

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 827

Short Title: Limited Voting/Extending Terms.

(Public)

---

Sponsors: Representatives Weatherly; J. Brown, Carpenter, Clary, Culp, Dickson, Hunt, and McMahan.

---

Referred to: Judiciary II.

---

April 11, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT THE PRACTICES OF LIMITED VOTING AND  
2 EXTENSION OF TERMS.  
3

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 4 of Chapter 153A of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 153A-35. Policy against limited voting and extension of terms of office without**  
8 **election.**

9 (a) It is the policy of the State of North Carolina that no county commissioner  
10 shall be elected by the method of 'limited voting', whereby the voter voting in a multiseat  
11 contest is limited to casting fewer votes than there are seats to be filled. To this end, the  
12 General Assembly shall not enact, by general law or local act, a system of electing county  
13 commissioners that employs limited voting, and no county or agent thereof shall agree to  
14 a settlement of litigation that employs limited voting.

15 (b) It is the policy of the State of North Carolina that no county commissioner  
16 shall serve longer than the term for which elected without facing another election. To this  
17 end, the General Assembly shall not enact a general law or local act that extends a county  
18 commissioner's service beyond the term for which that commissioner was elected without  
19 conditioning that extended service on the commissioner's being elected again. For the

1 purpose of this subsection, a person who was appointed to fill a vacancy in an office for a  
2 term shall be treated as if that person was elected to the term. This subsection does not  
3 apply to any continuation in office pursuant to Article VI, Section 10, of the Constitution  
4 of North Carolina."

5 Sec. 2. Article 5 of Chapter 160A of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 160A-62.1. Policy against limited voting and extension of terms of office without**  
8 **election.**

9 (a) It is the policy of the State of North Carolina that no elective city official shall  
10 be elected by the method of 'limited voting', whereby the voter voting in a multiseat  
11 contest is limited to casting fewer votes than there are seats to be filled. To this end, the  
12 General Assembly shall not enact, by general law or local act, a system of electing city  
13 officials that employs limited voting, and no city or agent thereof shall agree to a  
14 settlement of litigation that employs limited voting.

15 (b) It is the policy of the State of North Carolina that no elective city official shall  
16 serve longer than the term for which elected without facing another election. To this end,  
17 the General Assembly shall not enact a general law or local act that extends an elective  
18 city official's service beyond the term for which that official was elected without  
19 conditioning that extended service on the official's being elected again. For the purpose  
20 of this subsection, a person who was appointed to fill a vacancy in an office for a term  
21 shall be treated as if that person was elected to the term. This subsection does not apply to  
22 any continuation in office pursuant to Article VI, Section 10, of the Constitution of North  
23 Carolina or by G.S. 160A-62."

24 Sec. 3. Article 5 of Chapter 115C of the General Statutes is amended by  
25 adding a new section to read:

26 "**§ 115C-37.2. Policy against limited voting and extension of terms of office without**  
27 **election.**

28 (a) It is the policy of the State of North Carolina that no member of a local board  
29 of education shall be elected by the method of 'limited voting', whereby the voter voting  
30 in a multiseat contest is limited to casting fewer votes than there are seats to be filled. To  
31 this end, the General Assembly shall not enact, by general law or local act, a system of  
32 electing members of local boards of education that employs limited voting, and no unit of  
33 local government or agent thereof shall agree to a settlement of litigation that employs  
34 limited voting in the election of members of local boards of education.

35 (b) It is the policy of the State of North Carolina that no member of a local board  
36 of education shall serve longer than the term for which elected without facing another  
37 election. To this end, the General Assembly shall not enact a general law or local act that  
38 extends a local board of education member's service beyond the term for which that  
39 member was elected without conditioning that extended service on the member's being  
40 elected again. For the purpose of this subsection, a person who was appointed to fill a  
41 vacancy in an office for a term shall be treated as if that person was elected to the term.  
42 This subsection does not apply to any continuation in office pursuant to Article VI,  
43 Section 10, of the Constitution of North Carolina."

1           Sec. 4. This act is effective upon ratification.