

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 264
Committee Substitute Favorable 5/3/23

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

(Local)

Sponsors:

Referred to:

March 6, 2023

A BILL TO BE ENTITLED

AN ACT REQUIRING THAT ELECTIONS FOR ALL MUNICIPALITIES IN HAYWOOD COUNTY AND MADISON COUNTY BE CONDUCTED ON A PARTISAN BASIS.

The General Assembly of North Carolina enacts:

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 Chapter 178 of the Private Laws of 1911, Chapter 78 of the Private Laws of 1920, 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~~ Regular municipal elections for the officers of the Town of Canton, North Carolina, to be held in 2013 as determined by the Haywood County Board of Elections, the shall be held in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. 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.~~ The four Aldermen shall be elected for staggered four-year terms. Town officers shall be elected on a partisan basis, 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 Chapter 240 of the Private Laws of 1891, Chapter 873 of the 1945 Session Laws, Chapter 807 of the 1949 Session Laws, and Chapter 26 of the 1953 Session Laws, reads as rewritten:

"Sec. 4. ~~All~~ Regular municipal 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 of the General Statutes, as amended. held in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. Town officers shall be elected on a partisan basis, 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. Regular municipal elections shall be held in the Town in odd-numbered years and shall be conducted in accordance with the uniform municipal election laws of North Carolina. 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."



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1 **SECTION 1.4.** Section 3.1 of the Charter of the Town of Waynesville, being Chapter
2 126 of the 1995 Session Laws, 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~~ on a partisan basis, as
7 provided in G.S. 163-291."

8 **SECTION 2.1.(a)** Section 4 of the Charter of the Town of Hot Springs, being
9 Chapter 210 of the Private Laws of 1929, reads as rewritten:

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

26 **SECTION 2.1.(b)** This section becomes effective January 1, 2025, and applies to
27 elections held in 2025 and thereafter.

28 **SECTION 2.2.(a)** Section 5 of Article I of the Charter of the Town of Mars Hill,
29 being Chapter 890 of the 1953 Session Laws, as amended by Ord. No. 168 adopted on March 6,
30 2008, reads as rewritten:

31 ~~"Sec. 5. The corporate and legislative powers of the Town of Mars Hill shall be vested in and~~
32 ~~exercised by a mayor and board of alderman, who shall hold office for two years (and until their~~
33 ~~successors shall be elected and qualified), and who shall be installed in their respective offices~~
34 ~~on the first Monday in June of the year of their election.~~ aldermen consisting of four members.
35 The mayor shall be elected for a four-year term, and the four aldermen shall be elected for
36 staggered four-year terms. Before entering upon the duties of their respective offices, each shall
37 take an oath of office which shall be signed and recorded in the Town Archives."

38 **SECTION 2.2.(b)** Section 1 of Article VII of the Charter of the Town of Mars Hill,
39 being Chapter 890 of the 1953 Session Laws, as amended by Ord. No. 168 adopted on March 6,
40 2008, reads as rewritten:

41 ~~"Section 1. The first election under the provisions of this Act shall be held on the first Tuesday~~
42 ~~in May, 1953, and biennially thereafter, and at each election held hereunder a~~ Regular municipal
43 elections in the Town of Mars Hill shall be held in odd-numbered years and shall be conducted
44 in accordance with the uniform municipal election laws of North Carolina. The mayor and three
45 four aldermen shall be elected by a majority vote of the qualified citizens of the town; provided,
46 however, that the present office holders shall continue to serve until their successors shall be
47 elected and qualified on a partisan basis, as provided in G.S. 163-291."

48 **SECTION 2.2.(c)** Sections 2 through 12 of Article VII of the Charter of the Town
49 of Mars Hill, being Chapter 890 of the 1953 Session Laws, are repealed.

1 **SECTION 2.3.** Section 3 of the Charter of the Town of Marshall, being Chapter 165
2 of the Private Laws of 1905, as amended by Chapter 232 of the Private Laws of 1913 and the
3 Town Ordinance adopted on May 5, 1997, reads as rewritten:

4 "~~Sec. 3. That the administration and government of said town shall be vested in one principal~~
5 ~~officer styled the mayor, The qualified voters of the Town of Marshall shall elect a mayor and~~
6 ~~board of aldermen consisting of three members which mayor and board of aldermen, with all~~
7 ~~subordinate officers shall have all the powers, privileges and emoluments, and shall be subjected~~
8 ~~to all the forfeitures, pains and penalties granted under the general laws governing cities and~~
9 ~~towns of the State of North Carolina, and be subjected to all the provisions thereof not in conflict~~
10 ~~with the provisions of this act.~~five members. The mayor shall be elected for a two-year term, and
11 the members of the board of aldermen shall be elected for staggered four-year terms. Regular
12 municipal elections shall be held in odd-numbered years and shall be conducted in accordance
13 with the uniform municipal election laws of North Carolina. Town officers shall be elected on a
14 partisan basis, as provided in G.S. 163-291."

15 **SECTION 3.** This act shall have the effect of repealing any conflicting provisions
16 of local or special acts or conflicting local ordinances relating to the nonpartisan municipal
17 elections for any municipalities covered by this act. This act shall not affect the filling of a
18 vacancy in a municipal election that occurs for a seat elected prior to the effective date of this
19 act.

20 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes law
21 and applies to elections held in 2023 and thereafter.