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SESSION 2019

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HOUSE BILL DRH10139-LU-27A

Short Title: Partisan Elections Act. (Public)

Sponsors: Representatives Pittman, Cleveland, Kidwell, and Speciale (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THAT EVERY ELECTION IN THE STATE BE HELD AS A  
3 PARTISAN ELECTION.

4 The General Assembly of North Carolina enacts:

5  
6 **PART I. COUNTY BOARDS OF EDUCATION ELECTIONS**

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

8 "**§ 115C-37. Election of board members.**

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

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

19 ...

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

25 The election of the board of education for a city administrative unit shall be conducted  
26 according to the provisions of Parts 1 and 2 of Article 27 of Chapter 163A of the General Statutes  
27 governing partisan elections.

28 If no provision is now made by the law for the filling of vacancies ~~in the membership of for~~  
29 appointed members of any city board of education, such vacancy ~~may~~ shall be filled by the  
30 governing body of the city or town embraced by ~~said~~ the administrative unit. In the event that  
31 any such vacancy is not filled in this manner within 30 days, the State Board of Education ~~may~~  
32 shall fill such ~~the~~ vacancy.

33 ...

34 (e) Vacancies in Nominations for Membership on County Boards. – If any candidate  
35 ~~nominated on a partisan basis~~ shall die, resign, or for any reason become ineligible or disqualified  
36 between the date of ~~his~~ the candidate's nomination and the time for the election, ~~such~~ the vacancy



1 ~~caused thereby may shall~~ be filled by the actions of the county executive committee of the  
2 political party of ~~such the~~ candidate.

3 (f) Vacancies in Office. – All vacancies in the membership of the boards of education  
4 whose members are elected pursuant to the provisions of ~~subsection (a) of this section~~ created by  
5 death, resignation, or other causes shall be filled by appointment by the remaining members of  
6 the board, of a person to serve until the next election of members of ~~such the~~ board, at which  
7 time the remaining unexpired term of the office in which the vacancy occurs shall be filled by  
8 election. ~~The remaining members of the board shall consult with the executive committee of the~~  
9 ~~nominating political party of the member whose seat is vacant and appoint the person~~  
10 ~~recommended by that party executive committee, if the party executive committee makes a~~  
11 ~~recommendation within 30 days of the occurrence of the vacancy. Whenever only the qualified~~  
12 ~~voters of less than the area of the entire local school administrative unit were eligible to vote for~~  
13 ~~the member whose seat is vacant, the appointing authority shall accept the recommendation only~~  
14 ~~if the party executive committee restricted voting to committee members who represent precincts~~  
15 ~~all or part of which were within the territory of the vacating school board member.~~  
16 ~~Notwithstanding any provisions of G.S. 153A-3 or G.S. 160A-3 to the contrary, a local act may~~  
17 ~~not supersede the method of filling vacancies in the membership of boards of education provided~~  
18 ~~for in this subsection.~~

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

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

29 ~~(h) Death or Disqualification of Candidate in Nonpartisan Election. — If a candidate dies~~  
30 ~~or becomes disqualified after the filing period has closed and before the election, and the ballots~~  
31 ~~have not been printed, the county board of elections shall immediately reopen the filing period~~  
32 ~~for five days so that additional candidates may file for election. If the ballots have been printed~~  
33 ~~at the time the board of elections receives notice of the death or disqualification, the board shall~~  
34 ~~reopen the filing period for three days if the board determines it will have time to reprint the~~  
35 ~~ballots before the election.~~

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

41 ...."

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

43 **SECTION 1.3.** G.S. 115C-67 reads as rewritten:

44 **"§ 115C-67. Merger of units in same county.**

45 City school administrative units may be consolidated and merged with contiguous city school  
46 administrative units and with county school administrative units upon approval by the State  
47 Board of Education of a plan for consolidation and merger submitted by the boards of education  
48 involved and bearing the approval of the board of county commissioners.

49 County and city boards of education desiring to consolidate and merge their school  
50 administrative units may do so by entering into a written plan which shall set forth the conditions

1 of merger. The provisions of the plan shall be consistent with the General Statutes and shall  
 2 contain, but not be limited to, the following:

3 ...

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

6 ...

7 b. The method of constituting and continuing the board of education; the  
 8 manner of selection of board members, including (i) the number of  
 9 members of the board, (ii) the method of their election or appointment,  
 10 (iii) whether members shall be nominated, elected, or appointed from  
 11 districts or at large, and (iv) the manner of determining the ~~nominee,~~  
 12 ~~and (v) whether the election shall be partisan or nonpartisan; nominee;~~  
 13 the length of the members' terms of office; the dates of induction into  
 14 office; the organization of the board; ~~the procedure for filling~~  
 15 ~~vacancies;~~ and the compensation to be paid members of the board for  
 16 expenses incurred in performance of their duties. ~~To~~ Except for the  
 17 requirements of election on a partisan basis and the filling of vacancies  
 18 in the membership of a local board of education, to the extent that  
 19 the method conflicts with G.S. 115C-35, G.S. 115C-37, or with any local  
 20 act concerning any of the units being merged and consolidated, the  
 21 plan of merger and consolidation shall prevail.

22 ...."

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

28 **SECTION 1.4.(b)** Any local act requiring a board of education election to be  
 29 conducted in an odd-numbered year shall be held as a partisan election beginning in 2021.

30  
 31 **PART II. SANITARY DISTRICT ELECTIONS**

32 **SECTION 2.1.** G.S. 130A-50(c) reads as rewritten:

33 "(c) The election shall be ~~nonpartisan and decided by simple plurality as provided in~~  
 34 ~~G.S. 163A-1616~~ partisan as provided in G.S. 163A-1615 and shall be held and conducted by the  
 35 county board of elections in accordance with the applicable provisions of Article 27 of Chapter  
 36 163A of the General Statutes. If the district is in more than one county, then the county board of  
 37 elections of the county including the largest part of the district shall conduct the election for the  
 38 entire district with the assistance and full cooperation of the boards of elections in the other  
 39 counties."

40  
 41 **PART III. SOIL AND WATER CONSERVATION DISTRICT ELECTIONS**

42 **SECTION 3.1.** G.S. 139-6 reads as rewritten:

43 **"§ 139-6. District board of supervisors – elective members; certain duties.**

44 After the issuance of the certificate of organization of the soil and water conservation district  
 45 by the Secretary of State, an election shall be held in each county of the district to elect the  
 46 members of the soil and water conservation district board of supervisors as herein provided.

47 The district board of supervisors shall consist of three elective members to be elected in each  
 48 county of the district, and that number of appointive members as provided in G.S. 139-7. Upon  
 49 the creation of a district, the first election of the members shall be held at the next succeeding  
 50 election for county officers.

1 All elections for members of the district board of supervisors shall be held at the same time  
2 as the regular election for county officers beginning in November 1974. The election shall be  
3 ~~nonpartisan and no primary election shall be held. The election partisan and~~ shall be held and  
4 conducted by the county board of elections.

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

9 Beginning with the election to be held in November 1974, the two candidates receiving the  
10 highest number of votes shall be elected for a term of four years, and the candidate receiving the  
11 next highest number of votes shall be elected for a term of two years; thereafter, as their terms  
12 expire, their successors shall be elected for terms of four years. If the position of district  
13 supervisor is not filled by failure to elect, then the office shall be deemed vacant upon the  
14 expiration of the term of the incumbent, and the office shall be filled as provided in G.S. 139-7.

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

17 The terms of the present members of the soil and water conservation districts, both elective  
18 and appointive members, are hereby extended to or terminated on the first Monday in December  
19 1974.

20 All qualified voters of the district shall be eligible to vote in the election. Except as provided  
21 in this Chapter, the election shall be held in accordance with the applicable provisions of Article  
22 27 of Chapter 163A of the General Statutes.

23 The district board of supervisors, after the appointment of the appointive members has been  
24 made, shall select from its members a chairman, a vice-chairman and a secretary. It shall be the  
25 duty of the district board of supervisors to perform those powers, duties, and authority conferred  
26 upon supervisors under this Chapter; to develop annual county and district goals and plans for  
27 soil conservation work therein; to request agencies, whose duties are such as to render assistance  
28 in soil and water conservation, to set forth in writing what assistance they may have available in  
29 the county and district."  
30

#### 31 **PART IV. MUNICIPAL ELECTIONS**

##### 32 **SECTION 4.1.** G.S. 160A-23.1(d) reads as rewritten:

33 "(d) If the council adopts the resolution provided for in subsection (a) of this section and  
34 does not adopt the changes, or does adopt the changes, but approval under the Voting Rights Act  
35 of 1965, as amended, is required, and notice of such approval is not received, by the end of the  
36 third day before the opening of the filing period, the municipal election shall be rescheduled as  
37 provided in this subsection and current officeholders shall hold over until their successors are  
38 elected and qualified. ~~For cities using the:~~ Pursuant to G.S. 163A-1615, the primary shall be held  
39 on the primary election date for county officers in the second year following a federal decennial  
40 census; the second primary, if necessary, shall be held on the second primary election date for  
41 county officers in that year; and the general election shall be held on the general election date for  
42 county officers in that year.

43 (1) ~~Partisan primary and election method under G.S. 163A-1615, the primary~~  
44 ~~shall be held on the primary election date for county officers in the second~~  
45 ~~year following a federal decennial census, the second primary, if necessary,~~  
46 ~~shall be held on the second primary election date for county officers in that~~  
47 ~~year, and the general election shall be held on the general election date for~~  
48 ~~county officers in that year.~~

49 (2) ~~Nonpartisan primary and election method under G.S. 163A-1618, the primary~~  
50 ~~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. 163A-1616, 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. 163A-1617, 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 4.2.** G.S. 160A-101 reads as rewritten:

**"§ 160A-101. Optional forms.**

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

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

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

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

(7) Elections:

Municipal primaries and elections shall be conducted on a partisan basis as provided in G.S. 163A-1615.

a. ~~Partisan.—Municipal primaries and elections shall be conducted on a partisan basis as provided in G.S. 163A-1615.~~

b. ~~Nonpartisan Plurality.—Municipal elections shall be conducted as provided in G.S. 163A-1616.~~

c. ~~Nonpartisan Election and Runoff Election.—Municipal elections and runoff elections shall be conducted as provided in G.S. 163A-1617.~~

d. ~~Nonpartisan Primary and Election.—Municipal primaries and elections shall be conducted as provided in G.S. 163A-1618.~~

...."



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

10	Cities, towns and villages of	
11	less than 5,000	Plurality
12	Cities, towns and villages of	
13	5,000 or more	Election and Runoff Election
14	Special districts	Plurality

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

18 "Part 2. Conduct of Municipal Elections.

19 **"§ 163A-1615. Partisan primaries and elections.**

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

26 ...

27 ~~**"§ 163A-1616. Determination of election results in cities using the plurality method.**~~

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

- 30 (1) ~~When more than one person is seeking election to a single office, the candidate~~  
 31 ~~who receives the highest number of votes shall be declared elected.~~
- 32 (2) ~~When more persons are seeking election to two or more offices (constituting~~  
 33 ~~a group) than there are offices to be filled, those candidates receiving the~~  
 34 ~~highest number of votes, equal in number to the number of offices to be filled,~~  
 35 ~~shall be declared elected.~~
- 36 (3) ~~If two or more candidates receiving the highest number of votes each receive~~  
 37 ~~the same number of votes, the board of elections shall determine the winner~~  
 38 ~~by lot.~~

39 ~~**"§ 163A-1617. Determination of election results in cities using the election and runoff**~~  
 40 ~~**election method.**~~

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

- 44 (1) ~~When more than one person is seeking election to a single office, the majority~~  
 45 ~~shall be ascertained by dividing the total vote cast for all candidates by two.~~  
 46 ~~Any excess of the sum so ascertained shall be a majority, and the candidate~~  
 47 ~~who obtains a majority shall be declared elected.~~
- 48 (2) ~~When more persons are seeking election to two or more offices (constituting~~  
 49 ~~a group) than there are offices to be filled, the majority shall be ascertained by~~  
 50 ~~dividing the total vote cast for all candidates by the number of offices to be~~  
 51 ~~filled, and by dividing the result by two. Any excess of the sum so ascertained~~

1 shall be a majority, and the candidates who obtain a majority shall be declared  
2 elected. If more candidates obtain a majority than there are offices to be filled,  
3 those having the highest vote (equal to the number of offices to be filled) shall  
4 be declared elected.

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

8 (1) ~~If no candidate for a single office receives a majority of the votes cast, the~~  
9 ~~candidate receiving the highest number of votes shall be declared elected~~  
10 ~~unless the candidate receiving the second highest number of votes requests a~~  
11 ~~runoff election in accordance with subsection (c) of this section. In the runoff~~  
12 ~~election only the names of the two candidates who received the highest and~~  
13 ~~next highest number of votes shall be printed on the ballot. No space for~~  
14 ~~write-in votes shall be included on the ballot for the runoff election.~~

15 (2) ~~If candidates for two or more offices (constituting a group) are to be selected~~  
16 ~~and aspirants for some or all of the positions within the group do not receive~~  
17 ~~a majority of the votes, those candidates equal in number to the positions~~  
18 ~~remaining to be filled and having the highest number of votes shall be declared~~  
19 ~~elected unless some one or all of the candidates equal in number to the~~  
20 ~~positions remaining to be filled and having the second highest number of votes~~  
21 ~~shall request a runoff election in accordance with subsection (c) of this section.~~  
22 ~~In the runoff election to elect candidates for the positions in the group~~  
23 ~~remaining to be filled, the names of all those candidates receiving the highest~~  
24 ~~number of votes and demanding a runoff election shall be printed on the ballot.~~  
25 ~~No space for write-in votes shall be included on the ballot for the runoff~~  
26 ~~election.~~

27 (c) ~~The canvass of the first election shall be held on the seventh day after the election. A~~  
28 ~~candidate entitled to a runoff election may do so by filing a written request for a runoff election~~  
29 ~~with the board of elections no later than 12:00 noon on the Thursday after the result of the first~~  
30 ~~election has been officially declared. In accepting the filing of complaints concerning the conduct~~  
31 ~~of an election, a board of elections shall be subject to the rules concerning Sundays and holidays~~  
32 ~~set forth in G.S. 103-5.~~

33 (d) ~~Tie votes; how determined:~~

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

40 (2) ~~If one candidate receives the highest number of votes cast in a first election,~~  
41 ~~but short of a majority, and there is a tie between two or more of the other~~  
42 ~~candidates receiving the second highest number of votes, the board of~~  
43 ~~elections shall declare the candidate having the highest number of votes to be~~  
44 ~~elected, unless all but one of the tied candidates give written notice of~~  
45 ~~withdrawal to the board of elections within three days after the result of the~~  
46 ~~first election has been officially declared. If all but one of the tied candidates~~  
47 ~~withdraw within the prescribed three-day period, and the remaining candidate~~  
48 ~~demand a runoff election in accordance with subsection (c) of this section, a~~  
49 ~~runoff election shall be held between the candidate who received the highest~~  
50 ~~vote and the remaining candidate who received the second highest vote.~~



1       (e)     ~~Runoff elections shall be held on the date fixed in G.S. 163A-1585(a)(4). Persons~~  
2 ~~whose registrations become valid between the date of the first election and the runoff election~~  
3 ~~shall be entitled to vote in the runoff election, but in all other respects the runoff election shall be~~  
4 ~~held under the laws, rules, and regulations provided for the first election.~~

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

9     ~~"§ 163A-1618. Determination of election results in cities using nonpartisan primaries.~~

10       (a)     ~~In cities whose elections are nonpartisan and who use the nonpartisan primary and~~  
11 ~~election method, there shall be a primary to narrow the field of candidates to two candidates for~~  
12 ~~each position to be filled if, when the filing period closes, there are more than two candidates for~~  
13 ~~a single office or the number of candidates for a group of offices exceeds twice the number of~~  
14 ~~positions to be filled. If only one or two candidates file for a single office, no primary shall be~~  
15 ~~held for that office and the candidates shall be declared nominated. If the number of candidates~~  
16 ~~for a group of offices does not exceed twice the number of positions to be filled, no primary shall~~  
17 ~~be held for those offices and the candidates shall be declared nominated.~~

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

28       (c)     ~~In the election, the names of those candidates declared nominated without a primary~~  
29 ~~and those candidates nominated in the primary shall be placed on the ballot. The candidate for a~~  
30 ~~single office receiving the highest number of votes shall be elected. Those candidates for a group~~  
31 ~~of offices receiving the highest number of votes, equal in number to the number of positions to~~  
32 ~~be filled, shall be elected. If two candidates receiving the highest number of votes each received~~  
33 ~~the same number of votes, the board of elections shall determine the winner by lot.~~

34     ~~"§ 163A-1619. Death of candidates or elected officers.~~

35     ~~...~~

36       (b)     ~~If a candidate for political party nomination for office dies, becomes disqualified, or~~  
37 ~~withdraws before the primary but after the ballots have been printed, the provisions of~~  
38 ~~G.S. 163A-985 shall govern.~~

39       ~~If a candidate for nomination in a nonpartisan municipal primary dies, becomes disqualified,~~  
40 ~~or withdraws before the primary but after the ballots have been printed, the board of elections~~  
41 ~~shall determine whether or not there is time to reprint the ballots. If the board determines that~~  
42 ~~there is not enough time to reprint the ballots, the deceased or disqualified candidate's name shall~~  
43 ~~remain on the ballots. If he receives enough votes for nomination, such votes shall be disregarded~~  
44 ~~and the candidate receiving the next highest number of votes below the number necessary for~~  
45 ~~nomination shall be declared nominated. If the death or disqualification of the candidate leaves~~  
46 ~~only two candidates for each office to be filled, the nonpartisan primary shall not be held and all~~  
47 ~~candidates shall be declared nominees.~~

48       ~~If a nominee for political party nomination dies, becomes disqualified, or withdraws after the~~  
49 ~~primary and before election day, the provisions of G.S. 163A-987 shall govern.~~

50       ~~If a candidate in a nonpartisan election dies, becomes disqualified, or withdraws before~~  
51 ~~election day and after the ballots have been printed, the board of elections shall determine~~

1 whether there is enough time to reprint the ballots. If there is not enough time to reprint the  
2 ballots, and should the deceased or disqualified candidate receive enough votes to be elected, the  
3 board of elections shall declare the office vacant, and it shall be filled as provided by law.

4 ...  
5 ~~"§ 163A-1620. Notice of candidacy and filing fee in nonpartisan municipal elections.~~

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

9 "Date \_\_\_\_\_;  
10 I hereby file notice that I am a candidate for election to the office of  
11 \_\_\_\_\_ (at large) (for the \_\_\_\_\_ Ward) in the regular municipal  
12 election to be held in \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_

13 (municipality)

14 Signed \_\_\_\_\_

15 (Name of Candidate)

16 Witness: \_\_\_\_\_

17 For the Board of Elections"

18 The notice of candidacy shall be either signed in the presence of the chairman or secretary of the  
19 board of elections or the director of elections of that county, or signed and acknowledged before  
20 an officer authorized to take acknowledgments who shall certify the notice under seal. An  
21 acknowledged and certified notice may be mailed to the board of elections. The candidate shall  
22 sign the notice of candidacy with his legal name and, in his discretion, any nickname by which  
23 he is commonly known, in the form that he wishes it to appear upon the ballot but substantially  
24 as follows: "Richard D. (Dick) Roe." A candidate may also, in lieu of his legal first name and  
25 legal middle initial or middle name (if any) sign his nickname, provided that he appends to the  
26 notice of candidacy an affidavit that he has been commonly known by that nickname for at least  
27 five years prior to the date of making the affidavit, and notwithstanding the previous sentence, if  
28 the candidate has used his nickname in lieu of first and middle names as permitted by this  
29 sentence, unless another candidate for the same office who files a notice of candidacy has the  
30 same last name, the nickname shall be printed on the ballot immediately before the candidate's  
31 surname but shall not be enclosed by parentheses. If another candidate for the same office who  
32 filed a notice of candidacy has the same last name, then the candidate's name shall be printed on  
33 the ballot in accordance with the next sentence of this subsection. The candidate shall also include  
34 with the affidavit the way his name (as permitted by law) should be listed on the ballot if another  
35 candidate with the same last name files a notice of candidacy for that office.

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

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

45 (1) In the year following a federal decennial census, candidates seeking municipal  
46 office in any city which elects members of its governing board on a district  
47 basis, or requires that candidates reside in a district in order to run, shall file  
48 their notices of candidacy with the board of elections no earlier than 12:00  
49 noon on the fourth Monday in July and no later than 12:00 noon on the second  
50 Friday in August preceding the election; and  
51

1           (2)     ~~In the second year following a federal decennial census, if the election is held~~  
2           ~~then under G.S. 160A-23.1, candidates seeking municipal office shall file~~  
3           ~~their notices of candidacy with the board of elections at the same time as~~  
4           ~~notices of candidacy for county officers are required to be filed under~~  
5           ~~G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and~~  
6           ~~163A-978.~~

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

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

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

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

23          ~~**"§ 163A-1621. Sole candidates to be voted upon in nonpartisan municipal elections.**~~

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

27          ~~**"§ 163A-1622. Failure of candidates to file; death of a candidate before election.**~~

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

31          ~~...~~

32          ~~**"§ 163A-1623. Municipal and special district elections; application of this Subchapter**~~  
33          ~~**163-163A.**~~

34          ~~...~~

35          ~~**"§ 163A-1624. Nomination by petition.**~~

36          ~~In cities conducting partisan elections, any Any qualified voter who seeks to have his ~~the~~~~  
37          ~~qualified voter's name printed on the regular municipal election ballot as an unaffiliated candidate~~  
38          ~~may do so in the manner provided in G.S. 163A-1005, except that the petitions and affidavits~~  
39          ~~shall be filed not later than 12:00 noon on the Friday preceding the seventh Saturday before the~~  
40          ~~election, and the petitions shall be signed by a number of qualified voters of the municipality~~  
41          ~~equal to at least one and a half percent (1.5%) of the whole number of voters qualified to vote in~~  
42          ~~the municipal election according to the voter registration records of the State Board as of January~~  
43          ~~1 of the year in which the general municipal election is held. A person whose name appeared on~~  
44          ~~the ballot in a primary election is not eligible to have his name placed on the regular municipal~~  
45          ~~election ballot as an unaffiliated candidate for the same office in that year. The Board of Elections~~  
46          ~~shall examine and verify the signatures on the petition, and shall certify only the names of signers~~  
47          ~~who are found to be qualified registered voters in the municipality. Provided that in the case~~  
48          ~~where a qualified voter seeks to have his name printed on the regular municipal election ballot~~  
49          ~~as an unaffiliated candidate for election from an election district within the municipality, the~~  
50          ~~petition shall be signed by one and a half percent (1.5%) of the voters qualified to vote for that~~  
51          ~~office.~~

1 ...

2 **"§ 163A-1626. Municipal primaries and elections.**

3 The phrases "county board of elections," and "chairman of the board of elections" as used in  
4 this Part, with respect to all municipal primaries and elections, shall mean the county board of  
5 elections and its chairman in all municipalities. The words "general election," as used in this Part,  
6 shall include regular municipal elections, ~~runoff elections, and nonpartisan primaries,~~ except  
7 where specific provision is made for municipal ~~elections and nonpartisan primaries.~~elections.

8 **"§ 163A-1627. Ballots; municipal primaries and elections.**

9 (a) The ballots printed for use in general and special elections under the provisions of this  
10 Part shall contain:

- 11 (1) The names of all candidates who have been put in nomination in accordance  
12 with the provisions of this Subchapter by any political party recognized in this  
13 ~~State, or, in nonpartisan municipal elections, the names of all candidates who~~  
14 ~~have filed notices of candidacy or who have been nominated in a nonpartisan~~  
15 ~~primary.~~State.

16 ...

17 (e) The rules contained in G.S. 163A-1166 and G.S. 163A-1169 for counting primary  
18 ballots shall be followed in counting ballots in municipal ~~primaries and nonpartisan~~ primaries.

19 ...

20 (g) The county board of elections shall, in addition to the requirements contained in  
21 G.S. 163A-1172 canvass the results ~~in a nonpartisan municipal primary, election or runoff~~  
22 ~~election, and~~ in a special district election, the number of legal votes cast in each precinct for each  
23 candidate, the name of each person voted for, and the total number of votes cast in the  
24 municipality or special district for each person for each different office."

25 **SECTION 4.4.(a)** This act shall have the effect of repealing any provisions of local  
26 or special acts relating to the nonpartisan municipal elections. This act shall not affect the filling  
27 of a vacancy in a municipal election that occurs for a seat elected prior to the effective date of  
28 this act.

29 **SECTION 4.4.(b)** Any local act requiring a municipal election to be conducted in  
30 an odd-numbered year shall be held as a partisan election beginning in 2021.

31  
32 **PART V. OTHER CONFORMING STATUTORY CHANGES**

33 **SECTION 5.1.** G.S. 163A-980(d) is repealed.

34 **SECTION 5.2.** G.S. 163A-1114(b)(3) is repealed.

35 **SECTION 5.3.** G.S. 163A-1411(80) reads as rewritten:

36 **"§ 163A-1411. Definitions.**

37 When used in this Article:

38 ...

- 39 (80) The term "public office" means any office filled by election by the people on  
40 a statewide, county, municipal or district basis, and this Article shall be  
41 applicable to such elective ~~offices whether the election therefor is partisan or~~  
42 ~~nonpartisan.~~offices.

43 ...."

44 **SECTION 5.4.** G.S. 163A-1499 is repealed.

45  
46 **PART VI. APPLICATION OF THIS ACT**

47 **SECTION 6.1.** In applying this act, a candidate's party affiliation or unaffiliated  
48 status shall be based on the party affiliation or unaffiliated status under which the candidate  
49 registered at the general election immediately preceding the candidate's filing for office pursuant  
50 to this act.

1 **PART VII. EFFECTIVE DATE**

2 **SECTION 7.1.** This act is effective with respect to primaries and elections held on  
3 or after January 1, 2020.