

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 859  
House Committee Substitute Favorable 7/1/93

Short Title: Reidsville Elections.

(Local)

Sponsors:

Referred to:

April 14, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO ALTER  
3 THE SIZE AND METHOD OF ELECTING THE CITY COUNCIL.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article II of the Charter of the City of Reidsville, being Chapter  
6 957, Session Laws of 1989, reads as rewritten:

7 "ARTICLE II. GOVERNING BODY.

8 "Section 2.1. **Mayor and City Council.** ~~The Mayor and the City Council, hereinafter~~  
9 ~~referred to as the 'Council,'~~ Council shall be the governing body of the City. The Mayor  
10 shall be a member of the City Council.

11 "Section 2.2. **City Council; Composition; Terms of Office.** ~~The Council shall be~~  
12 ~~composed of five members elected by all the qualified voters of the City for terms of~~  
13 ~~two years or until their successors are elected and qualified. Following the 1993 City~~  
14 election, the City Council shall consist of seven members elected as follows: (i) two  
15 members elected from District A by the voters of that district only; (ii) two members  
16 elected from District B by the voters of that district only; (iii) two members elected at  
17 large by all the voters of the City; and (iv) the Mayor elected by all the voters of the  
18 City. In 1993 two members shall be elected from District A for two-year terms, two  
19 members shall be elected from District B for two-year terms, two members shall be  
20 elected at large for four-year terms, and the Mayor shall be elected at large for a four-  
21 year term. As the terms of the Council members and Mayor elected in 1993 expire,  
22 their successors shall all be elected for terms of four years.

1       ~~"Section 2.3. **Mayor; Term of Office; Duties.** The Council shall elect one of its~~  
2 ~~members to serve as Mayor for a term of two years.—The Mayor shall be the official head of~~  
3 ~~the City Government and preside at meetings of the Council, shall have the right to vote~~  
4 ~~on all matters before the Council, and shall exercise the powers and duties conferred by~~  
5 ~~law or as directed by the Council. The Mayor shall be a participating member of the~~  
6 ~~Council and is entitled to make motions, vote, and take other actions the same as any~~  
7 ~~other Council member.~~

8       ~~"Section 2.4. **Mayor Pro Tempore.** The Council shall elect one of its members~~  
9 ~~choose one of the two members elected at large as Mayor Pro Tempore to perform the~~  
10 ~~duties of the Mayor during his or her the Mayor's absence or disability, in accordance~~  
11 ~~with general law. The member chosen as Mayor Pro Tempore shall serve in such~~  
12 ~~capacity until the organizational meeting following the next regular municipal election, despite~~  
13 ~~the contrary provisions of G.S. 160A-70. that office for the period of that member's term as~~  
14 ~~a Council member.~~

15       ~~"Section 2.5. **Meetings.** In accordance with general law, the Council shall establish~~  
16 ~~a suitable time and place for its regular meetings. Special and emergency meetings may~~  
17 ~~be held as provided by general law.~~

18       ~~"Section 2.6. **Voting requirements; Quorum.** Official actions of the Council and~~  
19 ~~all votes shall be taken in accordance with the applicable provisions of general law,~~  
20 ~~particularly G.S. 160A-75. A majority of the membership of the Council shall~~  
21 ~~constitute a quorum.~~

22       ~~"Section 2.7. **Compensation; Qualifications for Office; Vacancies.** The~~  
23 ~~compensation and qualifications of the Mayor and Council shall be in accordance with~~  
24 ~~general law. Vacancies that occur in any elective office of the City shall be filled as~~  
25 ~~provided in G.S. 160A-63.~~

26       ~~"Section 2.5. **Residency.** To be eligible to be a candidate for election from District~~  
27 ~~A or B, a person must be a resident of that district at the time of filing notice of~~  
28  ~~candidacy. If, at any time after taking office, a member elected or appointed to~~  
29  ~~represent District A or B ceases to reside in that district, the Council may declare a~~  
30  ~~vacancy in that office and shall appoint as a replacement a person who resides in the~~  
31  ~~district.~~

32       ~~"Section 2.6. **Vacancies.** If a Council member other than the Mayor dies, resigns,~~  
33  ~~ceases to reside in a district as required by Section 2.5, or otherwise vacates that office,~~  
34  ~~the remaining members of the Council shall appoint a person to fill the vacancy. The~~  
35  ~~person appointed by the Council shall serve the remainder of the unexpired term. A~~  
36  ~~vacancy in the office of Mayor shall be filled as provided by general law.~~

37       ~~"Section 2.7. **Districts.** Districts A and B used for the election of Council members~~  
38  ~~shall be as follows:~~

39       ~~**District A** – The portion of the City north of the following line running east to west~~  
40  ~~from the point where the City limit crosses Lawsonville Avenue (Highway 158) on the~~  
41  ~~east side of the City: west on Lawsonville Avenue to Harrison Street, southwest on~~  
42  ~~Harrison to the Southern Railway track, south along the railroad track to Woodrow~~  
43  ~~Street, west on Woodrow to Maple Avenue, south on Maple to Crescent Drive,~~  
44  ~~southwest on Crescent to Summit Avenue, west on Summit to Courtland Avenue, south~~

1 on Courtland to North Woodleigh, southwest on Woodleigh to Linville Drive, north on  
2 Linville to Vance Street, west on Vance to the City limit on the west side of the City.

3 **District B** – The remaining portion of the City being that part south of the line  
4 described above. District lines may be altered as provided by general law."

5 Sec. 2. Article III of the Charter of the City of Reidsville, being Chapter 957,  
6 Session Laws of 1989, reads as rewritten:

7 **"ARTICLE III. ELECTIONS.**

8 "Section 3.1. **Regular ~~Municipal~~-City Elections.** Regular ~~municipal~~-city elections  
9 shall be held in each odd numbered year in accordance with the uniform municipal  
10 election laws of North ~~Carolina~~-Carolina, except as provided in this Article. ~~Elections~~  
11 ~~are conducted on a nonpartisan basis and the result determined using the nonpartisan plurality~~  
12 ~~method as provided in G.S. 163-292.~~

13 "Section 3.2. **Election of Council Members other than Mayor.** ~~Five Council~~  
14 ~~members shall be elected in each regular municipal election.~~ Council members other than  
15 the Mayor shall be elected by the nonpartisan plurality method as provided in G.S. 163-  
16 292.

17 "Section 3.3. Election of Mayor. The Mayor shall be elected by the nonpartisan  
18 election and runoff method as provided in G.S. 163-293, except that a candidate shall be  
19 elected with a substantial plurality of the total votes cast rather than having to receive a  
20 majority. A substantial plurality shall be determined by multiplying the total vote cast  
21 for all candidates by forty percent (40%). A vote total in excess of that number shall be  
22 a substantial plurality, and the candidate who receives a substantial plurality shall be  
23 declared elected. If two candidates receive a substantial plurality, the candidate  
24 receiving the highest number of votes shall be declared elected.

25 "Section 3.4. Time of City Elections. Elections for Mayor and City Council  
26 Members shall be in October four weeks before the Tuesday after the first Monday in  
27 November. In years in which the Mayor is being elected, the runoff for Mayor, if  
28 necessary, shall be on Tuesday after the first Monday in November.

29 "Section 3.5. Filing Period. In all city election years, the period for filing notices of  
30 candidacy shall begin at noon on the first Friday in August and end at noon on the third  
31 Friday in August preceding the election.

32 "~~Section 3.3.~~3.6. Special Elections and Referendums. Special elections and  
33 referendums may be held only as provided by general law or applicable local acts of the  
34 General Assembly."

35 Sec. 3. This act is effective upon ratification and shall be implemented  
36 beginning with the regular 1993 city election, provided it has been precleared by August  
37 5, 1993, pursuant to Section 5 of the federal Voting Rights Act. If the new election  
38 method described in this act is not precleared by August 5, 1993, the 1993 election shall  
39 be conducted according to the current at-large election method, but the period for filing  
40 notices of candidacy shall run from noon on the first Friday in August until noon on the  
41 third Friday of that month. If the United States Attorney General, acting pursuant to  
42 Section 5 of the Voting Rights Act, objects to any feature of the election method  
43 described in this act, the Reidsville City Council may alter the election method to  
44 remove the objection, by adoption of a resolution to that effect. Such resolution shall

- 1 have the same effect as an act of the General Assembly, and shall be filed with the
- 2 Secretary of State.