary of the office sought
26 Members of the United States House 27 of Representatives	One percent (1%) of the annual salary of the office sought
28 State Senator	One percent (1%) of the annual salary of the office sought
30 Member of the State House of 31 Representatives	One percent (1%) of the annual salary of the office sought
32 All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
34 All county offices compensated partly 35 by salary and partly by fees	One percent (1%) of the first annual salary to be received (exclusive of fees)

36 The salary of any office that is the basis for calculating the filing fee is the starting salary for
 37 the office, rather than the salary received by the incumbent, if different. If no starting salary can be
 38 determined for the office, then the salary used for calculation is the salary of the incumbent, as of
 39 January 1 of the election year."

40 **SECTION 2.7.** G.S. 163-107.1, as amended by Section 21(c) of S.L. 2016-125, reads
 41 as rewritten:

42 **"§ 163-107.1. Petition in lieu of payment of filing fee.**

43 ...
 44 (b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant
 45 Governor, any State executive officer, Justice of the Supreme Court, or Judge of the Court of
 46 Appeals, the petition must be signed by 10,000 registered voters who are members of the political
 47 party in whose primary the candidate desires to run, except that in the case of a political party as
 48 defined by G.S. 163-96(a)(2) which will be making nominations by primary election, the petition
 49 must be signed by five percent (5%) of the registered voters of the State who are affiliated with the
 50 same political party in whose primary the candidate desires to run, or in the alternative, the
 51 petition shall be signed by no less than 8,000 registered voters regardless of the voter's political

1 party affiliation, whichever requirement is greater. The petition must be filed with the State Board
2 of Elections not later than 12:00 noon on Monday preceding the filing deadline before the primary
3 in which he seeks to run. The names on the petition shall be verified by the board of elections of
4 the county where the signer is registered, and the petition must be presented to the county board of
5 elections at least 15 days before the petition is due to be filed with the State Board of Elections.
6 When a proper petition has been filed, the candidate's name shall be printed on the primary ballot.

7 (c) County, Municipal and District Primaries. – If the candidate is seeking one of the
8 offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a
9 municipal or any other office requiring a partisan primary which is not set forth in G.S. 163-106(c)
10 or (d), ~~he~~ the candidate shall file a written petition with the appropriate board of elections no later
11 than 12:00 noon on Monday preceding the filing deadline before the primary. The petition shall be
12 signed by five percent (5%) of the registered voters of the election area in which the office will be
13 voted for, who are affiliated with the same political party in whose primary the candidate desires
14 to run, or in the alternative, the petition shall be signed by no less than 200 registered voters
15 regardless of said voter's political party affiliation, whichever requirement is greater. The board of
16 elections shall verify the names on the petition, and if the petition is found to be sufficient, the
17 candidate's name shall be printed on the appropriate primary ballot. Petitions for candidates for
18 member of the U.S. House of Representatives, District Attorney, judge of the Superior Court,
19 judge of the District Court, and members of the State House of Representatives from multi-county
20 districts or members of the State Senate from multi-county districts must be presented to the
21 county board of elections for verification at least 15 days before the petition is due to be filed with
22 the State Board of Elections, and such petition must be filed with the State Board of Elections no
23 later than 12:00 noon on Monday preceding the filing deadline. The State Board of Elections may
24 adopt rules to implement this section and to provide standard petition forms.

25 ~~(d) Nonpartisan Primaries and Elections. — Any qualified voter who seeks to be a~~
26 ~~candidate in any nonpartisan primary or election may, in lieu of payment of the filing fee required,~~
27 ~~file a written petition signed by five percent (5%) of the registered voters in the election area in~~
28 ~~which the office will be voted for with the appropriate board of elections. Any qualified voter may~~
29 ~~sign the petition. The petition shall state the candidate's name, address and the office which he is~~
30 ~~seeking. The petition must be filed with the appropriate board of elections no later than 60 days~~
31 ~~prior to the filing deadline for the primary or election, and if found to be sufficient, the candidate's~~
32 ~~name shall be printed on the ballot."~~

33 **SECTION 2.8.** G.S. 163-111(c)(1), as amended by Section 21(d) of S.L. 2016-125,
34 reads as rewritten:

35 "(c) Procedure for Requesting Second Primary.

36 (1) A candidate who is apparently entitled to demand a second primary, according
37 to the unofficial results, for one of the offices listed below, and desiring to do
38 so, shall file a request for a second primary in writing with the Executive
39 Director of the State Board of Elections no later than 12:00 noon on the ninth
40 day (including Saturdays and Sundays) following the date on which the primary
41 was conducted, and such request shall be subject to the certification of the
42 official results by the State Board of Elections. If the vote certification by the
43 State Board of Elections determines that a candidate who was not originally
44 thought to be eligible to call for a second primary is in fact eligible to call for a
45 second primary, the Executive Director of the State Board of Elections shall
46 immediately notify such candidate and permit the candidate to exercise any
47 options available to the candidate within a 48-hour period following the
48 notification:

49 Governor,
50 Lieutenant Governor,
51 All State executive officers,

~~Justices of the Supreme Court, Judges of the Court of Appeals, or
 Justices, Judges, or District Attorneys of the General Court of
 Justice,
 United States Senators,
 Members of the United States House of Representatives,
 State Senators in multi-county senatorial districts, and
 Members of the State House of Representatives in multi-county
 representative districts."~~

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

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

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

17 Position 18 President 19 Vice President 20 21 22 Presidential elector or alternate elector 23 Any elective State office 24 United States Senator 25 26 A district office, including: 27 Member of the United States House 28 of Representatives 29 <u>Judge of district court</u> 30 District Attorney 31 State Senator in a multi-county 32 senatorial district 33 Member of State House of 34 Representatives in a multi-county 35 representative district 36 37 State Senator in a single-county 38 senatorial district 39 Member of State House of 40 Representatives in a single-county 41 representative district 42 Any elective county office 43 44 45 46 <u>Judge of superior court in a</u> 47 <u>single-county judicial</u> 48 <u>district where the district</u> 49 <u>is the whole county or part</u> 50 <u>of the county</u> 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 within the district shall vote <u>County executive committee</u> <u>of political party in</u> <u>which vacancy occurs;</u> <u>provided, in the case of</u> <u>a superior court judge in a</u> <u>single-county district where</u>
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1		<u>not all the county is</u>
2		<u>located in that district,</u>
3		<u>then in voting, only those</u>
4		<u>members of the county</u>
5		<u>executive committee who</u>
6		<u>reside within the</u>
7		<u>district shall vote</u>
8	<u>Judge of superior court in a</u>	<u>Appropriate district</u>
9	<u>multicounty judicial</u>	<u>executive committee of</u>
10	<u>district</u>	<u>political party in which</u>
11		<u>vacancy occurs</u>

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

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

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

29 In a county which is partly in a multi-county senatorial district or which is partly in a
 30 multi-county House of Representatives district, in choosing that county's member or members of
 31 the senatorial district executive committee or House of Representatives district executive
 32 committee for the multi-county district, only the county convention delegates or county executive
 33 committee members who reside within the area of the county which is within that multi-county
 34 district may vote.

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

- 38 **SECTION 2.10.** G.S. 163-122(c) is repealed.
- 39 **SECTION 2.11.** G.S. 163-123(g) is repealed.
- 40 **SECTION 2.12.** G.S. 163-165.5(a)(3) reads as rewritten:

41 "**§ 163-165.5. Contents of official ballots.**

42 (a) Except as provided in this section, each official ballot shall contain all the following
 43 elements:

- 44 ...
- 45 (3) The names of the candidates as they appear on their notice of candidacy filed
 46 pursuant to G.S. 163-106 ~~or G.S. 163-323,~~ or on petition forms filed in
 47 accordance with G.S. 163-122. No title, appendage, or appellation indicating
 48 rank, status, or position shall be printed on the official ballot in connection with
 49 the candidate's name. Candidates, however, may use the title Mr., Mrs., Miss,
 50 or Ms. Nicknames shall be permitted on an official ballot if used in the notice
 51 of candidacy or qualifying petition, but the nickname shall appear according to

standards adopted by the State Board of Elections. Those standards shall allow the presentation of legitimate nicknames in ways that do not mislead the voter or unduly advertise the candidacy. In the case of candidates for presidential elector, the official ballot shall not contain the names of the candidates for elector but instead shall contain the nominees for President and Vice President which the candidates for elector represent. The State Board of Elections shall establish a review procedure that local boards of elections shall follow to ensure that candidates' names appear on the official ballot in accordance with this subdivision.

...."

SECTION 2.13. Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

PART III. MUNICIPAL ELECTIONS

SECTION 3.1. G.S. 160A-23.1(d) reads as rewritten:

"(d) If the council adopts the resolution provided for in subsection (a) of this section and does not adopt the changes, or does adopt the changes, but approval under the Voting Rights Act of 1965, as amended, is required, and notice of such approval is not received, by the end of the third day before the opening of the filing period, the municipal election shall be rescheduled as provided in this subsection and current officeholders shall hold over until their successors are elected and qualified. For cities using the Pursuant to G.S. 163-291, the primary shall be held on the primary election date for county officers in the second year following a federal decennial census; the second primary, if necessary, shall be held on the second primary election date for county officers in that year; and the general election shall be held on the general election date for county officers in that year.

(1) ~~Partisan primary and election method under G.S. 163-291, the primary shall be held on the primary election date for county officers in the second year following a federal decennial census, the second primary, if necessary, shall be held on the second primary election date for county officers in that year, and the general election shall be held on the general election date for county officers in that year.~~

(2) ~~Nonpartisan primary and election method under G.S. 163-294, the primary shall be held on the primary election date for county officers in the second year following a federal decennial census, and the election shall be held on the date for the second primary for county officers in that year.~~

(3) ~~Nonpartisan plurality election method under G.S. 163-292, the election shall be held on the primary election date for county officers in the second year following a federal decennial census.~~

(4) ~~Election and runoff method under G.S. 163-293, the election shall be held on the primary election date for county officers in the second year following a federal decennial census, and the runoffs, if necessary, shall be held on the date for the second primary for county officers in that year.~~

The organizational meeting of the new council may be held at any time after the results of the election have been officially determined and published, but not later than the time and date of the first regular meeting of the council in November of the second year following a federal decennial census, except in the case of partisan municipal elections, when the organizational meeting shall be held not later than the time and date of the first regular meeting of the council in December of the second year following a federal decennial census."

SECTION 3.2. G.S. 160A-101 reads as rewritten:

"§ 160A-101. **Optional forms.**

1 Any city may change its name or alter its form of government by adopting any one or
 2 combination of the options prescribed by this section:

3 ...
 4 (6) Mode of election of the council:

5 ...
 6 e. The city shall be divided into single-member electoral districts; council
 7 members shall be apportioned to the districts so that each member
 8 represents the same number of persons as nearly as possible, except for
 9 members apportioned to the city at large, if any; ~~in a nonpartisan~~
 10 ~~primary, the qualified voters of each district shall nominate two~~
 11 ~~candidates who reside in the district, and the qualified voters of the~~
 12 ~~entire city shall nominate two candidates for each seat apportioned to~~
 13 ~~the city at large, if any; and all candidates shall be elected by all the~~
 14 qualified voters of the city.

15 If either of options b, c, d or e is adopted, the council shall divide the city
 16 into the requisite number of single-member electoral districts according to the
 17 apportionment plan adopted, and shall cause a map of the districts so laid out to
 18 be drawn up and filed as provided by G.S. 160A-22 and 160A-23. No more
 19 than one half of the council may be apportioned to the city at large. An
 20 initiative petition may specify the number of single-member electoral districts
 21 to be laid out, but the drawing of district boundaries and apportionment of
 22 members to the districts shall be done in all cases by the council.

23 (7) Elections:

24 Municipal primaries and elections shall be conducted on a partisan basis as
 25 provided in G.S. 163-291.

- 26 a. ~~Partisan.~~ — ~~Municipal primaries and elections shall be conducted on a~~
 27 ~~partisan basis as provided in G.S. 163-291.~~
- 28 b. ~~Nonpartisan Plurality.~~ — ~~Municipal elections shall be conducted as~~
 29 ~~provided in G.S. 163-292.~~
- 30 c. ~~Nonpartisan Election and Runoff Election.~~ — ~~Municipal elections and~~
 31 ~~runoff elections shall be conducted as provided in G.S. 163-293.~~
- 32 d. ~~Nonpartisan Primary and Election.~~ — ~~Municipal primaries and elections~~
 33 ~~shall be conducted as provided in G.S. 163-294.~~

34"

35 **SECTION 3.3.** Subchapter IX of Chapter 163 of the General Statutes reads as
 36 rewritten:

37 **"SUBCHAPTER IX. MUNICIPAL ELECTIONS.**

38 "Article 23.

39 "Municipal Election Procedure.

40 **"§ 163-279. Time of municipal primaries and elections.**

41 (a) Primaries and elections for offices filled by election of the people in cities, towns,
 42 incorporated villages, and special districts shall be held in 1973 and every two or four years
 43 ~~thereafter as provided by municipal charter on the following days; thereafter on a partisan basis.~~
 44 The election shall be held on Tuesday after the first Monday in November, the first primary shall
 45 be held on the second Tuesday after Labor Day, and the second primary, if required, shall be held
 46 on the fourth Tuesday before the election.

- 47 (1) ~~If the election is nonpartisan and decided by simple plurality, the election shall~~
 48 ~~be held on Tuesday after the first Monday in November.~~
- 49 (2) ~~If the election is partisan, the election shall be held on Tuesday after the first~~
 50 ~~Monday in November, the first primary shall be held on the second Tuesday~~

after Labor Day, and the second primary, if required, shall be held on the fourth Tuesday before the election.

(3) ~~If the election is nonpartisan and the nonpartisan primary method of election is used, the election shall be held on Tuesday after the first Monday in November and the nonpartisan primary shall be held on the fourth Tuesday before the election.~~

(4) ~~If the election is nonpartisan and the election and runoff election method of election is used, the election shall be held on the fourth Tuesday before the Tuesday after the first Monday in November, and the runoff election, if required, shall be held on Tuesday after the first Monday in November.~~

(b) Repealed by Session Laws 2011-141, s. 1(a), effective July 1, 2011.

(c) Officers of sanitary districts elected in 1970 shall hold office until the first Monday in December, 1973, notwithstanding G.S. 130-126. Beginning in 1973, sanitary district elections shall be held at the times provided in this section or in G.S. 130A-50(b1).

~~§ 163-283.1. Voting in nonpartisan primary.~~

~~Any person who will become qualified by age to register and vote in the general election for which a nonpartisan primary is held, even though not so qualified by the date of the primary, shall be entitled to register for the primary and general election prior to the primary and then to vote in the primary after being registered. Such a person may register not earlier than 60 days nor later than the last day for making application to register under G.S. 163-82.6(c) prior to the primary.~~

~~§ 163-290. Alternative methods~~**Method of determining the results of municipal elections.**

(a) ~~Each city, town, village, and special district in this State shall operate under one of the following alternative methods of nominating candidates for and determining the results of its elections:~~nominate candidates for and determine the results of its elections on a partisan basis in accordance with G.S. 163-291. Notwithstanding any provision of G.S. 160A-3 to the contrary, a local act shall not supersede the method of partisan election provided for in this subsection.

~~(1) The partisan primary and election method set out in G.S. 163-291.~~

~~(2) The nonpartisan primary and election method set out in G.S. 163-294.~~

~~(3) The nonpartisan plurality method set out in G.S. 163-292.~~

~~(4) The nonpartisan election and runoff election method set out in G.S. 163-293.~~

(b) ~~Each city whose charter provides for partisan municipal elections as of January 1, 1972, shall operate under the partisan primary and election method until such time as its charter is amended to provide for nonpartisan elections. Each city, town, village, and special district whose elections are by charter or general law nonpartisan may select the nonpartisan primary and election method, the nonpartisan plurality method, or the nonpartisan election and runoff election method by resolution of the municipal governing board adopted and filed with the State Board of Elections not later than 5:00 P.M. Monday, January 31, 1972, except that a city whose charter provides for a nonpartisan primary as of January 1, 1972, may not select the plurality method unless its charter is so amended. If the municipal governing board does not exercise its option to select another choice before that time, the municipality shall operate under the method specified in the following table:~~

Cities, towns and villages of less than 5,000	Plurality
Cities, towns and villages of 5,000 or more	Election and Runoff Election
Special districts	Plurality

~~After January 31, 1972, each city, town and village may change its method of election from one to another of the methods set out in subsection (a) by act of the General Assembly or in the manner provided by law for amendment of its charter.~~

"Article 24.

"Conduct of Municipal Elections.

"§ 163-291. Partisan primaries and elections.

~~The nomination of~~ In nominating candidates for office in cities, towns, villages, and special districts whose elections are districts, elections shall be conducted on a partisan basis shall be and governed by the provisions of this Chapter applicable to the nomination of county officers, and the terms "county board of elections," "chairman of the county board of elections," "county officers," and similar terms shall be construed with respect to municipal elections to mean the appropriate municipal officers and candidates, except that:

(1) The dates of primary and election shall be as provided in G.S. 163-279.

(2) A candidate seeking party nomination for municipal or district office shall file notice 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:

a. In the year following a federal decennial census, a candidate seeking party nomination for municipal or district 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 his notice 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

b. In the second year following a federal decennial census, if the election is held then under G.S. 160A-23.1, a candidate seeking party nomination for municipal or district office shall file his notice 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.

No person may file a notice of candidacy for more than one municipal office at the same election. If a person has filed a notice of candidacy for one office with the county board of elections under this section, then a notice of candidacy may not later be filed for any other municipal office for that election unless the notice of candidacy for the first office is withdrawn first.

(3) The filing fee for municipal and district primaries shall be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy. There shall be a minimum filing fee of five dollars (\$5.00). The governing board shall have the authority to set the filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary of the office sought unless one percent (1%) of the annual salary of the office sought is less than five dollars (\$5.00), in which case the minimum filing fee of five dollars (\$5.00) will be charged. The fee shall be paid to the board of elections at the time notice of candidacy is filed.

(4) The municipal ballot may not be combined with any other ballot.

(5) The canvass of the primary and second primary shall be held on the seventh day following the primary or second primary. In accepting the filing of complaints concerning the conduct of an election, a board of elections shall be subject to the rules concerning Sundays and holidays set forth in G.S. 103-5.

(6) Candidates having the right to demand a second primary shall do so not later than 12:00 noon on the Thursday following the canvass of the first primary.

~~"§ 163-292. Determination of election results in cities using the plurality method.~~

~~In conducting nonpartisan elections and using the plurality method, elections shall be determined in accordance with the following rules:~~

- 1 (1) When more than one person is seeking election to a single office, the candidate
2 who receives the highest number of votes shall be declared elected.
- 3 (2) When more persons are seeking election to two or more offices (constituting a
4 group) than there are offices to be filled, those candidates receiving the highest
5 number of votes, equal in number to the number of offices to be filled, shall be
6 declared elected.
- 7 (3) If two or more candidates receiving the highest number of votes each receive
8 the same number of votes, the board of elections shall determine the winner by
9 lot.

10 ~~§ 163-293. Determination of election results in cities using the election and runoff election~~
11 ~~method.~~

12 (a) Except as otherwise provided in this section, nonpartisan municipal elections in cities
13 using the election and runoff election method shall be determined by a majority of the votes cast.
14 A majority within the meaning of this section shall be determined as follows:

- 15 (1) When more than one person is seeking election to a single office, the majority
16 shall be ascertained by dividing the total vote cast for all candidates by two.
17 Any excess of the sum so ascertained shall be a majority, and the candidate who
18 obtains a majority shall be declared elected.
- 19 (2) When more persons are seeking election to two or more offices (constituting a
20 group) than there are offices to be filled, the majority shall be ascertained by
21 dividing the total vote cast for all candidates by the number of offices to be
22 filled, and by dividing the result by two. Any excess of the sum so ascertained
23 shall be a majority, and the candidates who obtain a majority shall be declared
24 elected. If more candidates obtain a majority than there are offices to be filled,
25 those having the highest vote (equal to the number of offices to be filled) shall
26 be declared elected.

27 (b) If no candidate for a single office receives a majority of the votes cast, or if an
28 insufficient number of candidates receives a majority of the votes cast for a group of offices, a
29 runoff election shall be held as herein provided:

- 30 (1) If no candidate for a single office receives a majority of the votes cast, the
31 candidate receiving the highest number of votes shall be declared elected unless
32 the candidate receiving the second highest number of votes requests a runoff
33 election in accordance with subsection (c) of this section. In the runoff election
34 only the names of the two candidates who received the highest and next highest
35 number of votes shall be printed on the ballot. No space for write in votes shall
36 be included on the ballot for the runoff election.
- 37 (2) If candidates for two or more offices (constituting a group) are to be selected
38 and aspirants for some or all of the positions within the group do not receive a
39 majority of the votes, those candidates equal in number to the positions
40 remaining to be filled and having the highest number of votes shall be declared
41 elected unless some one or all of the candidates equal in number to the
42 positions remaining to be filled and having the second highest number of votes
43 shall request a runoff election in accordance with subsection (c) of this section.
44 In the runoff election to elect candidates for the positions in the group
45 remaining to be filled, the names of all those candidates receiving the highest
46 number of votes and demanding a runoff election shall be printed on the ballot.
47 No space for write in votes shall be included on the ballot for the runoff
48 election.

49 (c) The canvass of the first election shall be held on the seventh day after the election. A
50 candidate entitled to a runoff election may do so by filing a written request for a runoff election
51 with the board of elections no later than 12:00 noon on the Thursday after the result of the first

1 election has been officially declared. In accepting the filing of complaints concerning the conduct
2 of an election, a board of elections shall be subject to the rules concerning Sundays and holidays
3 set forth in G.S. 103-5.

4 (d) Tie votes; how determined:

5 (1) If there is a tie for the highest number of votes in a first election, the board of
6 elections shall conduct a recount and declare the results. If the recount shows a
7 tie vote, a runoff election between the two shall be held unless one of the
8 candidates, within three days after the result of the recount has been officially
9 declared, files a written notice of withdrawal with the board of elections.
10 Should that be done, the remaining candidate shall be declared elected.

11 (2) If one candidate receives the highest number of votes cast in a first election, but
12 short of a majority, and there is a tie between two or more of the other
13 candidates receiving the second highest number of votes, the board of elections
14 shall declare the candidate having the highest number of votes to be elected,
15 unless all but one of the tied candidates give written notice of withdrawal to the
16 board of elections within three days after the result of the first election has been
17 officially declared. If all but one of the tied candidates withdraw within the
18 prescribed three-day period, and the remaining candidate demands a runoff
19 election in accordance with subsection (c) of this section, a runoff election shall
20 be held between the candidate who received the highest vote and the remaining
21 candidate who received the second highest vote.

22 (e) Runoff elections shall be held on the date fixed in G.S. 163-279(a)(4). Persons whose
23 registrations become valid between the date of the first election and the runoff election shall be
24 entitled to vote in the runoff election, but in all other respects the runoff election shall be held
25 under the laws, rules, and regulations provided for the first election.

26 (f) A second runoff election shall not be held. The candidates receiving the highest
27 number of votes in a runoff election shall be elected. If in a runoff election there is a tie for the
28 highest number of votes between two candidates, the board of elections shall determine the winner
29 by lot.

30 ~~"§ 163-294. Determination of election results in cities using nonpartisan primaries.~~

31 (a) In cities whose elections are nonpartisan and who use the nonpartisan primary and
32 election method, there shall be a primary to narrow the field of candidates to two candidates for
33 each position to be filled if, when the filing period closes, there are more than two candidates for a
34 single office or the number of candidates for a group of offices exceeds twice the number of
35 positions to be filled. If only one or two candidates file for a single office, no primary shall be held
36 for that office and the candidates shall be declared nominated. If the number of candidates for a
37 group of offices does not exceed twice the number of positions to be filled, no primary shall be
38 held for those offices and the candidates shall be declared nominated.

39 (b) In the primary, the two candidates for a single office receiving the highest number of
40 votes, and those candidates for a group of offices receiving the highest number of votes, equal to
41 twice the number of positions to be filled, shall be declared nominated. In both the primary and
42 election, a voter should not mark more names for any office than there are positions to be filled by
43 election. If two or more candidates receiving the highest number of votes each received the same
44 number of votes, the board of elections shall determine their relative ranking by lot, and shall
45 declare the nominees accordingly. The canvass of the primary shall be held on the seventh day
46 following the primary. In accepting the filing of complaints concerning the conduct of an election,
47 a board of elections shall be subject to the rules concerning Sundays and holidays set forth in
48 G.S. 103-5.

49 (c) In the election, the names of those candidates declared nominated without a primary
50 and those candidates nominated in the primary shall be placed on the ballot. The candidate for a
51 single office receiving the highest number of votes shall be elected. Those candidates for a group

1 of offices receiving the highest number of votes, equal in number to the number of positions to be
2 filled, shall be elected. If two candidates receiving the highest number of votes each received the
3 same number of votes, the board of elections shall determine the winner by lot.

4 **"§ 163-294.1. Death of candidates or elected officers.**

5 (a) This section shall apply only to municipal and special district elections.

6 (b) If a candidate for political party nomination for office dies, becomes disqualified, or
7 withdraws before the primary but after the ballots have been printed, the provisions of
8 G.S. 163-112 shall govern.

9 If a candidate for nomination in a nonpartisan municipal primary dies, becomes disqualified,
10 or withdraws before the primary but after the ballots have been printed, the board of elections shall
11 determine whether or not there is time to reprint the ballots. If the board determines that there is
12 not enough time to reprint the ballots, the deceased or disqualified candidate's name shall remain
13 on the ballots. If he receives enough votes for nomination, such votes shall be disregarded and the
14 candidate receiving the next highest number of votes below the number necessary for nomination
15 shall be declared nominated. If the death or disqualification of the candidate leaves only two
16 candidates for each office to be filled, the nonpartisan primary shall not be held and all candidates
17 shall be declared nominees.

18 If a nominee for political party nomination dies, becomes disqualified, or withdraws after the
19 primary and before election day, the provisions of G.S. 163-114 shall govern.

20 If a candidate in a nonpartisan election dies, becomes disqualified, or withdraws before
21 election day and after the ballots have been printed, the board of elections shall determine whether
22 there is enough time to reprint the ballots. If there is not enough time to reprint the ballots, and
23 should the deceased or disqualified candidate receive enough votes to be elected, the board of
24 elections shall declare the office vacant, and it shall be filled as provided by law.

25 (c) If a person elected to any city office dies, becomes disqualified, or resigns on or after
26 election day and before he has qualified by taking the oath of office, the office shall be deemed
27 vacant, and shall be filled as provided by law.

28 (d) A vacancy that occurs in a municipal or special district elective office shall be filled by
29 the governing body as provided in G.S. 160A-63. In the case of a special district, the words "city
30 council" as used in G.S. 160A-63, shall mean the governing body of the special district.

31 **"§ 163-294.2. Notice of candidacy and filing fee in nonpartisan municipal elections.**

32 (a) Each person offering himself as a candidate for election to any municipal office in
33 municipalities whose elections are nonpartisan shall do so by filing a notice of candidacy with the
34 board of elections in the following form, inserting the words in parentheses when appropriate:

35 "Date _____;
36 I hereby file notice that I am a candidate for election to the office of _____
37 (at large) (for the _____ Ward) in the regular municipal election to be held in
38 _____ on _____,
39 _____ (municipality)
40 Signed _____
41 _____ (Name of Candidate)

42 -Witness: _____
43 For the Board of Elections"

44 The notice of candidacy shall be either signed in the presence of the chairman or secretary of the
45 board of elections or the director of elections of that county, or signed and acknowledged before
46 an officer authorized to take acknowledgments who shall certify the notice under seal. An
47 acknowledged and certified notice may be mailed to the board of elections. The candidate shall
48 sign the notice of candidacy with his legal name and, in his discretion, any nickname by which he
49 is commonly known, in the form that he wishes it to appear upon the ballot but substantially as
50 follows: "Richard D. (Dick) Roc." A candidate may also, in lieu of his legal first name and legal
51 middle initial or middle name (if any) sign his nickname, provided that he appends to the notice of

1 candidacy an affidavit that he has been commonly known by that nickname for at least five years
2 prior to the date of making the affidavit, and notwithstanding the previous sentence, if the
3 candidate has used his nickname in lieu of first and middle names as permitted by this sentence,
4 unless another candidate for the same office who files a notice of candidacy has the same last
5 name, the nickname shall be printed on the ballot immediately before the candidate's surname but
6 shall not be enclosed by parentheses. If another candidate for the same office who filed a notice of
7 candidacy has the same last name, then the candidate's name shall be printed on the ballot in
8 accordance with the next sentence of this subsection. The candidate shall also include with the
9 affidavit the way his name (as permitted by law) should be listed on the ballot if another candidate
10 with the same last name files a notice of candidacy for that office.

11 (b) Only persons who are registered to vote in the municipality shall be permitted to file
12 notice of candidacy for election to municipal office. The board of elections shall inspect the voter
13 registration lists immediately upon receipt of the notice of candidacy and shall cancel the notice of
14 candidacy of any candidate who is not eligible to vote in the election. The board shall give notice
15 of cancellation to any candidate whose notice of candidacy has been cancelled under this
16 subsection by mail or by having the notice served on him by the county sheriff.

17 (c) Candidates seeking municipal office shall file their notices of candidacy with the board
18 of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on
19 the third Friday in July preceding the election, except:

20 (1) In the year following a federal decennial census, candidates seeking municipal
21 office in any city which elects members of its governing board on a district
22 basis, or requires that candidates reside in a district in order to run, shall file
23 their notices of candidacy with the board of elections no earlier than 12:00 noon
24 on the fourth Monday in July and no later than 12:00 noon on the second Friday
25 in August preceding the election; and

26 (2) In the second year following a federal decennial census, if the election is held
27 then under G.S. 160A-23.1, candidates seeking municipal office shall file their
28 notices of candidacy with the board of elections at the same time as notices of
29 candidacy for county officers are required to be filed under G.S. 163-106.

30 Notices of candidacy which are mailed must be received by the board of elections before the
31 filing deadline regardless of the time they were deposited in the mails.

32 (d) Any person may withdraw his notice of candidacy at any time prior to the close of
33 business on the third business day prior to the filing deadline prescribed in subsection (c), and
34 shall be entitled to a refund of his filing fee if he does so.

35 (e) The filing fee for the primary or election shall be fixed by the governing board not later
36 than the day before candidates are permitted to begin filing notices of candidacy. There shall be a
37 minimum filing fee of five dollars (\$5.00). The governing board shall have the authority to set the
38 filing fee at not less than five dollars (\$5.00) nor more than one percent (1%) of the annual salary
39 of the office sought unless one percent (1%) of the annual salary of the office sought is less than
40 five dollars (\$5.00), in which case the minimum filing fee of five dollars (\$5.00) will be charged.
41 The fee shall be paid to the board of elections at the time notice of candidacy is filed.

42 (f) No person may file a notice of candidacy for more than one municipal office at the
43 same election. If a person has filed a notice of candidacy for one office with the board of elections
44 under this section, then a notice of candidacy may not later be filed for any other municipal office
45 for the election unless the notice of candidacy for the first office is withdrawn first.

46 **"§ 163-294.3. Sole candidates to be voted upon in nonpartisan municipal elections.**

47 Each candidate for municipal office in nonpartisan municipal elections shall be voted upon,
48 even though only one candidate has filed or has been nominated for a given office, in order that
49 the voters may have the opportunity to cast write-in votes under the general election laws.

50 **"§ 163-294.4. Failure of candidates to file; death of a candidate before election.**

1 (a) ~~If in a nonpartisan municipal election, when the filing period expires, candidates have~~
2 ~~not filed for all offices to be filled, the board of elections may extend the filing period for five~~
3 ~~days.~~

4 (b) If at the time the filing period closes only two persons have filed notice of candidacy
5 for election to a single office or only as many persons have filed notices of candidacy for group
6 offices as there are offices to be filled, and thereafter one of the candidates dies before the election
7 and before the ballots are printed, the board of elections shall, upon notification of the death,
8 immediately reopen the filing period for an additional five days during which time additional
9 candidates shall be permitted to file for election. If the ballots have been printed at the time the
10 board of elections receives notice of the candidate's death, the board shall determine whether there
11 will be sufficient time to reprint them before the election if the filing period is reopened for three
12 days. If the board determines that there will be sufficient time to reprint the ballots, it shall reopen
13 the filing period for three days to allow other candidates to file for election.

14 (c) If the ballots have been printed at the time the board of elections receives notice of a
15 candidate's death, and if the board determines that there is not enough time to reprint the ballots
16 before the election if the filing period is reopened for three days, then, regardless of the number of
17 candidates remaining for the office, the ballots shall not be reprinted and the name of the deceased
18 candidate shall remain on the ballots. If a deceased candidate should poll the highest number of
19 votes in the election, even though short of a majority the board of elections shall declare the office
20 vacant and it shall be filled in the manner provided by law. If no candidate in an election receives
21 a majority of the votes cast and the second highest vote is cast for a deceased candidate, no runoff
22 election shall be held, but the board of elections shall declare the candidate receiving the highest
23 vote to be elected.

24 ...

25 **"§ 163-296. Nomination by petition.**

26 ~~In cities conducting partisan elections, any~~Any qualified voter who seeks to have ~~his the~~
27 voter's name printed on the regular municipal election ballot as an unaffiliated candidate may do
28 so in the manner provided in G.S. 163-122, except that the petitions and affidavits shall be filed
29 not later than 12:00 noon on the Friday preceding the seventh Saturday before the election, and the
30 petitions shall be signed by a number of qualified voters of the municipality equal to at least four
31 percent (4%) of the whole number of voters qualified to vote in the municipal election according
32 to the voter registration records of the State Board of Elections as of January 1 of the year in
33 which the general municipal election is held. A person whose name appeared on the ballot in a
34 primary election is not eligible to have his name placed on the regular municipal election ballot as
35 an unaffiliated candidate for the same office in that year. The Board of Elections shall examine
36 and verify the signatures on the petition, and shall certify only the names of signers who are found
37 to be qualified registered voters in the municipality. Provided that in the case where a qualified
38 voter seeks to have his name printed on the regular municipal election ballot as an unaffiliated
39 candidate for election from an election district within the municipality, the petition shall be signed
40 by four percent (4%) of the voters qualified to vote for that office.

41 ...

42 **"§ 163-298. Municipal primaries and elections.**

43 The phrases "county board of elections," and "chairman of the board of elections" as used in
44 this Article, with respect to all municipal primaries and elections, shall mean the county board of
45 elections and its chairman in all municipalities. The words "general election," as used in this
46 Article, shall include regular municipal elections, ~~runoff elections, and nonpartisan primaries,~~
47 ~~except where specific provision is made for municipal elections and nonpartisan~~
48 ~~primaries elections.~~

49 **"§ 163-299. Ballots; municipal primaries and elections.**

50 (a) The ballots printed for use in general and special elections under the provisions of this
51 Article shall contain:

1 (1) The names of all candidates who have been put in nomination in accordance
2 with the provisions of this Chapter by any political party recognized in this
3 ~~State, or, in nonpartisan municipal elections, the names of all candidates who~~
4 ~~have filed notices of candidacy or who have been nominated in a nonpartisan~~
5 ~~primary.~~State.

6 (2) The names of all persons who have qualified as unaffiliated candidates under
7 the provisions of G.S. 163-296.

8 (3) All questions, issues and propositions to be voted on by the people.

9 (b) The form of municipal ballots to be used in partisan municipal elections shall be the
10 same as the form prescribed in this Chapter for the county ballot.

11 (c) The names of candidates for nomination or election in municipal primaries or elections
12 shall be placed on the ballot in strict alphabetical order, unless the municipal governing body has
13 adopted a resolution no later than 60 days prior to a primary or election requesting that candidates'
14 names be rotated on ballots. In the event such a resolution has been adopted, then the board of
15 elections responsible for printing the ballots shall have them printed so that the name of each
16 candidate shall, as far as practicable, occupy alternate positions on the ballot; to that end the name
17 of each candidate shall occupy with reference to the name of every other candidate for the same
18 office, first position, second position and every other position, if any, upon an equal number of
19 ballots, and the ballots shall be distributed among the precinct voting places impartially and
20 without discrimination.

21 (d) The provisions of Articles 14A and 15A of this Chapter shall apply to ballots used in
22 municipal primaries and elections in the same manner as it is applied to county ballots.

23 (e) The rules contained in G.S. 163-182.1 and G.S. 163-182.2 for counting primary ballots
24 shall be followed in counting ballots in municipal ~~primaries and nonpartisan~~ primaries.

25 (f) The requirements contained in G.S. 163-182.2(b) shall apply to all municipal elections.

26 (g) The county board of elections shall, in addition to the requirements contained in
27 G.S. 163-182.5 canvass the results ~~in a nonpartisan municipal primary, election or runoff election,~~
28 ~~and~~ in a special district election, the number of legal votes cast in each precinct for each candidate,
29 the name of each person voted for, and the total number of votes cast in the municipality or special
30 district for each person for each different office.

31"

32 **SECTION 3.4.(a)** This act shall have the effect of repealing any provisions of local or
33 special acts relating to the nonpartisan municipal elections. This act shall not affect the filling of a
34 vacancy in a municipal election that occurs for a seat elected prior to the effective date of this act.

35 **SECTION 3.4.(b)** Any local act requiring a municipal election to be conducted in an
36 odd-numbered year shall be held as a partisan election beginning in 2019.

37 38 **PART IV. APPLICATION OF THIS ACT**

39 **SECTION 4.1.** In applying this act, a candidate's party affiliation or unaffiliated status
40 shall be based on the party affiliation or unaffiliated status under which the candidate registered at
41 the general election immediately preceding the candidate's filing for office pursuant to this act.

42 43 **PART V. EFFECTIVE DATE**

44 **SECTION 5.1.** This act is effective with respect to primaries and elections held on or
45 after January 1, 2018.