

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE BILL 366
PROPOSED COMMITTEE SUBSTITUTE H366-PCS30330-ST-19

Short Title: Special Election Dates.

(Public)

Sponsors:

Referred to:

March 16, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT SPECIAL ELECTIONS MAY BE HELD ONLY ON THE DATE OF THE GENERAL ELECTION OR THE MUNICIPAL GENERAL ELECTION, RESPECTIVELY, EXCEPT IN CASES OF A PUBLIC HEALTH OR SAFETY EMERGENCY; AND TO ALLOW THE BOARD OF COUNTY COMMISSIONERS TO CALL A SPECIAL ELECTION TO FILL A VACANCY IN ELECTIVE OFFICE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-287, as amended by S.L. 2011-31, reads as rewritten:

"§ 163-287. Special elections; procedure for calling.

(a) Any county, municipality or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the ~~city council or the~~ governing body of the county, municipality, or special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the ~~appropriate~~ local board of elections. The resolution shall call on the local board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held only at the same time as any other State, county or municipal ~~primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district general election.~~

(b) Legal notice of the special election shall be published no less than 45 days prior to the special election. The local board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This ~~paragraph~~ subsection shall not apply to bond elections.

(c) Subsection (a) of this section shall not apply to any special election related to the public health or safety, including filling a vacancy in the office of sheriff or a bond referendum for financing of health and sanitation systems, if the governing body adopts a resolution stating the need for the special election at a time different from any other State, county, or municipal general election.

(d) Subsection (a) of this section shall not apply to municipal incorporation or recall elections pursuant to local act of the General Assembly."

SECTION 2. Article 1 of Chapter 163 is amended by adding a new section to read:

"§ 163-3. Special elections.



* H 3 6 6 - P C S 3 0 3 3 0 - S T - 1 9 *

1 Special elections shall be called as permitted by law and conducted in accordance with
2 G.S. 163-287."

3 **SECTION 3.** Article 2 of Chapter 163 of the General Statutes is amended by
4 adding a new section to read:

5 **§ 163-14. Special election to fill a vacancy.**

6 (a) Notwithstanding G.S. 153A-27, 153A-27.1, 162-5, or any other provision of law, if
7 a vacancy occurs in an elective office and the vacancy is to be filled by the appointment of a
8 county board of commissioners, the board of county commissioners may instead call a special
9 election to fill that office for the remainder of the term in the manner it directs.

10 (b) The special election shall be conducted by the county board of elections.

11 (c) All special elections conducted under this section shall comply with G.S. 163-287.
12 The board of county commissioners shall appoint an individual to fill the vacancy in the interim
13 before the special election."

14 **SECTION 4.** G.S. 18B-601(f) reads as rewritten:

15 "(f) Election Date. – The board of elections shall conduct and set the date for the
16 ~~alcoholic beverage election, which may not be sooner than 60 days nor later than 120 days~~
17 ~~from the date the request was received from the governing body or the petition was verified by~~
18 ~~the board.~~ election in accordance with G.S. 163-287. No alcoholic beverage election may be
19 held on the Tuesday next after the first Monday in November of an even-numbered year."

20 **SECTION 5.** G.S. 63-80(c) reads as rewritten:

21 "(c) Following the joint public hearing but prior to the adoption by a unit of local
22 government of any resolution creating a special airport district, the governing body of such unit
23 may submit the question of the unit's participation in a special airport district to the qualified
24 voters of such unit. The form of the question as stated on the ballot shall be in substantially the
25 following words:

26 "Shall the governing body of _____ approve _____'s
27 participation in the proposed _____ special airport district?"

28 YES NO"

29 If a majority of the qualified voters of the unit who vote thereon approve such participation, the
30 governing body of such unit may adopt a resolution creating the particular special airport
31 district. The election shall be conducted in accordance with G.S. 163-287 and the results
32 thereof certified, declared and published in the same manner as bond elections within the unit."

33 **SECTION 6.** G.S. 63-87 reads as rewritten:

34 **§ 63-87. Bond elections.**

35 Elections for the purpose of authorizing the levy of taxes for the issuance of bonds shall be
36 called by the district board and shall be conducted in accordance with G.S. 163-287 and the
37 results canvassed by the boards of elections having jurisdiction within the participating units.
38 Such results shall be certified to the district board and such board shall certify and declare the
39 result of the election and publish a statement of the result once as provided in the Local
40 Government Bond Act."

41 **SECTION 7.** G.S. 69-25.1 reads as rewritten:

42 **§ 69-25.1. Election to be held upon petition of voters.**

43 Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area
44 lying outside the corporate limits of any city or town, which area is described in the petition
45 and designated as " _____ Fire District," the board of county

46 (Here insert name)

47 commissioners of the county shall call ~~an~~ a special election in said district for the purpose of
48 submitting to the qualified voters therein the question of levying and collecting a special tax on
49 all taxable property in said district, of not exceeding fifteen cents (15¢) on the one hundred
50 dollars (\$100.00) valuation of property, for the purpose of providing fire protection in said
51 district. The county tax office shall be responsible for checking the freeholder status of those

1 individuals signing the petition and confirming the location of the property owned by those
2 individuals. Unless specifically excluded by other law, the provisions of Chapter 163 of the
3 General Statutes concerning petitions for referenda and special elections shall apply. If the
4 voters reject the special tax under the first paragraph of this section, then no new election may
5 be held under the first paragraph of this section within two years on the question of levying and
6 collecting a special tax under the first paragraph of this section in that district, or in any
7 proposed district which includes a majority of the land within the district in which the tax was
8 rejected.

9 Upon the petition of thirty-five percent (35%) of the resident freeholders living in an area
10 which has previously been established as a fire protection district and in which there has been
11 authorized by a vote of the people a special tax not exceeding ten cents (10¢) on the one
12 hundred dollars (\$100.00) valuation of property within the area, the board of county
13 commissioners shall call an election in said area for the purpose of submitting to the qualified
14 voters therein the question of increasing the allowable special tax for fire protection within said
15 district from ten cents (10¢) on the one hundred dollars (\$100.00) valuation to fifteen cents
16 (15¢) on the one hundred dollars (\$100.00) valuation on all taxable property within such
17 district. Elections on the question of increasing the allowable tax rate for fire protection shall
18 not be held within the same district at intervals less than two years."

19 **SECTION 8.** G.S. 69-25.2 reads as rewritten:

20 **"§ 69-25.2. Duties of county board of commissioners regarding conduct of elections; cost**
21 **of holding.**

22 The board of county commissioners, after consulting with the county board of elections,
23 shall set a date for the special election in accordance with G.S. 163-287 by resolution adopted.
24 The county board of elections shall hold and conduct the election in the district. The county
25 board of elections shall advertise and conduct said election, in accordance with the provisions
26 of this Article and with the procedures prescribed in Chapter 163 governing the conduct of
27 special and general elections. No new registration of voters shall be required, but the deadline
28 by which unregistered voters must register shall be contained in the legal advertisement to be
29 published by the county board of elections. The cost of holding the election to establish a
30 district shall be paid by the county, provided that if the district is established, then the county
31 shall be reimbursed the cost of the election from the taxes levied within the district, but the cost
32 of an election to increase the allowable tax under G.S. 69-25.1 or to abolish a fire district under
33 G.S. 69-25.10 shall be paid from the funds of the district."

34 **SECTION 9.** G.S. 105-465 reads as rewritten:

35 **"§ 105-465. County election as to adoption of local sales and use tax.**

36 The board of elections of any county, upon the written request of the board of county
37 commissioners, or upon receipt of a petition signed by qualified voters of the county equal in
38 number to at least fifteen percent (15%) of the total number of votes cast in the county, at the
39 last preceding election for the office of Governor, shall call a special election for the purpose of
40 submitting to the voters of the county the question of whether a one percent (1%) sales and use
41 tax will be levied.

42 The special election shall be held under the same rules applicable to the election of
43 members of the General Assembly. No new registration of voters shall be required. All
44 qualified voters in the county who are properly registered not later than 21 days (excluding
45 Saturdays and Sundays) prior to the election shall be entitled to vote at the election. The county
46 board of elections shall give at least 20 days' public notice prior to the closing of the
47 registration books for the special election.

48 The county board of elections shall prepare ballots for the special election. The question
49 presented on the ballot shall be "FOR one percent (1%) local sales and use tax on items subject
50 to State sales and use tax at the general State rate and on food" or "AGAINST one percent (1%)

1 local sales and use tax on items subject to State sales and use tax at the general State rate and
2 on food".

3 The county board of elections shall fix the date of the special ~~election~~, election on a date
4 permitted by G.S. 163-287, except that the special election shall not be held ~~on the date or~~
5 ~~within 60 days of any biennial election for county officers, nor~~ within one year from the date of
6 the last preceding special election under this section."

7 **SECTION 10.** G.S. 105-473(a) reads as rewritten:

8 "(a) The board of elections of any county, upon the written request of the board of
9 county commissioners thereof, or upon receipt of a petition signed by qualified voters of the
10 county equal in number to at least fifteen percent (15%) of the total number of votes cast in the
11 county at the last preceding election for the office of Governor, shall call a special election for
12 the purpose of submitting to the voters of the county the question of whether the levy of a one
13 percent (1%) sales and use tax theretofore levied should be repealed.

14 The special election shall be held under the same rules and regulations applicable to the
15 election of members of the General Assembly. No new registration of voters shall be required.
16 All qualified voters in the county who are properly registered not later than 21 days (excluding
17 Saturdays and Sundays) prior to the election shall be entitled to vote at said election. The
18 county board of elections shall give at least 20 days' public notice prior to the closing of the
19 registration books for the special election.

20 The county board of elections shall prepare ballots for the special election which shall
21 contain the words "FOR repeal of the one percent (1%) local sales and use tax levy," and the
22 words "AGAINST repeal of the one percent (1%) local sales and use tax levy," with
23 appropriate squares so that each voter may designate his vote by his cross (X) mark.

24 The county board of elections shall fix the date of the special ~~election~~; election on a date
25 permitted by G.S. 163-287; provided, however, that the special election shall not be held ~~on the~~
26 ~~day of any biennial election for county officers, nor within 60 days thereof, nor~~ within one year
27 from the date of the last preceding special election held under this section."

28 **SECTION 11.** G.S. 105-507.1(a) reads as rewritten:

29 "(a) Resolution. – The board of commissioners of a county may direct the county board
30 of elections to conduct an advisory referendum within the county on the question of whether a
31 local sales and use tax at the rate of one-half percent (½%) may be levied in accordance with
32 this Part. The election shall be held ~~on a date jointly agreed upon by the boards and shall be~~
33 ~~held~~ in accordance with the procedures of G.S. 163-287. The board of commissioners shall
34 hold a public hearing on the question at least 30 days before the date the election is to be held."

35 **SECTION 12.** G.S. 105-509(b) reads as rewritten:

36 "(b) Resolution. – The board of trustees of the regional public transportation authority
37 may, if all of the conditions listed in this subsection have been met, direct the respective county
38 board or boards of elections to conduct an advisory referendum within the special district on
39 the question of whether a local sales and use tax at the rate of one-half percent (½%) may be
40 levied within the district in accordance with this Part. The tax may not be levied without voter
41 approval. The election shall be held on a date jointly agreed upon by the authority, the county
42 board or boards of commissioners, and the county board or boards of elections and shall be
43 held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a
44 tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first~~
45 ~~Monday of November in the even-numbered year, the date of the general election under~~
46 ~~G.S. 163-1, (ii) the date of the primary election in the even-numbered year under G.S. 163-1(b),~~
47 ~~(iii) Tuesday after the first Monday in November of the odd-numbered year, or (iv) a date in~~
48 ~~September or October of the odd-numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but~~
49 ~~only if at least one municipality in the county is holding a primary or election on that date in~~
50 accordance with G.S. 163-287. The conditions are as follows:

- 1 (1) The board of trustees has obtained approval to conduct a referendum by a
2 vote of the following:
3 a. A majority vote of each of the county boards of commissioners
4 within the special district, if it is a multicounty special district.
5 b. A majority of the county board of commissioners within the special
6 district, if it is a single-county special district.
7 (2) A public hearing is held on the question by the board or boards of
8 commissioners at least 30 days before the date the election is to be held."

9 **SECTION 13.** G.S. 105-510(b) reads as rewritten:

10 "(b) Resolution. – The board of trustees of the regional transportation authority may, if
11 all of the conditions listed in this subsection have been met, direct the respective county board
12 or boards of elections to conduct an advisory referendum within the special district on the
13 question of whether a local sales and use tax at the rate of one-half percent (½%) may be levied
14 within the district in accordance with this Part. The tax may not be levied without voter
15 approval. The election shall be held on a date jointly agreed upon by the authority, the county
16 board or boards of commissioners, and the county board or boards of elections and shall be
17 held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a
18 tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first~~
19 ~~Monday of November in the even numbered year, the date of the general election under~~
20 ~~G.S. 163-1, (ii) the date of the primary election in the even numbered year under G.S. 163-1(b),~~
21 ~~(iii) Tuesday after the first Monday in November of the odd numbered year, or (iv) a date in~~
22 ~~September or October of the odd numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but~~
23 ~~only if at least one municipality in the county is holding a primary or election on that date in~~
24 ~~accordance with G.S. 163-287.~~ The conditions are as follows:

- 25 (1) The board of trustees has obtained approval to conduct a referendum by a
26 vote of the following:
27 a. A majority vote of both of the county boards of commissioners
28 within the special district, if it is a multicounty special district.
29 b. A majority of the county board of commissioners within the special
30 district, if it is a single-county special district.
31 (2) A public hearing is held on the question by the board or boards of
32 commissioners at least 30 days before the date the election is to be held."

33 **SECTION 14.** G.S. 105-511.2(a) reads as rewritten:

34 "(a) Resolution. – The board of commissioners of a county may direct the county board
35 of elections to conduct an advisory referendum within the county on the question of whether a
36 local sales and use tax at the rate of one-quarter percent (¼%) may be levied in accordance with
37 this Part. The election shall be held on a date jointly agreed upon by the boards and shall be
38 held in accordance with the procedures of G.S. 163-287. An election to authorize the levy of a
39 tax under this Part may be held only ~~on one of the following dates: (i) Tuesday after the first~~
40 ~~Monday of November in the even numbered year, the date of the general election under~~
41 ~~G.S. 163-1, (ii) the date of the primary election in the even numbered year under G.S. 163-1(b),~~
42 ~~(iii) Tuesday after the first Monday in November of the odd numbered year, or (iv) a date in~~
43 ~~September or October of the odd numbered year as listed in G.S. 163-279(a)(2), (3), or (4) but~~
44 ~~only if at least one municipality in the county is holding a primary or election on that date in~~
45 ~~accordance with G.S. 163-287.~~ The board of commissioners shall hold a public hearing on the
46 question at least 30 days before the date the election is to be held."

47 **SECTION 15.** G.S. 105-537(b) reads as rewritten:

48 "(b) Vote. – The board of county commissioners may direct the county board of
49 elections to conduct an advisory referendum on the question of whether to levy a local sales
50 and use tax in the county as provided in this Article. The election shall be held ~~on a date jointly~~

1 ~~agreed upon by the board of county commissioners and the board of elections and shall be held~~
2 ~~in accordance with the procedures of G.S. 163-287."~~

3 **SECTION 16.** G.S. 105-601(b) reads as rewritten:

4 "(b) Vote. – The board of county commissioners may direct the county board of
5 elections to conduct an advisory referendum on the question of whether to levy a local land
6 transfer tax in the county as provided in this Article. The election shall be held ~~on a date jointly~~
7 ~~agreed upon by the board of county commissioners and the board of elections and shall be held~~
8 ~~in accordance with the procedures of G.S. 163-287."~~

9 **SECTION 17.** G.S. 106-343 reads as rewritten:

10 **§ 106-343. Appropriations by counties; elections.**

11 The several boards of county commissioners in the State are hereby expressly authorized
12 and empowered to make such appropriations from the general funds of their county as will
13 enable them to cooperate effectively with the state Department of Agriculture and Consumer
14 Services and Federal Department of Agriculture in the eradication of tuberculosis in their
15 respective counties: Provided, that if in 10 days after said appropriation is voted, one fifth of
16 the qualified voters of the county petition the board of commissioners to submit the question of
17 tuberculosis eradication or no tuberculosis eradication to the voters of the county, said
18 commissioners shall submit such questions to said voters. Said election shall be held and
19 conducted under ~~the rules and regulations provided for holding stock law elections in~~
20 ~~G.S. 68-16, 68-20 and 68-21.~~G.S. 163-287. If at any such election a majority of the votes cast
21 shall be in favor of said tuberculosis eradication, the said board shall record the result of the
22 election upon its minutes, and cooperative tuberculosis eradication shall be taken up with the
23 state Department of Agriculture and Consumer Services and Federal Department of
24 Agriculture. If, however, a majority of the votes cast shall be adverse, then said board shall
25 make no appropriation."

26 **SECTION 18.** G.S. 115C-501(h) reads as rewritten:

27 "(h) To Annex or Consolidate Areas or Districts from Contiguous Counties and to
28 Provide a Supplemental School Tax in Such Annexed Areas or Consolidated Districts. – An
29 election may be called in any districts or other school areas, from contiguous counties, as to
30 whether the districts in one county shall be enlarged by annexing or consolidating therewith
31 any adjoining districts, or other school area or areas from an adjoining county, and if a special
32 or supplemental school tax is levied and collected in the districts of the county to which the
33 territory is to be annexed or consolidated, whether upon such annexation or consolidation there
34 shall be levied and collected in the territory to be annexed or consolidated the same special or
35 supplemental tax for schools as is levied and collected in the districts in the other county. If
36 such election carries, the said special or supplemental tax shall be collected pursuant to
37 G.S. 115C-511 and remitted to the local school administrative unit on whose behalf such
38 special and supplemental tax is already levied: ~~Provided, that notwithstanding the provisions of~~
39 ~~G.S. 115C-508, if the notice of election clearly so states, and the election shall be held prior to~~
40 ~~August 1, the annexation or consolidation shall be effective and the tax so authorized shall be~~
41 ~~levied and collected beginning with the fiscal year commencing July 1 next preceding such~~
42 ~~elections.~~levied."

43 **SECTION 19.** G.S. 115C-501 is amended by adding a new subsection to read:

44 "(j) All elections called under this section shall be conducted in accordance with
45 G.S. 163-287."

46 **SECTION 20.** G.S. 115D-33(d) reads as rewritten:

47 "(d) All elections shall be held in the same manner as elections held under Article 4,
48 Chapter 159, of the General Statutes, the Local Government Bond Act, and ~~may be held at any~~
49 ~~time fixed by the tax levying authority of the administrative area or proposed administrative~~
50 ~~area of the institution for which such election is to be held.~~shall be held on a date permitted by
51 G.S. 163-287."

1 **SECTION 21.** G.S. 115D-35(a) reads as rewritten:

2 "(a) Formal requests for elections on the question of authority to appropriate nontax
3 revenues or levy special taxes, or both, and to issue bonds, when such elections are to be held
4 for the purpose of establishing an institution, shall be originated and submitted only in the
5 following manner:

6 (1) Proposed multiple-county administrative areas: Formal requests for elections
7 may be submitted jointly by all county boards of education in the proposed
8 administrative area, or by petition of fifteen percent (15%) of the number of
9 qualified voters of the proposed area who voted in the last preceding election
10 for Governor, to the boards of commissioners of all counties in the proposed
11 area, who ~~may~~ shall fix the time for such election by joint resolution on a
12 date permitted by G.S. 163-287, which shall be entered in the minutes of
13 each board.

14 (2) Proposed single-county administrative area: Formal requests shall be
15 submitted by the board of education of any public school administrative unit
16 within the county of the proposed administrative area or by petition of
17 fifteen percent (15%) of the number of qualified voters of the county who
18 voted in the last preceding election for Governor, to the board of
19 commissioners of the county of the proposed administrative area, who ~~may~~
20 shall fix the time for such election by resolution on a date permitted by
21 G.S. 163-287, which shall be entered in the minutes of the board."

22 **SECTION 22.** G.S. 130A-69 reads as rewritten:

23 "(a) If after a sanitary district has been created or the provisions of this Part have been
24 made applicable to a sanitary district, a petition signed by not less than fifteen percent (15%) of
25 the resident freeholders within any territory contiguous to and adjoining the sanitary district
26 may be presented to the sanitary district board requesting annexation of territory described in
27 the petition. The sanitary district board shall send a copy of the petition to the board of
28 commissioners of the county or counties in which the district is located and to the Department.
29 The sanitary district board shall request that the Department hold a joint public hearing with the
30 sanitary district board on the question of annexation. The Secretary and the chairperson of the
31 sanitary district board shall name a time and place for the public hearing. The chairperson of
32 the sanitary district board shall publish a notice of public hearing once in a newspaper or
33 newspapers published or circulating in the sanitary district and the territory proposed to be
34 annexed. The notice shall be published not less than 15 days prior to the hearing. If after the
35 hearing, the Commission approves the annexation of the territory described in the petition, the
36 Department shall advise the board or boards of commissioners of the approval. The board or
37 boards of commissioners shall order and provide for the holding of a special election in
38 accordance with G.S. 163-287 upon the question of annexation within the territory proposed to
39 be annexed.

40 (b) If at or prior to the public hearing, a petition is filed with the sanitary district board
41 signed by not less than fifteen percent (15%) of the freeholders residing in the sanitary district
42 requesting an election be held on the annexation question, the sanitary district board shall send
43 a copy of the petition to the board or boards of commissioners who shall order and provide for
44 the submission of the question to the voters within the sanitary district. This election may be
45 held on the same day as the election in the territory proposed to be annexed, and both elections
46 and registrations may be held pursuant to a single notice. A majority of the votes cast is
47 necessary for a territory to be annexed to a sanitary district.

48 (c) The election shall be held by the county board or boards of elections ~~as soon as~~
49 possible in accordance with G.S. 163-287 after the board or boards of commissioners orders the
50 election. The cost of the election shall be paid by the sanitary district. Registration in the area
51 proposed for annexation shall be under the same procedure as G.S. 163-288.2.

1"

2 **SECTION 23.** G.S. 139-39 reads as rewritten:

3 "**§ 139-39. Alternative method of financing watershed improvement programs by special**
4 **county tax.**

5 The board of county commissioners in any county is authorized to call a special election to
6 determine whether it be the will of the qualified voters of the county that they levy and cause to
7 be collected annually, at the same time and in the same manner as the general county taxes are
8 levied and collected, a special tax at a rate not to exceed twenty-five cents (25¢) on each one
9 hundred dollars (\$100.00) valuation of property in said county, to be known as a "Watershed
10 Improvement Tax," the funds therefrom, if the levy be authorized by the voters of said county,
11 to be used for the prevention of flood water and sediment damages, and for furthering the
12 conservation, utilization and disposal of water and the development of water resources. Any
13 special election shall be conducted in accordance with G.S. 163-287."

14 **SECTION 24.** G.S. 147-69.6(f) reads as rewritten:

15 "(f) The Board of Commissioners of Swain County may direct the Swain County Board
16 of Elections to conduct an advisory referendum on the question of whether any portion of the
17 principal of the Fund should be disbursed to and expended by the county for a particular
18 purpose. The election shall be held ~~on a date jointly agreed upon by the two boards, which may~~
19 ~~be the same day as any other referendum or election in the county, but may not otherwise be~~
20 ~~during the period beginning 30 days before and ending 30 days after the day of any other~~
21 ~~referendum or election to be conducted by the board of elections and already validly called or~~
22 ~~scheduled by law. The election shall be held~~ in accordance with the procedures of
23 G.S. 163-287. The question to be presented on the ballot shall disclose the specific purpose
24 proposed for expenditure of the principal investment of the Trust Fund and the amount
25 proposed for expenditure."

26 **SECTION 25.** G.S. 153A-60 reads as rewritten:

27 "**§ 153A-60. Initiation of alterations by resolution.**

28 The board of commissioners shall initiate any alteration in the structure of the board by
29 adopting a resolution. The resolution shall:

- 30 (1) Briefly but completely describe the proposed alterations;
31 (2) Prescribe the manner of transition from the existing structure to the altered
32 structure;
33 (3) Define the electoral districts, if any, and apportion the members among the
34 districts;
35 (4) Call a special referendum on the question of adoption of the alterations. The
36 referendum shall be held and conducted by the county board of elections.
37 The referendum may be held only on a date permitted by G.S. 163-287. at
38 ~~the same time as any other state, county or municipal primary, election,~~
39 ~~special election or referendum, or on any date set by the board of county~~
40 ~~commissioners, provided, that such referendum shall not be held within the~~
41 ~~period of time beginning 60 days before and ending 60 days after any other~~
42 ~~primary, election, special election or referendum held in the county.~~

43 Upon its adoption, the resolution shall be published in full."

44 **SECTION 26.** G.S. 153A-405(a) reads as rewritten:

45 "(a) If authorized to do so by the concurrent resolutions that established it, a commission
46 may call a referendum on its proposed plan of governmental consolidation. If authorized or
47 directed in the concurrent resolutions, the ballot question may include the assumption of debt
48 secured by a pledge of faith and credit language and may also include the assumption of the
49 right to issue authorized but unissued faith and credit debt language as provided in subsection
50 (b) of this section. The referendum ~~may be held on the same day as any other referendum or~~
51 ~~election in the county or counties involved, but may not otherwise be held during the period~~

1 beginning 30 days before and ending 30 days after the day of any other referendum or election
2 to be conducted by the board or boards of elections conducting the referendum and already
3 validly called or scheduled by law shall be held in accordance with G.S. 163-287."

4 **SECTION 27.** G.S. 158-16 reads as rewritten:

5 **"§ 158-16. Board of commissioners may call tax election; rate and purposes of tax.**

6 The board of county commissioners in any county is authorized and empowered to call a
7 special election to determine whether it be the will of the qualified voters of said county that
8 they levy and cause to be collected annually, at the same time and in the same manner as the
9 general county taxes are levied and collected, a special tax at a rate not to exceed five cents (5¢)
10 on each one hundred dollars (\$100.00) valuation of property in said county, to be known as an
11 "industrial development tax," the funds therefrom, if the levy be authorized by the voters of
12 said county, to be used for the purpose of attracting new and diversified industries to said
13 county, and for the encouragement of new business and industrial ventures by local as well as
14 foreign capital, and for the purpose of aiding and encouraging the location of manufacturing
15 enterprises, making industrial surveys and locating industrial plants in said county, and for the
16 purpose of encouraging agricultural development in said county. Any special election shall be
17 conducted in accordance with G.S. 163-287."

18 **SECTION 28.** G.S. 159-61(b) reads as rewritten:

19 "(b) The date of a bond referendum shall be fixed by the governing board, but shall not
20 be more than one year after adoption of the bond ~~order~~ order, only on a date permitted by
21 G.S. 163-287. ~~The governing board may call a special referendum for the purpose of voting on~~
22 ~~a bond issue on any day, including the day of any regular or special election held for another~~
23 ~~purpose (unless the law under which the bond referendum or other election is held specifically~~
24 ~~prohibits submission of other questions at the same time). A special bond referendum may not~~
25 ~~be held within 30 days before or 10 days after a statewide primary, election, or referendum, or~~
26 ~~within 30 days before or 10 days after any other primary, election, or referendum to be held in~~
27 ~~the same unit holding the bond referendum and already validly called or scheduled by law at~~
28 ~~the time the bond referendum is called.~~ The clerk shall mail or deliver a certified copy of the
29 resolution calling a special bond referendum to the board of elections that is to conduct it
30 within three days after the resolution is adopted, but failure to observe this requirement shall
31 not in any manner affect the validity of the referendum or bonds issued pursuant thereto. Bond
32 referenda shall be conducted by the board of elections conducting regular elections of the
33 county, city, or special district. ~~In fixing the date of a bond referendum, the governing board~~
34 ~~shall consult the board of elections in order that the referendum shall not unduly interfere with~~
35 ~~other elections already scheduled or in process.~~ Several bond orders or other matters may be
36 voted upon at the same referendum."

37 **SECTION 29.** G.S. 160A-103 reads as rewritten:

38 **"§ 160A-103. Referendum on charter amendments by ordinance.**

39 An ordinance adopted under G.S. 160A-102 that is not made effective upon approval by a
40 vote of the people shall be subject to a referendum petition. Upon receipt of a referendum
41 petition bearing the signatures and residence addresses of a number of qualified voters of the
42 city equal to at least 10 percent of the whole number of voters who are registered to vote in city
43 elections according to the most recent figures certified by the State Board of Elections or 5,000,
44 whichever is less, the council shall submit an ordinance adopted under G.S. 160A-102 to a vote
45 of the people. The date of the special election shall be fixed ~~at~~ on a date permitted by
46 G.S. 163-287. ~~not more than 120 nor fewer than 60 days after receipt of the petition.~~ A
47 referendum petition shall be addressed to the council and shall identify the ordinance to be
48 submitted to a vote. A referendum petition must be filed with the city clerk not later than 30
49 days after publication of the notice of adoption of the ordinance."

50 **SECTION 30.** G.S. 160A-104 reads as rewritten:

51 **"§ 160A-104. Initiative petitions for charter amendments.**

1 The people may initiate a referendum on proposed charter amendments. An initiative
2 petition shall bear the signatures and resident addresses of a number of qualified voters of the
3 city equal to at least ten percent (10%) of the whole number of voters who are registered to vote
4 in city elections according to the most recent figures certified by the State Board of Elections or
5 5,000, whichever is less. The petition shall set forth the proposed amendments by describing
6 them briefly but completely and with reference to the pertinent provisions of G.S. 160A-101,
7 but it need not contain the precise text of the charter amendments necessary to implement the
8 proposed changes. The petition may not propose changes in the alternative, or more than one
9 integrated set of charter amendments. Upon receipt of a valid initiative petition, the council
10 shall call a special election on the question of adopting the charter amendments proposed
11 therein, and shall give public notice thereof in accordance with G.S. 163-287. The date of the
12 special election shall be fixed ~~at on a date permitted by G.S. 163-287, not more than 120 nor~~
13 ~~fewer than 60 days after receipt of the petition.~~ If a majority of the votes cast in the special
14 election shall be in favor of the proposed changes, the council shall adopt an ordinance
15 amending the charter to put them into effect. Such an ordinance shall not be subject to a
16 referendum petition. No initiative petition may be filed (i) between the time the council initiates
17 proceedings under G.S. 160A-102 by publishing a notice of hearing on proposed charter
18 amendments and the time proceeding under that section have been carried to a conclusion
19 either through adoption or rejection of a proposed ordinance or lapse of time, nor (ii) within
20 one year and six months following the effective date of an ordinance amending the city charter
21 pursuant to this Article, nor (iii) within one year and six months following the date of any
22 election on charter amendments that were defeated by the voters.

23 The restrictions imposed by this section on filing initiative petitions shall apply only to
24 petitions concerning the same subject matter. For example, pendency of council action on
25 amendments concerning the method of electing the council shall not preclude an initiative
26 petition on adoption of the council-manager form of government.

27 Nothing in this section shall be construed to prohibit the submission of more than one
28 proposition for charter amendments on the same ballot so long as no proposition offers a
29 different plan under the same option as another proposition on the same ballot."

30 **SECTION 31.** G.S. 160A-583 reads as rewritten:

31 **"§ 160A-583. Funds.**

32 The establishment and operation of a transportation authority as herein authorized are
33 governmental functions and constitute a public purpose, and the municipality is hereby
34 authorized to appropriate funds to support the establishment and operation of the transit
35 authority. The municipality may also dedicate, sell, convey, donate or lease any of its interest in
36 any property to the authority. Further, the authority is hereby authorized to establish such
37 license and regulatory fees and charges as it may deem appropriate, subject to the approval of
38 the governing body of the municipality. If the governing body finds that the funds otherwise
39 available are insufficient, it may call a special election without a petition and submit to the
40 qualified voters of the municipality the question of whether or not a special tax shall be levied
41 and/or bonds issued, specifying the maximum amount thereof, for the purpose of acquiring
42 lands, buildings, equipment and facilities and for the operations of the transit authority. Any
43 special election shall be conducted in accordance with G.S. 163-287."

44 **SECTION 32.** 162A-68(d) reads as rewritten:

45 "(d) If, at or prior to such public hearing, there shall be filed with the district board a
46 petition, signed by not less than ten per centum (10%) of the qualified voters residing in the
47 district, requesting an election to be held therein on the question of including the political
48 subdivision or unincorporated area, the district board shall certify a copy of such petition to the
49 board or boards of commissioners, and the board or boards of commissioners shall request the
50 county board or boards of elections to submit such question to the qualified voters within the
51 district in accordance with G.S. 163-287 and the other applicable provisions of Chapter 163 of

1 the General Statutes; provided, that the election shall not be held unless the Environmental
2 Management Commission has adopted a resolution approving the inclusion of the political
3 subdivision or unincorporated area in the district.

4 Notice of such election, which shall contain a statement of the boundaries of the territory
5 proposed to be included in the district and the boundaries of the district after inclusion, shall be
6 given by publication once a week for three successive weeks in a newspaper or newspapers
7 having general circulation within the district, the first publication to be at least 30 days prior to
8 the election."

9 **SECTION 33.** G.S. 162A-77.1 reads as rewritten:

10 **"§ 162A-77.1. Special election upon the question of the merger of metropolitan sewerage**
11 **districts into cities or towns.**

12 Any district lying entirely within the corporate limits of a city or town may be merged into
13 such city or town in accordance with the provisions of this section.

14 The governing body of a city or town, with the approval of the district board, shall call and
15 conduct a special election within such city or town on the question of the merger of the district
16 into the city or town. A vote in favor of such merger shall constitute a vote for such city or
17 town to assume the obligations of the district. Such special election may be called and
18 conducted by the governing body of a city or town upon its own motion after passage of a
19 resolution of the district board requesting or approving the special election. Any special
20 election shall be conducted in accordance with G.S. 163-287.

21 A new registration of voters shall not be required for the special election. The special
22 election shall be conducted in accordance with the provisions of law applicable to regular
23 elections in the city or town.

24 If a majority of the votes are in favor of the merger, then:

- 25 (1) All property, real and personal and mixed, including accounts receivable,
26 belonging to such district shall vest in, belong to, and be the property of,
27 such city or town. All district boards are hereby authorized to take such
28 actions and to execute such documents as will carry into effect the
29 provisions and the intent of this section.
- 30 (2) All judgments, liens, rights of liens, and causes of action of any nature in
31 favor of such district shall vest in and remain and inure to the benefit of such
32 city or town.
- 33 (3) All taxes, assessments, sewer charges, and any other debts, charges or fees,
34 owing to such district shall be owed to and collected by such city or town.
- 35 (4) All actions, suits and proceedings pending against, or having been instituted
36 by, such district shall not be abated by this section or by the merger herein
37 provided for, but all such actions, suits, and proceedings shall be continued
38 and completed in the same manner as if merger had not occurred, and such
39 city or town shall be a party to all such actions, suits, and proceedings in the
40 place and stead of the district and shall pay or cause to be paid any
41 judgments rendered against the district in any such actions, suits, or
42 proceedings. No new process need be served in any such action, suit, or
43 proceeding.
- 44 (5) All obligations of the district, including outstanding indebtedness, shall be
45 assumed by such city or town, and all such obligations and outstanding
46 indebtedness shall constitute obligations and indebtedness of such city or
47 town, and the full faith and credit of such city or town shall be deemed to be
48 pledged for the punctual payment of the principal of and the interest on any
49 general obligation bonds or bond anticipation notes of such district, and all
50 the taxable property within such city or town, as well as that formerly

- 1 located within the district, shall be and remain subject to taxation for such
- 2 payment.
- 3 (6) All ordinances, rules, regulations, and policies of such district shall continue
- 4 in full force and effect until repealed or amended by the governing body of
- 5 such city or town.
- 6 (7) Such district shall be abolished, and shall no longer be constituted a public
- 7 body or a body politic and corporate, except for the purposes of carrying into
- 8 effect the provisions and the intent of this section.

9 If a majority of the votes are against the merger, then such merger shall not be effective
10 unless approved by a majority of the qualified voters who vote thereon in a subsequent special
11 election conducted under authority of this section.

12 Any action or proceeding in any court to set aside a special election held under authority of
13 this section or the result thereof, or to obtain any other relief upon the ground that such election
14 or any proceeding or action taken with respect to the holding of such election is invalid, must
15 be commenced within 30 days after the day of such special election. After the expiration of
16 such period of limitation, no right of action or defense founded upon the invalidity of the
17 election or the result thereof shall be asserted, nor shall the validity of the election or of the
18 result thereof be open to question in any court upon any ground whatever, except in an action
19 or proceeding commenced within such period."

20 **SECTION 34.** This act is effective January 1, 2012, and applies to special elections
21 held on or after that date.