

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 527  
PROPOSED COMMITTEE SUBSTITUTE H527-PCS30349-TH-15

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

(Local)

Sponsors:

Referred to:

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, as amended by Ordinance 95-18 adopted by the City Council, reads as rewritten:

"Section 3.1. Regular Municipal Elections; Conduct and Method of Election. Regular municipal elections for Mayor shall be held in the City in ~~1979-2015~~, and every two years ~~thereafter and~~ thereafter, except that the Mayor elected in 2015 shall serve a term of three years. The City Council shall consist of seven members, each residing in and elected from districts, who shall be elected for a term of four years in the manner provided by Section 3.2 of this Charter. 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 for statewide office as provided in ~~G.S. 163-291~~.G.S. 163-1."

**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 and Ordinance 95-18 adopted by the City Council, reads as rewritten:

"Section 3.2. Election of Mayor and Council Members. At the regular municipal election in ~~1991-2015~~ and every two years thereafter, there shall be elected a ~~Mayor~~ Mayor, except as provided in Section 3.1 of this Charter.

~~At the regular municipal election to be held in 1995, members of the City Council shall be nominated and elected as follows. The member of Council from District 1 and the member of Council from District 3 shall be nominated and elected by and from the qualified voters of the electoral district to serve for a four year term. The member of Council from District 2 and the member of Council from District 4 shall be nominated and elected by and from the qualified voters of the electoral district to serve for a two year term. Three members of Council shall be nominated and elected at large by and from the qualified voters of the City. The two at large members of Council receiving the highest number of votes in the regular municipal election shall be elected to serve for a four year term. The at large member of Council receiving the next highest number of votes in the regular municipal election shall be elected to serve for a two year term.~~

At the regular municipal election held in 1997, and every four years thereafter, the member of Council from District 2, the member of Council from District 4, and the member of Council



1 elected at large in the 1995 regular municipal election to serve a two year term shall be  
2 nominated and elected to serve a four year term.

3 At the regular municipal election held in 1999 and every four years thereafter, the member  
4 of Council from District 1, the member of Council from District 3, and the two members of  
5 Council elected at large in the 1995 regular municipal election to serve a four year term shall be  
6 nominated and elected to serve for a four year term.

7 In 2015, the four members elected shall serve terms of five years, and their successors shall  
8 serve terms of four years. The three members whose terms expire in 2017 shall continue to  
9 serve until 2018, and their successors shall serve terms of four years."

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

12 "CHAPTER III.  
13 "GOVERNING BODY.

14 ...  
15 "Sec. 3.3. Term of office of Council members. ~~The initial members of the Council shall be~~  
16 ~~elected in 1990 at the same time as the general election for county officers, and the procedure~~  
17 ~~shall be as generally provided for election of municipal officers in an odd-numbered year,~~  
18 ~~except that the filing period shall open as soon as the results of the incorporation referendum~~  
19 ~~are certified, and shall end at 12:00 noon on the third Friday after that date. The initial district~~  
20 ~~members are elected for three year terms, their successors shall be elected in 1993 and~~  
21 ~~quadrennially thereafter for four year terms. In 1990, the at large candidate receiving the~~  
22 ~~highest number of votes is elected to a three year term, and the two at large candidates~~  
23 ~~receiving the next highest numbers of votes are elected to one year terms. In 1991 and~~  
24 ~~quadrennially thereafter, two at large members are elected for four year terms. In 1993 and~~  
25 ~~quadrennially thereafter, one at large member is elected for a four year term. Initial town~~  
26 ~~officers shall take office on the Monday following the canvassing of the returns of their~~  
27 ~~election, at a time and place designated by any three of them.~~In 2015, the two at-large members  
28 shall serve for terms of five years, and their successors shall serve terms of four years. Each of  
29 the resident district members and the at-large members whose terms expire in 2017 shall  
30 continue to serve until 2018, and their successors shall be elected to serve terms of four years.  
31 Regular municipal elections shall be held in each even-numbered year thereafter in accordance  
32 with Chapter IV of this Charter.

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

36 **SECTION 3.(a)** Article III of the Charter of the Town of Locust, being Chapter  
37 246 of the Session Laws of 1973, as amended by Chapter 41 of the 1977 Session Laws, reads  
38 as rewritten:

39 "...  
40 "Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be a resident and qualified  
41 voter of the City of Locust and shall be elected by the qualified voters of the City of Locust,  
42 and he shall hold office for two (2) ~~years~~years, except that the Mayor elected in 2015 shall  
43 serve a term of three years, but the Mayor's successors shall serve terms of two years. In the  
44 case of a vacancy in the office of Mayor, the City Council shall by appointment fill the vacancy  
45 for the unexpired term. The Mayor shall be the official head of the City government and shall  
46 preside at all meetings of the City Council. When there is an equal division upon any question,  
47 or in the appointment of officers, by the Council, the Mayor shall determine the matter by his  
48 vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such  
49 duties as are or may be conferred upon him by the general laws of North Carolina, by this  
50 Charter, and by the ordinances of the City. The City Council shall choose one of its number to  
51 act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence

1 or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve  
2 in such capacity at the pleasure of the remaining members of the Council.

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

7 ...."

8 **SECTION 3.(b)** Section 4.1 of the Charter of the Town of Locust, being Chapter  
9 246 of the Session Laws of 1973, as amended by Chapter 41 of the 1977 Session Laws, reads  
10 as rewritten:

11 "Sec. 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the  
12 Tuesday after the first Monday in November of each ~~odd-numbered year which began in~~  
13 ~~1973-even-numbered year except as provided in this section.~~ In the regular election in ~~1977~~  
14 2015, ~~there shall be elected three (3) councilmen. The three (3) candidates receiving the highest~~  
15 ~~number of votes shall be elected for terms of four (4) years. In the regular election of 1979,~~  
16 ~~there shall be elected four (4) councilmen, and the four (4) candidates receiving the highest~~  
17 ~~number of votes shall be elected for four (4) years.~~four members shall be elected for terms of  
18 five years, and the three members whose terms expire in 2017 shall continue to serve until  
19 2018. Thereafter as the terms of members expire, their successors shall be elected for terms of  
20 four (4) years."

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

24 "Section 3.3. Manner of Electing Village Council; Term of Office. The qualified voters of  
25 the entire Village shall elect the members of the Village Council, and, except as provided in  
26 this section, they shall serve four-year terms. In ~~2005, the three candidates receiving the highest~~  
27 ~~numbers of votes shall be elected to four-year terms, and the two candidates receiving the next~~  
28 ~~highest numbers of votes shall be elected to two-year terms.~~2015, two members shall be elected  
29 for five-year terms, and the three members whose terms expire in 2017 shall continue to serve  
30 until 2018. In ~~2007~~, 2020, and quadrennially thereafter, two members shall be elected to  
31 four-year terms. In ~~2009~~, 2018, and quadrennially thereafter, three members shall be elected to  
32 four-year terms."

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

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

44 **SECTION 5.** Section 3 of the Charter of the Town of New London, being Chapter  
45 91 of the Private Laws of 1907, as amended by Chapter 131 of the 2001 Session Laws, reads as  
46 rewritten:

47 "Sec. 3. The officers of the town shall consist of a mayor and five commissioners, and they  
48 shall be elected to four-year terms by the qualified voters of the entire town, except as provided  
49 otherwise in this section. In ~~2001, and quadrennially thereafter, a mayor shall be elected to a~~  
50 ~~four-year term. In 2001, for the position of commissioner, the two persons receiving the highest~~  
51 ~~numbers of votes shall be elected to four-year terms and the three persons receiving the next~~

1 ~~highest numbers of votes shall be elected to two-year terms.~~ 2015, the Mayor shall be elected to  
2 serve a term of five years, but the Mayor's successors shall serve four-year terms. In 2015, three  
3 commissioners shall be elected for five-year terms, and the two commissioners whose terms  
4 expire in 2017 shall continue to serve until 2018. In 2003,2020, and quadrennially thereafter,  
5 three persons shall be elected to four-year terms. In 2005,2018, and quadrennially thereafter,  
6 two persons shall be elected to four-year terms."

7 **SECTION 6.** Section 12 of the Charter of the Town of Norwood, being Chapter  
8 212 of the Private Laws of 1905, as amended by Chapter 15 of the Session Laws of 2001, reads  
9 as rewritten:

10 "Sec. 12. The Commissioners and Mayor shall be elected to four-year terms by the qualified  
11 voters of the entire Town, except as provided otherwise in this section. In ~~2001, and~~  
12 ~~quadrennially thereafter, a Mayor shall be elected to a four-year term. In 2001, for the position~~  
13 ~~of Commissioner, the two persons receiving the highest numbers of votes shall be elected to~~  
14 ~~four-year terms and the three persons receiving the next highest numbers of votes shall be~~  
15 ~~elected to two-year terms.~~ 2015, the Mayor shall be elected to serve a term of five years, but the  
16 Mayor's successors shall serve four-year terms. In 2015, three commissioners shall be elected  
17 for five-year terms, and the two commissioners whose terms expire in 2017 shall continue to  
18 serve until 2018. In 2003,2020, and quadrennially thereafter, three persons shall be elected to  
19 four-year terms. In 2005,2018, and quadrennially thereafter, two persons shall be elected to  
20 four-year terms."

21 **SECTION 7.** Section 15 of the Charter of the Town of Oakboro, being Chapter 51  
22 of the Private Laws of 1915, as amended by ordinance adopted by the Town Board, reads as  
23 rewritten:

24 "Sec. 15. That the Mayor of the town of Oakboro shall hold office for the term of two years  
25 and until its successor is elected and ~~qualified.~~ qualified, except that in 2015, the Mayor elected  
26 shall serve a term of three years, but the Mayor's successors shall serve terms of two years. At  
27 ~~the regular municipal election held in 2009, the three members of the Board elected who have~~  
28 ~~the highest total of votes shall serve for a four-year term.~~ Those members of the Board who  
29 have the lowest total number of votes shall serve for a two-year term. At the regular election  
30 held in 2011, and every four years thereafter, members of the Board who were elected for  
31 two-year terms in the election of 2009, shall be elected to serve for a four-year term. In 2015,  
32 three members of the Board shall be elected for five-year terms, and the two members whose  
33 terms expire in 2017 shall continue to serve until 2018. In 2020, and quadrennially thereafter,  
34 three persons shall be elected to four-year terms. In 2018, and quadrennially thereafter, two  
35 persons shall be elected to four-year terms. That in the absence of any officer of the town, or  
36 during sickness of any of the officers, the commissioners may appoint a man to fill the office  
37 during his absence or during his inability, and no longer. If the absence be caused by  
38 resignation, the board may appoint an officer to fill the unexpired term."

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

41 "ARTICLE III. GOVERNING BODY.

42 ...

43 "Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of  
44 the entire Town shall elect the members of the Town Council and, except as provided in this  
45 section, they shall be elected to four-year terms. In ~~2003, the two candidates receiving the~~  
46 ~~highest number of votes shall be elected to four-year terms and the two candidates receiving the~~  
47 ~~next highest number of votes shall be elected to two-year terms.~~ 2015, two members shall be  
48 elected for five-year terms, and the two members whose terms expire in 2017 shall continue to  
49 serve until 2018. In 2005,2018, and biennially thereafter, two members shall be elected to  
50 four-year terms.

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

5 ...."

6 **SECTION 9.(a)** Section 3 of the Charter of the Town of Richfield, being Chapter  
7 204 of the Private Laws of 1915, as amended by Chapter 1066 of the 1953 Session Laws,  
8 Chapter 527 of the 1961 Session Laws, and by resolution adopted by the Town Board of  
9 Commissioners, reads as rewritten:

10 "Section 3. That the officers of said town shall consist of a mayor and five commissioners,  
11 to be elected ~~for staggered 4 year terms , and a marshal and secretary and treasurer, to be~~  
12 ~~appointed every two years by the commissioners as provided in Section 4 of this Charter."~~

13 **SECTION 9.(b)** Section 4 of the Charter of the Town of Richfield, being Chapter  
14 204 of the Private Laws of 1915, as amended by Chapter 1066 of the 1953 Session Laws, and  
15 Chapter 527 of the 1961 Session Laws, reads as rewritten:

16 "Section 4. ~~That there shall be a convention held in said town for the purpose of electing a~~  
17 ~~mayor and five commissioners. The said convention shall be called on the first Tuesday after~~  
18 ~~the first Monday in May, 1915, and every two years thereafter.~~The Mayor whose term expires  
19 in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, the Mayor  
20 shall be elected for a term of four years. In 2015, the three members elected shall serve terms of  
21 five years, and their successors shall serve terms of four years. The two members whose terms  
22 expire in 2017 shall continue to serve until 2018, and their successors shall serve terms of four  
23 years. Notice of said ~~convention~~ election shall be posted at four public places within said town  
24 at least thirty days prior to the holding of the convention and all citizens residing within the  
25 corporate limits of said town who are qualified voters in Stanly County and who have resided  
26 in said town for a period of ninety (90) days before said convention shall be allowed to vote."

27 **SECTION 9.(c)** Section 15 of the Charter of the Town of Richfield, being Chapter  
28 204 of the Private Laws of 1915, as amended by Chapter 1066 of the 1953 Session Laws, reads  
29 as rewritten:

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

36 **SECTION 10.** Section 3 of the Charter of the Town of Stanfield, being Chapter  
37 1210 of the Session Laws of 1955, as amended by Chapter 485 of the 1957 Session Laws and  
38 Ordinance 2009-3 adopted by the Town Commissioners, reads as rewritten:

39 "Sec. 3. MUNICIPAL GOVERNMENT. That the government of the Town of Stanfield  
40 shall be vested in a mayor and a board of five commissioners and such other officers as may be  
41 provided for in the Municipal Incorporation Act of North Carolina. The mayor and board of  
42 commissioners shall be quadrennially elected by the qualified voters of the town, ~~shall provided~~  
43 that in 2015, the Mayor shall serve a term of five years, but the Mayor's successors shall serve  
44 terms of four years. At the regular municipal election to be held in 2009, the mayor and two  
45 members of the Board elected who have the highest total of votes shall serve for a four-year  
46 term. The three members of the Board who have the lowest total number of votes shall serve  
47 for a two-year term. At the regular municipal election held in 2011, and every four years  
48 thereafter, members of the board who were elected for two-year terms in the election of 2009  
49 shall be elected to serve for a four-year term. In 2015, three members of the Board shall be  
50 elected for five-year terms, and the two members whose terms expire in 2017 shall continue to  
51 serve until 2018. In 2020, and quadrennially thereafter, three persons shall be elected to

1 four-year terms. In 2018, and quadrennially thereafter, two persons shall be elected to four-year  
2 terms. The Mayor and board of commissioners shall take such oaths of office as provided by  
3 law, law and shall have such rights, powers, duties and responsibilities as provided in ~~Article 2~~  
4 ~~of Chapter 160-160A~~ of the General Statutes of North Carolina relating to municipal officers."

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

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