

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

3

HOUSE BILL 76  
Committee Substitute Favorable 4/1/09  
Committee Substitute #2 Favorable 4/8/09

Short Title: School Board Candidate Filing Fee.

(Public)

Sponsors:

Referred to:

February 9, 2009

A BILL TO BE ENTITLED

AN ACT TO SET A NEW MINIMUM FILING FEE FOR BOARD OF EDUCATION  
CANDIDACY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 163-294.2(e) reads as rewritten:

"(e) ~~The~~ Except for boards of education elected on a nonpartisan basis, the filing fee for the primary or election 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 filing fee for boards of education elected on a nonpartisan basis shall be one percent (1%) of the annual salary of the office sought or twenty-five dollars (\$25.00), whichever is greater. The fee shall be paid to the board of elections at the time notice of candidacy is filed."

**SECTION 2.** G.S. 163-291(3) reads as rewritten:

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

The nomination of candidates for office in cities, towns, villages, and special districts whose elections are conducted on a partisan basis shall be 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:

...

(3) ~~The~~ Except for boards of education elected on a partisan basis, 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 filing fee for boards of education elected on a partisan basis shall be one percent (1%) of the annual salary of the office sought or twenty-five dollars (\$25.00), whichever is greater. The



1 fee shall be paid to the board of elections at the time notice of candidacy is  
 2 filed."

3 **SECTION 3.** G.S. 163-107(a) reads as rewritten:

4 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay  
 5 to the board of elections with which he files under the provisions of G.S. 163-106 a filing fee  
 6 for the office he seeks in the amount specified in the following tabulation:  
 7

<b>Office Sought</b>	<b>Amount of Filing Fee</b>
8 Governor	One percent (1%) of the annual salary of the office sought
10 Lieutenant Governor	One percent (1%) of the annual salary of the office sought
11 All State executive offices	One percent (1%) of the annual salary of the office sought
12 All District Attorneys of the General Court of Justice	One percent (1%) of the annual salary of the office sought
13 United States Senator	One percent (1%) of the annual salary of the office sought
14 Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
15 State Senator	One percent (1%) of the annual salary of the office sought
16 Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought
17 All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
18 All county offices compensated partly by salary and partly by fees	One percent (1%) of the first annual salary to be received (exclusive of fees)
19 <u>Members of boards of education</u>	<u>One percent (1%) of the annual salary of the office sought or twenty-five dollars (\$25.00), whichever is greater.</u>

20 The salary of any office that is the basis for calculating the filing fee is the starting salary  
 21 for the office, rather than the salary received by the incumbent, if different. If no starting salary  
 22 can be determined for the office, then the salary used for calculation is the salary of the  
 23 incumbent, as of January 1 of the election year."  
 24

25 **SECTION 4.** This act becomes effective January 1, 2010, and applies with respect  
 26 to elections held on or after that date.  
 27