

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 453

Short Title: Unopposed Candidates Elected.

(Public)

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Sponsors: Representatives Hightower; and Bowman.

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Referred to: Judiciary I.

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March 22, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT UNOPPOSED CANDIDATES FOR STATUTORILY  
CREATED OFFICES WHICH ARE ELECTED ON A PARTISAN BASIS ARE  
DECLARED ELECTED WITHOUT APPEARING ON THE GENERAL  
ELECTION BALLOT, SO AS TO REDUCE BALLOT CLUTTER, REDUCE  
COSTS OF ELECTION AND CAMPAIGNING.

The General Assembly of North Carolina enacts:

Section 1. Article 13 of Chapter 163 of the General Statutes is amended by  
adding a new section to read:

**"§ 163-135.1. Unopposed candidate for statutory office not to appear on ballot.**

(a) If there are no more candidates for an office than there are positions to be  
elected, whether such candidates are by:

(1) Nomination of a party under Articles 9 or 10 of Chapter 163 of the  
General Statutes;

(2) Nomination by petition under G.S. 163-122; or

(3) Qualification as a write-in candidate under G.S. 163-123,

those candidates are appointed to hold the office, as if they had been elected, and no  
general election shall be held.

(b) The determination as to whether no election shall be held shall be made by  
the county board of elections as soon as the deadline for verifying write-in petitions,  
(the last method of qualification) under G.S. 163-123(c)(1) and (3) has passed, except  
that if a party has nominated a candidate and there is a vacancy in nomination which can  
be filled under G.S. 163-114, the determination shall be made on the tenth day after the  
deadline for verifying write-in petitions under G.S. 163-123(c)(1) and (3).

1       (c) If a determination is made by the county board of elections that no election  
2 shall be held, it shall issue a certificate appointing the person to office. The person so  
3 certified shall qualify for office as if elected in the general election.

4       (d) This section applies only to offices elected on a partisan basis which were  
5 established by statute and which were not excluded under G.S. 163-123(g). Such  
6 offices include, but are not limited to:

7           (1) Board of County Commissioners;

8           (2) Registers of Deeds;

9           (3) Coroners in counties which have such office;

10          (4) County Boards of Education elected on a partisan basis; and

11          (5) Other county offices created by local act.

12       (e) For the purpose of any law relating to the office a person is appointed to  
13 under this section, including, but not limited to, terms of office, existence and filling of  
14 vacancies, and removal from office, a person appointed to office under this section is  
15 considered to have been elected."

16           Sec. 2. This act applies to elections held on or after January 1, 1994.