

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 527

Short Title: Municipal Elect'n/Even-Numbered Yrs/Stanly Co. (Local)

Sponsors: Representative Burr (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

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

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE MUNICIPALITIES OF STANLY COUNTY SHALL BE HELD IN EVEN-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 3.1 of the Charter of the City of Albemarle, being Chapter 259 of the Session Laws of 1979, reads as rewritten:

"Section 3.1. Regular Municipal Elections; Conduct and Method of Election. Regular municipal elections shall be held in the City in ~~1979-2015~~, and every four years ~~thereafter and thereafter~~, except that the Mayor elected in 2015 shall serve a term of five years, but the Mayor's successors shall serve terms of four years, and the members of the city council elected in 2015 shall serve terms of five years, but the members' successors shall serve terms of four years. The elections shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the City Council shall be elected according to the partisan primary and elections method as provided in G.S. 163-291."

SECTION 1.(b) Section 3.2 of the Charter of the City of Albemarle, being Chapter 259 of the Session Laws of 1979, as amended by Chapter 881 of the 1987 Session Laws, reads as rewritten:

"Section 3.2. Election of Mayor and Council Members. At the regular municipal election in ~~1991-2015~~ and quadrennially thereafter, there shall be elected a Mayor and seven City Council ~~members.~~members, except as provided in Section 3.1 of this Charter. Each candidate for a district seat must reside in the district for which election is sought."

SECTION 2. Chapter III of the Charter of the Town of Badin, being Chapter 894 of the Session Laws of 1989, reads as rewritten:

**"CHAPTER III.
GOVERNING BODY.**

...

"Sec. 3.3. Term of office of Council members. ~~The initial members of the Council shall be elected in 1990 at the same time as the general election for county officers, and the procedure shall be as generally provided for election of municipal officers in an odd-numbered year, except that the filing period shall open as soon as the results of the incorporation referendum are certified, and shall end at 12:00 noon on the third Friday after that date. The initial district members are elected for three-year terms, their successors shall be elected in 1993 and quadrennially thereafter for four-year terms. In 1990, the at-large candidate receiving the~~



1 highest number of votes is elected to a three year term, and the two at large candidates
2 receiving the next highest numbers of votes are elected to one year terms. In 1991 and
3 quadrennially thereafter, two at large members are elected for four year terms. In 1993 and
4 quadrennially thereafter, one at large member is elected for a four year term. Initial town
5 officers shall take office on the Monday following the canvassing of the returns of their
6 election, at a time and place designated by any three of them. In 2015, the two at-large members
7 shall serve for terms of five years and their successors shall serve terms of four years. Each of
8 the resident district members and the at-large members whose terms expire in 2017 shall
9 continue to serve until 2018 and their successors shall be elected to serve terms of four years.
10 Regular municipal elections shall be held in each even-numbered year thereafter in accordance
11 with Chapter IV of this Charter.

12 "Sec. 3.4. Selection of Mayor: term of office. The members of the Town Council shall,
13 from among their members, elect the Mayor at their organizational meeting to serve a two-year
14 term, except that the Mayor elected in ~~1990-2015~~ shall serve a ~~one year~~three-year term."

15 **SECTION 3.(a)** Article III of the Charter of the Town of Locust, being Chapter
16 246 of the Session Laws of 1973, as amended by Chapter 41 of the 1977 Session Laws, reads
17 as rewritten:

18 "...

19 "Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be a resident and qualified
20 voter of the City of Locust and shall be elected by the qualified voters of the City of Locust,
21 and he shall hold office for two (2) ~~years~~years, except that the mayor elected in 2015 shall
22 serve a term of three years, but the Mayor's successors shall serve terms of two years. In the
23 case of a vacancy in the office of Mayor, the City Council shall by appointment fill the vacancy
24 for the unexpired term. The Mayor shall be the official head of the City government and shall
25 preside at all meetings of the City Council. When there is an equal division upon any question,
26 or in the appointment of officers, by the Council, the Mayor shall determine the matter by his
27 vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such
28 duties as are or may be conferred upon him by the general laws of North Carolina, by this
29 Charter, and by the ordinances of the City. The City Council shall choose one of its number to
30 act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence
31 or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve
32 in such capacity at the pleasure of the remaining members of the Council."

33 "Sec. 3.3. Composition of City Council. Beginning with the election to be held on
34 November 8, ~~1977,3,~~ 2015, the City Council shall consist of seven (7) members to be elected
35 by and from the qualified voters of the city voting at large in the manner provided by Article
36 IV.

37 "...."

38 **SECTION 3.(b)** Section 4.1 of the Charter of the Town of Locust, being Chapter
39 246 of the Session Laws of 1973, as amended by Chapter 41 of the 1977 Session Laws, reads
40 as rewritten:

41 "Sec. 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the
42 Tuesday after the first Monday in November of each ~~odd numbered year which began in~~
43 ~~1973~~even-numbered year shall begin with elections held in 2015, as provided in this section.
44 In the regular election in ~~1977-2015,~~ there shall be elected three (3) councilmen. The three (3)
45 candidates receiving the highest number of votes shall be elected for terms of four (4) years. In
46 the regular election of 1979, there shall be elected four (4) councilmen, and the four (4)
47 candidates receiving the highest number of votes shall be elected for four (4) years.four
48 members shall be elected for terms of five years and the three members whose terms expire in
49 2017 shall continue to serve until 2018. Thereafter as the terms of members expire, their
50 successors shall be elected for terms of four (4) years."

1 **SECTION 4.(a)** Section 3.3 of the Charter of the Village of Misenheimer, being
2 Chapter 268 of the Session Laws of 2003, as amended by Chapter 19 of the 2004 Session
3 Laws, reads as rewritten:

4 "Section 3.3. Manner of Electing Village Council; Term of Office. The qualified voters of
5 the entire Village shall elect the members of the Village Council, and, except as provided in
6 this section, they shall serve four-year terms. In ~~2005, the three candidates receiving the highest~~
7 ~~numbers of votes shall be elected to four-year terms, and the two candidates receiving the next~~
8 ~~highest numbers of votes shall be elected to two-year terms.~~2015, two members shall be elected
9 for five-year terms and the three members whose terms expire in 2017 shall continue to serve
10 until 2018. In 2007,2020, and quadrennially thereafter, two members shall be elected to
11 four-year terms. In 2009,2018, and quadrennially thereafter, three members shall be elected to
12 four-year terms."

13 **SECTION 4.(b)** Section 3.4 of the Charter of the Village of Misenheimer, being
14 Chapter 268 of the Session Laws of 2003, reads as rewritten:

15 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** At the organizational
16 meeting following each municipal election, the Village Council shall elect one of its members
17 as Mayor, and the Mayor shall serve at the pleasure of the Village ~~Council.~~Council, provided
18 that, the Mayor elected in 2015 shall serve pursuant to the manner provided in Section 3.3 of
19 this Charter. The Mayor shall be the official head of Village government and shall preside at all
20 meetings of the Village Council. The Mayor shall exercise such powers and duties as conferred
21 by the general laws of this State and this Charter and as directed by the Village Council. In the
22 case of a vacancy in the office of Mayor, the remaining members of the Village Council shall
23 choose from their membership a person to serve as Mayor for the unexpired term."

24 **SECTION 5.** Section 3 of the Charter of the Town of New London, being Chapter
25 91 of the Private Laws of 1907, as amended by Chapter 131 of the 2001 Session Laws, reads as
26 rewritten:

27 "Sec. 3. The officers of the town shall consist of a mayor and five commissioners, and they
28 shall be elected to four-year terms by the qualified voters of the entire town, except as provided
29 otherwise in this section. In ~~2001, and quadrennially thereafter, a mayor shall be elected to a~~
30 ~~four-year term. In 2001, for the position of commissioner, the two persons receiving the highest~~
31 ~~numbers of votes shall be elected to four-year terms and the three persons receiving the next~~
32 ~~highest numbers of votes shall be elected to two-year terms.~~2015, the mayor shall be elected to
33 serve a term of five-years, but the Mayor's successors shall serve four-year terms. In 2015,
34 three commissioners shall be elected for five-year terms and the two commissioners whose
35 terms expire in 2017 shall continue to serve until 2018. In 2003,2020, and quadrennially
36 thereafter, three persons shall be elected to four-year terms. In 2005,2018, and quadrennially
37 thereafter, two persons shall be elected to four-year terms."

38 **SECTION 6.** Section 12 of the Charter of the Town of Norwood, being Chapter
39 212 of the Private Laws of 1905, as amended by Chapter 15 of the Session Laws of 2001, reads
40 as rewritten:

41 "Sec. 12. The Commissioners and Mayor shall be elected to four-year terms by the
42 qualified voters of the entire Town, except as provided otherwise in this section. In ~~2001, and~~
43 ~~quadrennially thereafter, a Mayor shall be elected to a four-year term. In 2001, for the position~~
44 ~~of Commissioner, the two persons receiving the highest numbers of votes shall be elected to~~
45 ~~four-year terms and the three persons receiving the next highest numbers of votes shall be~~
46 ~~elected to two-year terms.~~2015, the Mayor shall be elected to serve a term of five years, but the
47 Mayor's successors shall serve four-year terms. In 2015, three commissioners shall be elected
48 for five-year terms and the two commissioners whose terms expire in 2017 shall continue to
49 serve until 2018. In 2003,2020, and quadrennially thereafter, three persons shall be elected to
50 four-year terms. In 2005,2018, and quadrennially thereafter, two persons shall be elected to
51 four-year terms."

1 **SECTION 7.** Section 15 of the Charter of the Town of Oakboro, being Chapter 51
2 of the Private Laws of 1915, reads as rewritten:

3 "Sec. 15. That all officers elected at any election in the town of Oakboro shall hold office
4 for the term of two years and until their successors are elected and ~~qualified~~qualified, except
5 that in 2015, the Mayor elected shall serve a term of three years, but the Mayor's successors
6 shall serve terms of two years. In 2015, commissioners shall be elected for terms of five years,
7 but the commissioners' successors shall serve terms of two years. That in the absence of any
8 officer of the town, or during sickness of any of the officers, the commissioners may appoint a
9 man to fill the office during his absence or during his inability, and no longer. If the absence be
10 caused by resignation, the board may appoint an officer to fill the unexpired term."

11 **SECTION 8.** Article III of the Charter of the Town of Red Cross, being Chapter 56
12 of the Session Laws of 2002, reads as rewritten:

13 "ARTICLE III. GOVERNING BODY.

14 ...

15 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of
16 the entire Town shall elect the members of the Town Council and, except as provided in this
17 section, they shall be elected to four-year terms. In ~~2003, the two candidates receiving the~~
18 ~~highest number of votes shall be elected to four-year terms and the two candidates receiving the~~
19 ~~next highest number of votes shall be elected to two-year terms.~~2015, two members shall be
20 elected for five-year terms and the two members whose terms expire in 2017 shall continue to
21 serve until 2018. In ~~2005, 2018,~~ and biennially thereafter, two members shall be elected to
22 four-year terms.

23 "Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters
24 of the entire Town shall elect the Mayor. In 2015, the Mayor shall be elected to serve a term of
25 five years. In ~~2003, 2020,~~ and quadrennially thereafter, the Mayor shall be elected for a term of
26 four years.

27 "

28 **SECTION 9.(a)** Section 3 of the Charter of the Town of Richfield, being Chapter
29 204 of the Private Laws of 1915, as amended by Chapter 1066 of the 1953 Session Laws, and
30 Chapter 527 of the 1961 Session Laws, reads as rewritten:

31 "Section 3. That the officers of said town shall consist of a mayor and five commissioners,
32 to be elected ~~every two years, and a marshal and secretary and treasurer, to be appointed every~~
33 ~~two years by the commissioners biennially.~~"

34 **SECTION 9.(b)** Section 4 of the Charter of the Town of Richfield, being Chapter
35 204 of the Private Laws of 1915, as amended by Chapter 1066 of the 1953 Session Laws, and
36 Chapter 527 of the 1961 Session Laws, reads as rewritten:

37 "Section 4. ~~That there shall be a convention held in said town for the purpose of electing a~~
38 ~~mayor and five commissioners. The said convention shall be called on the first Tuesday after~~
39 ~~the first Monday in May, 1915, and every two years thereafter. The mayor and five~~
40 commissioners shall be elected to two-year terms by the qualified voters of the entire Town,
41 except as otherwise provided in this section. In 2015, the Mayor shall be elected to serve a term
42 of three years. In 2018, and biennially thereafter, the mayor shall be elected to a two-year term.
43 In 2015, five commissioners shall be elected for three-year terms. In 2018, and biennially
44 thereafter, the five commissioners shall be elected to two-year terms. Notice of said ~~convention~~
45 election shall be posted at four public places within said town at least thirty days prior to the
46 holding of the convention and all citizens residing within the corporate limits of said town who
47 are qualified voters in Stanly County and who have resided in said town for a period of ninety
48 (90) days before said convention shall be allowed to vote."

49 **SECTION 9.(c)** Section 15 of the Charter of the Town of Richfield, being Chapter
50 204 of the Private Laws of 1915, as amended by Chapter 1066 of the 1953 Session Laws, reads
51 as rewritten:

1 "Section 15. That the officers elected in said town at any ~~convention~~ election shall hold
2 office for the term of two years and until their successors are elected and qualified, and that
3 during the absence of any officer of the town or the sickness of any officer or officers, the
4 commissioners may appoint a man to fill the vacancy during his or their absence, or during his
5 or their inability to fill the same, and no longer. If the absence be caused by resignation, the
6 board of commissioners shall appoint an officer to fill said vacancy or unexpired term."

7 **SECTION 10.** Section 3 of the Charter of the Town of Stanfield, being Chapter
8 1210 of the Session Laws of 1955, as amended by Chapter 485 of the 1957 Session Laws, reads
9 as rewritten:

10 "Sec. 3. MUNICIPAL GOVERNMENT. That the government of the Town of Stanfield
11 shall be vested in a mayor and a board of five commissioners and such other officers as may be
12 provided for in the Municipal Incorporation Act of North Carolina. The mayor and board of
13 commissioners shall be biennially elected by the qualified voters of the town, ~~shall provided~~
14 that in 2015, the Mayor shall serve a term of three years, but the Mayor's successors shall serve
15 terms of two years. In 2015, five commissioners shall be elected for terms of five years, but
16 their successors shall serve terms of two years. The mayor and board of commissioners shall
17 take such oaths of office as provided by law, law and shall have such rights, powers, duties and
18 responsibilities as provided in ~~Article 2 of Chapter 160-160A~~ of the General Statutes of North
19 Carolina relating to municipal officers."

20 **SECTION 11.** Notwithstanding any other provision of law to the contrary and
21 except as otherwise provided by federal law, municipal elections held pursuant to this act may
22 be combined on the same official ballot as other ballot items for elections held at the same time.

23 **SECTION 12.** This act is effective when it becomes law.