

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 132  
SENATE BILL 117

AN ACT TO REPEAL CHAPTER 294, SESSION LAWS OF 1953, WHICH CHAPTER AMENDED SECTION 5, CHAPTER 316, PRIVATE LAWS OF 1903 RELATING TO ELECTION OF MUNICIPAL OFFICERS IN THE TOWN OF WENDELL; TO PRESCRIBE ELECTION PROCEDURE FOR MUNICIPAL OFFICERS, AND TO ELIMINATE PRIMARY ELECTIONS FOR MUNICIPAL OFFICERS IN THE TOWN OF WENDELL.

The General Assembly of North Carolina do enact:

Section 1. Chapter 294, Session Laws of 1953, amending Section 5, Chapter 316, Private Laws of 1903, is hereby repealed.

Sec. 2. That Section 5, Chapter 316, Private Laws of 1903, is hereby rewritten to read as follows:

"Sec. 5. An election shall be held in the Town of Wendell on the first Tuesday in May, 1961, and biennially thereafter, for the election of a mayor, five town commissioners, and a constable, who shall hold their offices for terms of two years each, and until their successors are elected and qualified. Candidates for each office shall file with the town clerk, at least ten days in advance of the election day hereinabove provided, a statement of such candidacy, in substantially the following form:

"STATE OF NORTH CAROLINA

"COUNTY OF WAKE

"I, \_\_\_\_\_, hereby give notice that I reside at \_\_\_\_\_ Street, Town of Wendell, County of Wake, State of North Carolina; that I am a candidate for election to the office of mayor, commissioner or town constable (strike out inapplicable part), to be voted upon at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 1961.

"I hereby request that my name be printed upon the official ballot for the nomination by such election for such office.

(Signed) \_\_\_\_\_

"Such candidate shall at the time of filing, pay to the office of town clerk the sum of five dollars (\$5.00). Upon expiration of the time for filing, the town clerk shall cause to be posted at the town hall or town office, in proper form, the names of candidates for each office, as they are to appear upon the ballots. Ballots shall be printed by the town clerk, containing the names of the candidates for mayor, for commissioners, and for constable, arranged alphabetically within the groups of candidates for each office, and

containing a square at the left of each name. Immediately above the list of candidates for mayor and the list of candidates for constable, shall appear the words "VOTE FOR ONE"; immediately above the list of the names of candidates for commissioners shall appear the words "VOTE FOR FIVE". The candidate receiving the majority of votes cast for mayor, or for constable, shall be declared elected to such office; the five candidates receiving the largest number of votes for the offices of commissioners shall be declared elected as commissioners. Election procedures, registration, counting, canvassing, and certification shall be in accordance with the provisions of Chapter 163, General Statutes of North Carolina, except as herein specifically provided otherwise.

"At such election all persons who are entitled to vote in the County of Wake for the members of the General Assembly and who shall have been bona fide residents of the said town for thirty days next preceding the day of election, and shall be otherwise qualified to vote, shall be entitled to vote at any and all elections for said town."

Sec. 3. Chapter 316, Private Laws of 1903, is further amended by adding at the end of Section 7 thereof, a new paragraph to be designated Section 7A and to read as follows:

"Sec. 7A. In addition to the powers and duties now exercised by the Board of Commissioners of the Town of Wendell under the charter of said town and in all amendments thereto, the board of commissioners may appoint a town manager who shall perform duties as prescribed by, and shall be responsible to, the Board of Commissioners of the Town of Wendell."

Sec. 4. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1961.