

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 138
PROPOSED COMMITTEE SUBSTITUTE S138-PCS35287-BK-16

Short Title: Even-Yr Municipal Elections/Town of Black Mtn.

(Local)

Sponsors:

Referred to:

February 27, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE TOWNS OF
3 BLACK MOUNTAIN, BILTMORE FOREST, AND RONDA SHALL BE HELD IN
4 EVEN-NUMBERED YEARS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Section 4 of the Charter of the Town of Black Mountain, being
7 Chapter 747 of the 1951 Session Laws, as amended by Section 2 of Chapter 1034 of the 1969
8 Session Laws, and Town Ordinance 0-99-14 passed on August 9, 1999, reads as rewritten:

9 "Sec. 4. Creation, Salary and Composition of Mayor and Board of Aldermen. Except as
10 otherwise provided in this charter all powers of the town shall be vested in a board of Aldermen
11 of 5 members and a mayor nominated and elected from the town at large in the manner hereinafter
12 provided. The mayor and the board of aldermen shall be elected to serve four-year staggered
13 terms and until their successors are elected and ~~qualified, and shall begin on the first Tuesday of~~
14 ~~June next following their election.~~ qualified. In 2020, and quadrennially thereafter, three
15 aldermen shall be elected to serve four-year terms. In 2022, and quadrennially thereafter, the
16 mayor and two aldermen shall be elected to serve four-year terms. If a vacancy occurs in the
17 office of mayor or alderman, it shall be filled for the remainder of the unexpired term by the
18 remaining members of the board of aldermen. Each member of the board of aldermen shall
19 receive a salary the amount of which shall be prescribed by ordinance. Provided, however, that
20 the present mayor and members of the board of aldermen shall continue to receive the same
21 salary until the same is changed as herein outlined. No ordinance fixing or changing the salary
22 of members of the board of aldermen shall become effective during the current term of office of
23 the members of the board of aldermen enacting such ordinance. Members of the board of
24 aldermen shall be qualified electors of the town. A member of the board of Aldermen ceasing to
25 possess any of the qualifications specified in this ~~section, or convicted of crime while in office,~~
26 ~~section~~ shall immediately forfeit ~~his~~ office."

27 **SECTION 1.(b)** Section 12 of the Charter of the Town of Black Mountain, being
28 Chapter 747 of the 1951 Session Laws, reads as rewritten:

29 "Sec. 12. Municipal Elections. ~~The~~ In 2020, the regular election for the choice of mayor and
30 members of the board of Aldermen shall be held on Tuesday following the first Monday in ~~May~~
31 ~~in odd numbered years.~~ November in each even-numbered year. The election shall be conducted
32 on a nonpartisan basis and the results determined using the nonpartisan plurality method as
33 provided in G.S. 163A-1616. Notwithstanding G.S. 163A-1620, the Buncombe County Board of
34 Elections shall set the time period for candidates seeking municipal office to file notices of
35 candidacy and shall notify the Town of the time period to file such notices of candidacy. The



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1 board of Alderman may by resolution order a special election, fix the time for holding the same,
2 and provide all means for holding such special election."

3 **SECTION 1.(c)** No municipal elections shall be conducted in the Town of Black
4 Mountain in 2019. The terms of the three members of the Board of Aldermen elected in 2015 are
5 extended until 2020, and the mayor and the two members of the Board of Aldermen elected in
6 2017 are extended until 2022. Regular municipal elections shall be conducted in the Town of
7 Black Mountain in 2020.

8 **SECTION 2.(a)** Section 3 of the Charter of the Town of Biltmore Forest, being
9 Chapter 32 of the Session Laws of 1923, as amended by Town Ordinance adopted on June 21,
10 2011, reads as rewritten:

11 "~~Sec. 3. The following named persons shall fill the offices of mayor and commissioners from~~
12 ~~their qualifications until an election to be held on the first Monday in May, nineteen hundred and~~
13 ~~twenty three, and until their successors are elected and qualified, to wit: Junius G. Adams,~~
14 ~~mayor, and Charles E. Waddell, Edward M. Jones, and Lloyd M. Jarrett, commissioners.~~The
15 officers of the Town of Biltmore Forest shall consist of a mayor and three commissioners who
16 shall serve four-year terms. In 2020, and quadrennially thereafter, the mayor and three
17 commissioners shall each be elected for four-year terms."

18 **SECTION 2.(b)** Section 7 of the Charter of the Town of Biltmore Forest, being
19 Chapter 32 of the Session Laws of 1923, as amended by Town Ordinance adopted on June 21,
20 2011, reads as rewritten:

21 "~~Sec. 7. That In 2020, and quadrennially thereafter, an election shall be held in said town on~~
22 ~~the first Monday in May, nineteen hundred and twenty three, and quadrennially thereafter the~~
23 Town on Tuesday after the first Monday in November in each even-numbered year for the
24 purpose of electing a mayor and three commissioners, which said commissioners. The election
25 shall be held under the laws of North Carolina regulating elections in cities and towns conducted
26 on a nonpartisan basis and the results determined using the nonpartisan plurality method as
27 provided in G.S. 163A-1616. Notwithstanding G.S. 163A-1620, the Buncombe County Board of
28 Elections shall set the time period for candidates seeking municipal office to file notices of
29 candidacy and shall notify the Town of the time period to file such notices of candidacy."

30 **SECTION 2.(c)** No regular municipal elections shall be conducted in the Town of
31 Biltmore Forest in 2019. The mayor and three commissioners whose terms expire in 2019 and
32 are extended until 2020. Regular municipal elections shall be conducted in the Town of Biltmore
33 Forest in 2020.

34 **SECTION 3.(a)** Section 1 of Chapter 810 of the Session Laws of 1961 reads as
35 rewritten:

36 "Section 1. ~~All Beginning in 2020, regular municipal elections shall be held in the Town of~~
37 ~~Ronda in Wilkes County shall be held, controlled and regulated as provided by the rules and~~
38 ~~regulations set forth in Article 3, Chapter 160 of the General Statutes of North Carolina.~~on
39 Tuesday following the first Monday in November in each even-numbered year in accordance
40 with the uniform municipal election laws of the State. Elections are conducted on a nonpartisan
41 basis and the results determined using the nonpartisan plurality method as provided in
42 G.S. 163A-1616. Notwithstanding G.S. 163A-1620, the Wilkes County Board of Elections shall
43 set the time period for candidates seeking municipal office to file notices of candidacy and shall
44 notify the Town of the time period to file such notices of candidacy. Officers for the Town shall
45 consist of a mayor and five commissioners. The mayor shall serve for a term of four years, except
46 that the mayor whose term expires in 2019 shall continue to serve until 2020. In 2020, and
47 quadrennially thereafter, the mayor shall be elected for a term of four years and shall serve until
48 the mayor's successor is elected and qualified. The two commissioners whose terms expire in
49 2019 shall continue to serve until 2020. In 2020, and quadrennially thereafter, as their terms of
50 office expire, two commissioners shall be elected to fill the expired seats and shall serve four-year
51 terms. The three commissioners whose terms expire in 2021 shall continue to serve until 2022.

1 In 2022, and quadrennially thereafter, as their terms of office expire, three commissioners shall
2 be elected to fill the expired seats and shall serve four-year terms. Commissioners shall serve
3 until their successors are elected and qualified."

4 **SECTION 3.(b)** No regular municipal elections shall be conducted in the Town of
5 Ronda in 2019. Regular municipal elections shall next occur in the Town in 2020.

6 **SECTION 4.** This act is effective when it becomes law and applies to elections held
7 on or after that date.