

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 523
PROPOSED COMMITTEE SUBSTITUTE H523-PCS70217-TC-17

Short Title: Change Winston-Salem/Forsyth Election Method.

(Local)

Sponsors:

Referred to:

March 31, 2011

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE ELECTION YEAR FOR THE CITY OF WINSTON-SALEM
AND THE ELECTION METHOD FOR THE WINSTON-SALEM/FORSYTH COUNTY
BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-279(b), which is applicable only to the City of
Winston-Salem, is repealed.

SECTION 1.(b) Paragraphs 1 and 2 of Section 12A of Chapter 232 of the Private
Laws of 1927, as amended by Chapter 53, Session Laws of 1965, read as rewritten:

"1. Election of Mayor. ~~On the same day that the regular biennial general election for county officials is held in 1966, and quadrennially thereafter, there shall be elected a mayor, who shall be a resident of the City of Winston-Salem. The time for election of mayor shall be as provided in Section 12J. The mayor shall be a resident of the City of Winston-Salem. All persons voting for mayor shall cast their ballot in the respective wards in which said voters reside, and the person receiving the highest number of the aggregate of the votes of all the wards for the office of mayor shall be declared elected. It is the intent and purpose of this Section that the mayor elected in 1965 shall serve for a term expiring on the first Monday in December, 1966, and that the mayors elected in 1966, and quadrennially thereafter, Except as provided in Section 12J, the mayor shall serve for terms of four years commencing on the first Monday in December following the election.~~

2. Election of ~~Alderman~~ City Council. ~~On the same day that the regular biennial general election for county officials is held in 1966, and quadrennially thereafter, The time for election of city council members shall be as provided in Section 12J. there~~ There shall be elected eight ~~alderman~~ council members for the City of Winston-Salem, who shall hold their office until their successors are qualified, of whom one shall be elected from North Ward, one from Northeast Ward, one from East Ward, One from Southeast Ward, one from South Ward, one from Southeast Ward, one from West Ward, and one from Northwest Ward. Each ~~alderman~~ council member shall be a resident of the ward in which he is elected, and he shall be elected by the qualified voters of ~~his~~ the council member's ward only. ~~It is the intent and purpose of this Section that the alderman elected in 1965 shall serve for terms expiring on the first Monday in December, 1966, and that the alderman elected in 1966, and quadrennially thereafter, Except as provided in Section 12J, city council members shall serve for terms of four years commencing on the first Monday on December following the election.~~



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1 **SECTION 1.(c)** Section 12B of Chapter 232 of the Private Laws of 1927, as
 2 amended by Chapter 13, Session Laws of 1965, reads as rewritten:

3 "Sec. 12B. Primary elections.

4 1. Generally. Primary elections to nominate candidates of each qualified political party for
 5 mayor and for members of the ~~board of alderman~~ city council shall be held as needed and shall
 6 be conducted in the same manner and pursuant to the same statutes, rules, and regulations as
 7 other primary elections for local offices conducted under the provisions of Article ~~XIX-23~~ of
 8 Chapter 163 of the General Statutes of North Carolina, except that to the extent such statutes,
 9 rules , and regulations differ from or conflict with the provisions of the Charter of the City of
 10 Winston-Salem, the latter shall control. A "qualified political party" shall be one which was
 11 qualified as a political party at the preceding gubernatorial election as defined by General
 12 Statute ~~163-144.163-96~~. The persons receiving the highest number of votes of their respective
 13 parties shall be deemed to be the nominees of their said respective parties and for said offices;
 14 provided, that no one shall participate in such election except duly qualified voters who affiliate
 15 with the political party in whose primary ~~he~~ the voter seeks to vote. In the event of a tie vote
 16 between two or more candidates, all of whom received the same highest vote for party
 17 nomination, the city executive committee or other duly constituted administrative body of the
 18 political party of said candidates shall determine which shall be the nominee.

19 2. Time of holding. ~~The primary in 1965 shall be held at a date to be fixed by the board of~~
 20 ~~elections, which date shall be not later than the second Tuesday before the general municipal~~
 21 ~~election in 1965, and in 1966 and biennially thereafter the primary shall be held on the same~~
 22 ~~day as the regular biennial primary election for county officials.~~ The time for holding primaries
 23 shall be as provided in Section 12J.

24 3. Notice of candidacy to be filed; pledge. Every candidate for selection as the nominee of
 25 any political party for the office of mayor or member of the ~~board of alderman~~ city council shall
 26 file with the secretary of the board of elections ~~by twelve o'clock Noon on the third Friday~~
 27 ~~before such primary election is to be held in 1965, and by twelve o'clock Noon on or before the~~
 28 ~~Friday preceding the sixth Saturday before such primary election is to be held in 1966 and~~
 29 ~~thereafter,~~ a notice of ~~his~~ the candidate's candidacy and pledge in the following form, the
 30 blanks being properly filled in and the same signed by the candidate:

31 I hereby file my notice as a candidate for the nomination as
 32 In the primary election to be held on the day of
 33, I affiliate with the party, and I
 34 hereby pledge myself to abide by the results of said primary, and to support in the next general
 35 municipal election all candidates nominated by theparty."

36 **SECTION 1.(d)** The Charter of the City of Winston-Salem, being Chapter 232 of
 37 the Private Laws of 1927, is amended by adding a new section to read:

38 "Sec. 12J. Time of Election; Terms.

39 (a) In 2013, the primary and election for mayor and council members shall be held on
 40 the dates provided in G.S. 163-279(a)(2).

41 (b) The terms of the mayor and council members of the City of Winston-Salem elected
 42 in 2013 expire at the organizational meeting after the 2016 regular municipal election.

43 (c) Notwithstanding G.S. 163-279, in 2016 and quadrennially thereafter, primaries and
 44 elections for mayor and city council shall be held at the same time as for county officers as
 45 provided in G.S. 163-1."

46 **SECTION 2.(a)** Section 2(a)(5)(iii) of Chapter 112, Session Laws of 1961, as
 47 amended by Chapter 466, Session Laws of 1985, by Section 2 of Chapter 696 of the 1991
 48 Session Laws, and by S.L. 2009-72, reads as rewritten:

49 "(iii) Notwithstanding the provisions of G.S. 115C-37, the Winston-Salem/Forsyth County
 50 Board of Education shall be elected on a ~~nonpartisan~~ partisan basis at the time of the general
 51 election in each even-numbered year as terms expire. ~~The names of the candidates shall be~~

1 printed on the ballot without reference to any party affiliations. The nonpartisan primary and
2 election method shall be used with the results determined as provided in G.S. 163-294, and the
3 primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Except
4 as provided by this act, the election shall be conducted in accordance with the applicable
5 provisions of Chapters 115C and 163 of the General Statutes. Candidates shall file their notice
6 of candidacy with the county board of elections under the same schedule provided by
7 G.S. 163-106(e). Candidates for election to the Winston-Salem/Forsyth County Board of
8 Education shall be nominated at the same time and in the same manner as other county officers.
9 Each candidate for the Winston-Salem/Forsyth County Board of Education shall, at the time of
10 filing notice of candidacy, certify in writing the exact location of that candidate's residence and
11 that the candidate is a bona fide resident thereof."

12 **SECTION 2.(b)** Section 2(a)(5)(ii) of Chapter 112, Session Laws of 1961, as
13 rewritten by Chapter 466, Session Laws of 1985 and Chapter 696 of the 1991 Session Laws,
14 and by S.L. 2009-72, reads as rewritten:

15 "(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth
16 County Board of Education shall be composed of nine members. In the 2010 election, nine
17 persons shall be elected to the Winston-Salem/Forsyth County Board of Education for
18 four-year terms. The terms of those elected in 2010 for two-year terms shall instead expire on
19 the first Monday in December of 2014. In 2010:2014:

- 20 (1) Two persons shall be elected from District 1. ~~The person receiving the~~
21 ~~highest number of votes is elected to a four year term, and the person~~
22 ~~receiving the next highest number of votes is elected to a two year term.~~
23 (2) Four persons shall be elected from District 2. ~~The two persons receiving the~~
24 ~~two highest numbers of votes are elected to a four year term, and the two~~
25 ~~persons receiving the two next highest numbers of votes are elected to~~
26 ~~two year terms.~~
27 (3) Three members shall be elected at large from all of Forsyth County. ~~The~~
28 ~~person receiving the highest number of votes is elected to a four year term,~~
29 ~~and the two persons receiving the two next highest numbers of votes are~~
30 ~~elected to two year terms.~~

31 Successors to those elected in 2010-2014 shall serve four-year terms.

32 For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district
33 seats, only residents of the district shall be eligible to be candidates and only qualified voters of
34 the district shall be eligible to vote.

35 The districts as established for the purpose of this subparagraph are for the 2010 election
36 those established under G.S. 115C-37(i), which are subject to change for the election in
37 2012-2014 after the return of the 2010 census."

38 **SECTION 3.** This act becomes effective July 1, 2011.