

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 881
SENATE BILL 1560

AN ACT TO PROVIDE FOR A SPECIAL ELECTION IN THE CITY OF ALBEMARLE TO ELECT TWO COUNCIL MEMBERS FROM DISTRICTS, SO AS TO CARRY OUT A FEDERAL COURT JUDGMENT.

The General Assembly of North Carolina enacts:

Section 1. Effective on the Monday after the election called under Section 2 of this act, Section 2.2 of the Charter of the City of Albemarle, being Chapter 259, Session Laws of 1979, reads as rewritten:

"Section 2.2. Council; Composition; Terms of Office. The City Council shall be composed of ~~five members, each of whom shall be elected by and from the qualified voters of the City for terms of four years,~~ seven members, chosen as follows:

- (1) three shall be nominated and elected by and from the qualified voters of the City for terms of four years; and
- (2) four shall be nominated and elected by and from the qualified voters of the districts, one each from the four electoral districts established under Section 3.3 of this Charter, in the manner provided by Article III of this Charter.

In the event of vacancies in the council from a district seat, the person appointed as a successor under G.S. 160A-63 must be a resident of the district."

Sec. 2. Notwithstanding the provisions of Chapter 259, Session Laws of 1979, or the provisions of Chapter 163 of the General Statutes in conflict with this act, on the second Tuesday of September 1988, a council member shall be elected from District 1 to the City Council of the City of Albemarle, as that district is established by Section 3.3 of Chapter 259, Session Laws of 1979, as added by this act, and a council member shall be elected from District 2 to the City Council of the City of Albemarle, as that district is established by Section 3.3 of Chapter 259, Session Laws of 1979, as added by this act.

Sec. 3. Notwithstanding G.S. 163-279(a)(2), the partisan primary for the election scheduled by Section 2 of this act (required if needed by Section 3.1 of the Charter of the the City of Albemarle) shall be held on the first Tuesday of August 1988.

Sec. 4. Notwithstanding G.S. 163-291(2) notices of candidacy for the 1988 municipal election in the City of Albemarle scheduled by Section 2 of this act shall be filed with the Stanly County Board of Elections not earlier than 12:00 noon on the second day (excluding Saturdays and Sundays) after this act is ratified, and not later than 12:00 noon on the last Friday in June of 1988. Legal notice of the general election shall be given in accordance with law, but legal notice of the primary shall be given as

soon as practicable after ratification of this act, but no later than 20 days prior to the primary. Absentee ballots for the primary and general election shall be available as soon as practicable.

Sec. 5. Notwithstanding G.S. 163-111, the results of the 1988 primary election called by Section 2 of this act shall be determined as follows:

- (1) When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared the nominee.
- (2) If two or more candidates receiving the highest number of votes each receive the same number of votes, the Stanly County Board of Elections shall determine, by lot, from among those candidates receiving the same number of votes, the party nominee.

Sec. 6. Section 3.2 of the Charter of the City of Albemarle, being Chapter 259, Session Laws of 1979, reads as rewritten:

"Section 3.2. Election of Mayor and Council Members. At the regular municipal election in ~~1979-1991~~ 1991 and quadrennially thereafter, there shall be elected a Mayor and ~~five-seven~~ City Council members. Each candidate for a district seat must reside in the district for which election is sought."

Sec. 7. This act does not affect the validity of the terms of the persons elected to the City Council of the City of Albemarle in the 1987 regular city election for four-year terms. Solely for the purpose of determining the manner of filling vacancies in the City Council, the existing members of the City Council are allocated as follows:

At-large: Wade H. McSwain, Jr., Judy U. Holcomb, and Troy E. Alexander.

District 3: Jimmy D. Napier

District 4: Jack F. Neel.

Sec. 8. Article III of the Charter of the City of Albemarle, being Chapter 259, Session Laws of 1979, is amended by adding a new section to read:

"Section 3.3. Electoral District Boundaries. The City of Albemarle is divided into four electoral districts for the election of members of the City Council. For the purpose of elections beginning in 1988, the districts are as follows:

District 1

BEGINNING at the intersection of the Winston-Salem South Bound Railroad Company's main line and West Main Street in the City of Albemarle, and runs thence eastwardly with Main Street to the eastern corporate limit line of the City of Albemarle at or near the intersection of said street and North Carolina Secondary Road 1731; thence with the corporate limit line of the City as it meanders southwardly and westwardly to its intersection with the Winston-Salem Southbound Railroad Company's main line at or near Rock Creek Park; thence with the main line of the Winston-Salem South Bound Railroad Company northwardly to West Main Street, the point of beginning.

District 2

BEGINNING at the intersection of the corporate limit line of the City of Albemarle and the Winston-Salem Southbound Railroad Company's main line at or near Rock Creek Park and runs thence northwardly with the main line of the Winston-Salem

Southbound Railroad Company to its intersection with Salisbury Avenue; thence with Salisbury Avenue northwardly to its intersection with U.S. Highway 52; thence with U.S. Highway 52 southwardly to its intersection with West Oakwood Avenue; thence with West Oakwood Avenue westwardly to its intersection with the Carolina Avenue; thence with Carolina Avenue northwardly to its intersection with Salisbury Avenue; thence with Salisbury Avenue northwardly to its intersection with the corporate limit line of the City of Albemarle at or near the intersection of said avenue and McKee Street; thence with the corporate limit line as it meanders westwardly and southwardly to its intersection with the main line of the Winston-Salem Southbound Railroad Company at or near Rock Creek Park, the point of beginning.

District 3

BEGINNING at the intersection of the Winston-Salem Southbound Railroad Company's main line and West Main Street and runs thence eastwardly with West Main Street to its intersection with Second Street; thence with Second Street northwardly to its intersection with Yadkin Street; thence with Yadkin Street eastwardly to its intersection with North Fifth Street; thence with North Fifth Street northwardly to its intersection with Hawthorne Lane; thence with Hawthorne Lane eastwardly to its intersection with Melchor Road; thence with Melchor Road northwardly to its intersection with Park Ridge Road; thence with Park Ridge Road eastwardly to its intersection with Ridge Street; thence with Ridge Street northwardly to its intersection with the corporate limits of the City of Albemarle; thence with the corporate limits of the city as it meanders northwardly, westwardly, and southwardly to its intersection with Salisbury Avenue at or near the intersection of said Avenue and McKee Street; thence with Salisbury Avenue southwardly to its intersection with Carolina Avenue; thence with Carolina Avenue southwardly to its intersection with West Oakwood Avenue; thence with West Oakwood Avenue eastwardly to its intersection with U.S. Highway 52; thence with U.S. Highway 52 northwardly to its intersection with Salisbury Avenue; thence with Salisbury Avenue eastwardly to its intersection with the main line of the Winston-Salem South Bound Railroad Company; thence with the main line of the Winston-Salem Southbound Railroad Company southwardly to its intersection with West Main Street, the point of beginning.

District 4

BEGINNING at the intersection of Second Street and Main Street and runs thence with Second Street northwardly to its intersection with Yadkin Street; thence with Yadkin Street eastwardly to its intersection with North Fifth Street; thence with North Fifth Street northwardly to its intersection with Hawthorne Lane; thence with Hawthorne Lane eastwardly to its intersection with Melchor Road; thence with Melchor Road northwardly to its intersection with Park Ridge Road; thence with Park Ridge Road eastwardly to its intersection with Ridge Street; thence with Ridge Street northwardly to its intersection with the corporate limits of the City of Albemarle; thence with the corporate limit line of the city as it meanders eastwardly and southwardly with the corporate limit line to its intersection with East Main Street at or near the intersection of said street and North Carolina Secondary Road 1731; thence with East Main Street westwardly to North Second Street, the point of Beginning."

Sec. 9. This act is effective upon ratification.
In the General Assembly read three times and ratified this the 7th day of June,

1988.