

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 456

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

Sponsors: Senators Goolsby; Bingham, Blake, Brown, Daniel, Davis, Forrester, Gunn, Hartsell, Hise, Hunt, Jackson, Newton, Preston, Rabon, Rouzer, Rucho, Soucek, Stevens, and Tillman.

Referred to: Judiciary I.

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. ~~The~~
8 Unless a candidate in the notice of candidacy under G.S. 163-106 chooses to list the political
9 party recognized under Article 9 of Chapter 163 of the General Statutes that the candidate is
10 affiliated with, the names of the candidates shall be printed on the ballots without reference to
11 any party affiliation and any qualified voter residing in the county shall be entitled to vote such
12 ballots. A candidate not affiliated with a political party may also list that status on the ballot by
13 so providing in the notice of candidacy under G.S. 163-106. Except as otherwise provided
14 herein, the election shall be conducted according to the provisions of Chapter 163 of the
15 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. 163-323 is amended by adding a new subsection to read:

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

32 **SECTION 3.** G.S. 163-294.2 is amended by adding a new subsection to read:

33 "(g) Unless a candidate in the notice of candidacy under this section chooses to list the
34 political party recognized under Article 9 of this Chapter with which the candidate is affiliated,
35 the names of the candidates shall be printed on the ballots without reference to any party



1 affiliation. A candidate not affiliated with a political party may also list that status on the ballot
2 by so providing in the notice of candidacy under this section."

3 **SECTION 4.** G.S. 139-6 reads as rewritten:

4 "**§ 139-6. District board of supervisors – elective members; certain duties.**

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

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

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

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

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

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

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

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

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

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

48 **SECTION 5.** This act is effective with respect to elections conducted on or after
49 January 1, 2012.