

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 264

Short Title: Partisan Election/Muni./Haywood & Madison Cos. (Local)

Sponsors: Representatives Pless, Clampitt, and Kidwell (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Rules, Calendar, and Operations of the House

March 6, 2023

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS FOR MUNICIPALITIES IN HAYWOOD AND MADISON COUNTIES SHALL BE CONDUCTED ON A PARTISAN BASIS.

The General Assembly of North Carolina enacts:

PART I. MUNICIPALITIES IN HAYWOOD COUNTY

SECTION 1.1. Section 5 of the Charter of the Town of Canton, being Chapter 90 of the Private Laws of 1907, as amended by Section 3 of Chapter 178 of the Private Laws of 1911, Section 5 of Chapter 78 of the Private Laws of 1920 [Extra Session], Section 2 of Chapter 204 of the Private Laws of 1923, and Section 2-2 of the Town Ordinance adopted on August 27, 2013, reads as rewritten:

"Sec. 5. At the next regular election of officers of the Town of Canton, North Carolina, to be held in 2013 as determined by the Haywood County Board of Elections, the qualified voters of the Town of Canton shall elect four Aldermen and a ~~Mayor~~ Mayor, all of whom must be residents of any part of the Town of Canton. During this election the two candidates receiving the highest number of votes shall be elected to serve a ~~(4) four~~ year term and the next two Aldermen candidates receiving the next highest votes shall serve a ~~(2) two~~ year term. The Mayor shall be elected for a ~~(4) four~~ year term. Thereafter, the citizens of the Town of Canton shall biennially elect two Aldermen to serve ~~(4) four~~ year terms and a Mayor shall be elected at alternate biennial elections to serve ~~(4) a four~~ year term. Town officers shall be elected according to the partisan election method, as provided in G.S. 163-291."

SECTION 1.2. Section 4 of the Charter of the Town of Clyde, being Chapter 189 of the Private Laws of 1889, as amended by Section 2 of Chapter 240 of the Private Laws of 1891, Section 3 of Chapter 873 of the 1945 Session Laws, Chapter 807 of the 1949 Session Laws, and Section 2 of Chapter 26 of the 1953 Session Laws, reads as rewritten:

"Sec. 4. All elections in the Town of Clyde shall be governed by the general laws of the State as to municipalities and as set forth in Chapter ~~160-160A~~ of the General Statutes, as amended. Town officers shall be elected according to the partisan election method, as provided in G.S. 163-291."

SECTION 1.3. Section 4-1 of the Charter of the Town of Maggie Valley, being Chapter 1337 of the 1973 Session Laws, reads as rewritten:

"**Sec. 4 -1.** Conduct of town elections. Town officers shall be elected on a ~~non-partisan basis~~ and the results determined by plurality, partisan basis, as provided by ~~G.S. 163-292.~~G.S. 163-291."



1 **SECTION 1.4.** Section 3.1 of the Charter of the Town of Waynesville, being S.L.
2 1995-126, reads as rewritten:

3 "Sec. 3.1. **Regular Municipal Elections; Conduct.** Regular municipal elections shall be
4 held in the Town every four years in odd-numbered years, and shall be conducted in accordance
5 with the uniform municipal election laws of North Carolina. The Mayor and members of the
6 Board shall be elected according to the ~~nonpartisan election method~~ partisan election method, as
7 provided in G.S. 163-291."

8 9 **PART II. MUNICIPALITIES IN MADISON COUNTY**

10 **SECTION 2.1.** Section 4 of the Charter of the Town of Hot Springs, being Chapter
11 210 of the Private Laws of 1929, reads as rewritten:

12 "Sec. 4. The corporate powers of the town of Hot Springs shall be exercised ~~as heretofore~~ by
13 a mayor and board of aldermen consisting of three members, to be elected in accordance with the
14 general laws regulating elections in cities and towns, and such other officers, agents and
15 employees as may be ~~hereinafter~~ provided for, or chosen by the board of aldermen. The mayor
16 and members of the board of aldermen shall be elected according to the partisan election method,
17 as provided in G.S. 163-291. The present mayor of the town of Hot Springs shall hold office until
18 the next general election and until his successor is elected and qualified, and the present members
19 of the board of aldermen shall constitute the ~~said~~ board until the expiration of their present term
20 of office and until their successors are elected and ~~qualified, and the said~~ qualified. The mayor
21 and board of ~~aldermen, as such,~~ aldermen shall have the same power and authority ~~heretofore~~
22 conferred upon them in the area within the present corporate limits of ~~said~~ the town and may
23 exercise all ~~such~~ authority within the area mentioned in section three ~~hereof,~~ of this Chapter,
24 together with all ~~such~~ additional powers and authority conferred by this act."

25 **SECTION 2.2.** Section 6 of the Charter of the Town of Mars Hill, being Chapter
26 890 of the 1953 Session Laws, reads as rewritten:

27 "Sec. 6. That all elections held under the provisions of this Act shall be ~~nonpartisan, and no~~
28 ~~absentee ballots shall be counted or permitted to be cast~~ conducted on a partisan basis, as
29 provided in G.S. 163-291."

30 **SECTION 2.3.** Section 3 of the Charter of the Town of Marshall, being Chapter 165
31 of the Private Laws of 1905, as amended by Section 1 of Chapter 232 of the Private Laws of
32 1913, reads as rewritten:

33 "Sec. 3. That the administration and government of ~~said~~ the town shall be vested in ~~one~~
34 ~~principal officer styled~~ the mayor, and board of aldermen consisting of five members, which
35 mayor and board of aldermen, with all subordinate officers shall have all the powers, privileges
36 and emoluments, and shall be subjected to all the forfeitures, pains and penalties granted under
37 the general laws governing cities and towns of the State of North Carolina, and be subjected to
38 all the provisions ~~thereof~~ not in conflict with the provisions of this act. The mayor and members
39 of the board of aldermen shall be elected according to the partisan election method, as provided
40 in G.S. 163-291."

41 42 **PART III. EFFECT ON CERTAIN LOCAL ACTS**

43 **SECTION 3.1.** This act shall have the effect of repealing any conflicting provisions
44 of local or special acts or conflicting local ordinances relating to the nonpartisan municipal
45 election. This act shall not affect the filling of a vacancy in a municipal election that occurs for a
46 seat elected prior to the effective date of this act.

47 **SECTION 3.2.** Any local act requiring a municipal election to be conducted in an
48 odd-numbered year for any of the municipalities described in this act shall be held as a partisan
49 election beginning in 2023.

50 51 **PART IV. EFFECTIVE DATE**

1 **SECTION 4.1.** This act is effective with respect to primaries and elections held on
2 or after January 1, 2023.