

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 556
Election Laws Committee Substitute Adopted 5/9/91

Short Title: Incorp. Ref./Shorter Filing Period.

(Public)

Sponsors:

Referred to:

April 11, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW ABSENTEE VOTING IN REFERENDA ON
3 INCORPORATION OF A MUNICIPALITY, AND TO SHORTEN THE
4 CANDIDATE FILING PERIOD.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-302 reads as rewritten:

7 "**§ 163-302. Absentee voting.**

8 (a) In any municipal election, including a primary or general election or
9 referendum, conducted by the county board of elections, absentee voting may, upon
10 resolution of the municipal governing body, be permitted. Such resolution must be
11 adopted no later than 60 days prior to an election in order to be effective for that
12 election. Any such resolution shall remain effective for all future elections unless
13 repealed no later than 60 days before an election. A copy of all resolutions adopted
14 under this section shall be filed with the State Board of Elections and the county board
15 of elections conducting the election within 10 days of passage in order to be effective.
16 Absentee voting shall not be permitted in any municipal election unless such election is
17 conducted by the county board of elections. In addition, absentee voting shall be
18 allowed in any referendum on incorporation of a municipality.

19 (b) The provisions of Articles 20 and 21 of this Chapter shall apply to absentee
20 voting in municipal elections, special district elections, and other elections for an area
21 less than an entire county other than elections for the General Assembly, except that the
22 earliest date by which absentee ballots shall be required to be available for absentee
23 voting in such elections shall be 30 days prior to the primary or election or as quickly

1 following the filing deadline specified in G.S. 163-291(2) or G.S. 163-294.2(c) as the
2 county board of elections is able to secure the official ballots. In elections on
3 incorporation of a municipality not held at the same time as another election in the same
4 area, the county board of elections shall adopt a special schedule of meetings of the
5 county board of elections to approve absentee ballot applications so as to reduce the cost
6 of the process, and to further implement the last paragraph of G.S. 163-230(2)a., if no
7 application has been received since the last meeting, no meeting shall be held of the
8 county board of elections under such schedule unless the meeting is scheduled for
9 another purpose. If another election is being held in the same area on the same day, or
10 elsewhere in the county, the cost of per diem for meetings of the county board of
11 elections to approve absentee ballots shall not be considered a cost of the election to be
12 billed to the municipality being created."

13 Sec. 2. G.S. 163-106(c) reads as rewritten:

14 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
15 nominations for the following offices shall file their notice of candidacy with the State
16 Board of Elections no earlier than 12:00 noon on the ~~first Monday in January~~ second
17 Monday before the first Monday in February and no later than 12:00 noon on the first
18 Monday in February preceding the primary:

19 Governor

20 Lieutenant Governor

21 All State executive officers

22 Justices of the Supreme Court, Judges of the Court of Appeals

23 Judges of the superior courts

24 Judges of the district courts

25 United States Senators

26 Members of the House of Representatives of the United States

27 District attorneys

28 Candidates seeking party primary nominations for the following offices shall file
29 their notice of candidacy with the county board of elections no earlier than 12:00 noon
30 on the ~~first Monday in January~~ second Monday before the first Monday in February and
31 no later than 12:00 noon on the first Monday in February preceding the primary:

32 State Senators

33 Members of the State House of Representatives

34 All county offices."

35 Sec. 3. G.S. 163-291 reads as rewritten:

36 "**§ 163-291. Partisan primaries and elections.**

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

43 (1) The dates of primary and election shall be as provided in G.S. 163-
44 279.

- 1 (2) A candidate seeking party nomination for municipal or district office
2 shall file his notice of candidacy with the board of elections no earlier
3 than 12:00 noon on the ~~first Friday in July~~ second Friday before the first
4 Friday in August and no later than 12:00 noon on the first Friday in
5 August preceding the election, except:
- 6 a. In 1991 a candidate seeking party nomination for municipal or
7 district office in any city which elects members of its governing
8 board on a district basis, or requires that candidates reside in a
9 district in order to run, shall file his notice of candidacy with the
10 board of elections no earlier than 12:00 noon on the fourth
11 Monday in July and no later than 12:00 noon on the second
12 Friday in August preceding the election; and
- 13 b. In 1992 if the election is held then under G.S. 160A-23.1, a
14 candidate seeking party nomination for municipal or district
15 office shall file his notice of candidacy with the board of
16 elections at the same time as notices of candidacy for county
17 officers are required to be filed under G.S. 163-106.
- 18 ♦ No person may file a notice of candidacy for more than one
19 municipal office at the same election. If a person has filed a notice of
20 candidacy for one office with the county board of elections under this
21 section, then a notice of candidacy may not later be filed for any other
22 municipal office for that election unless the notice of candidacy for the
23 first office is withdrawn first.
- 24 (3) The filing fee for municipal and district primaries shall be fixed by the
25 governing board not later than the day before candidates are permitted
26 to begin filing notices of candidacy. There shall be a minimum filing
27 fee of five dollars (\$5.00). The governing board shall have the
28 authority to set the filing fee at not less than five dollars (\$5.00) nor
29 more than one percent (1%) of the annual salary of the office sought
30 unless one percent (1%) of the annual salary of the office sought is less
31 than five dollars (\$5.00), in which case the minimum filing fee of five
32 dollars (\$5.00) will be charged. The fee shall be paid to the board of
33 elections at the time notice of candidacy is filed.
- 34 (4) The municipal ballot may not be combined with any other ballot.
- 35 (5) The canvass of the primary and second primary shall be held on the
36 Thursday following the primary or second primary.
- 37 (6) Candidates having the right to demand a second primary shall do so
38 not later than 12:00 noon on the Monday following the canvass of the
39 first primary."

40 Sec. 4. G.S. 163-294.2(c) reads as rewritten:

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

- 1 (1) In 1991 candidates seeking municipal office in any city which elects
2 members of its governing board on a district basis, or requires that
3 candidates reside in a district in order to run, shall file their notices of
4 candidacy with the board of elections no earlier than 12:00 noon on the
5 fourth Monday in July and no later than 12:00 noon on the second
6 Friday in August preceding the election; and
- 7 (2) In 1992 if the election is held then under G.S. 160A-23.1, candidates
8 seeking municipal office shall file their notices of candidacy with the
9 board of elections at the same time as notices of candidacy for county
10 officers are required to be filed under G.S. 163-106.
- 11 ♦ Notices of candidacy which are mailed must be received by the board of elections
12 before the filing deadline regardless of the time they were deposited in the mails."
- 13 Sec. 5. Section 1 of this act becomes effective with respect to elections held
14 on or after September 1, 1991. Sections 2 through 4 of this act become effective with
15 respect to elections held on or after January 1, 1992.