

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 696
HOUSE BILL 736

AN ACT PROVIDING A METHOD FOR AMENDMENT OF THE CHARTER OF
THE CITY OF GREENSBORO WITH RESPECT TO THE COMPOSITION AND
MODE OF ELECTION OF THE MAYOR AND CITY COUNCIL.

The General Assembly of North Carolina do enact:

Section 1. Amendment of Charter. Notwithstanding any other provision of law, the Charter of the City of Greensboro may be amended in the manner provided in this Act.

Sec. 2. Optional Forms. The City Council of the City of Greensboro may amend its Charter to adopt a new form of City government composed of any combination of the following options:

(1) Terms of office of members of the City Council:

- (a) The Council shall be elected for terms of two years;
- (b) The Council shall be elected for terms of four years;
- (c) The Council shall be elected for overlapping terms of four years.

If the Council consists of an even number of members, at the first election following adoption of option (c), one-half of the members shall be elected for four-year terms, and one-half shall be elected for two-year terms. If the Council consists of an odd number of members, at the first election following adoption of option (c), a simple majority of the members shall be elected for four-year terms and the remainder of the members shall be elected for two-year terms. In both cases those members elected with the highest number of votes shall serve the four-year terms. At all elections following the first election under option (c), members shall be elected for four-year terms.

(2) Number of members of the City Council:

- (a) The Council shall consist of any number of members not less than three nor more than twelve.

(3) Mode of election of the City Council:

- (a) All candidates shall be nominated and elected at large by all the qualified voters of the City.

- (b) The City shall be divided into wards; members of the Council shall be apportioned to the wards so that each member represents the same number of persons as nearly as possible, except for members apportioned to the City at large, if any; the qualified voters of each ward shall nominate and elect candidates who reside in that ward for seats apportioned to that ward; and all the qualified voters of the City shall nominate and elect candidates apportioned to the City at large, if any.

(c) The City shall be divided into wards; members of the Council shall be apportioned to the wards so that each member represents the same number of persons as nearly as possible, except for members apportioned to the City at large; and candidates shall reside in and represent the wards according to the apportionment plan adopted, but all candidates shall be nominated and elected by all the qualified voters of the City.

(d) The City shall be divided into wards; members shall be apportioned to each ward so that each member represents the same number of persons as nearly as possible, except members apportioned to the City at large, if any; the qualified voters of each ward shall nominate two candidates who reside in that ward for each seat apportioned to that ward in a non-partisan primary, and the qualified voters of the entire City shall nominate two candidates for each seat apportioned to the City at large, if any; and all candidates shall be elected by all the qualified voters of the City.

If either of options (b), (c), or (d) is adopted, the City Council shall divide the City into the requisite number of wards according to the apportionment plan adopted, and shall cause a map of the wards so laid out to be drawn up and recorded in the office of the City Clerk, where it shall be available for public inspection. The City Council shall have the authority to revise the ward boundaries from time to time to correct imbalances in ward population and to account for newly annexed territory. The initial ordinance or petition initiating adoption of either of options (b), (c), or (d) shall specify the number of wards to be laid out and the number of councilmen from each ward, but the drawing of ward boundaries shall be done in all cases by the City Council.

(4) Primaries:

(a) There shall be no City primary but all candidates shall be nominated and elected at the regular City election.

(b) There shall be a non-partisan primary to nominate two candidates for each vacancy on the Council to be filled at the regular City election.

Option (a) may not be adopted if option (d) of subsection (3) of this Section is adopted.

(5) Selection of Mayor:

(a) The Mayor shall be elected by all the qualified voters of the City for a term of two years.

(b) The Mayor shall be elected by all the qualified voters of the City for a term of four years.

(c) The Mayor shall be selected by the City Council from among its membership to serve at its pleasure.

Sec. 3. Initiative by City Council, The City Council may adopt an ordinance amending the Charter of the City in any of the particulars set out in Section 2 of this Act. The ordinance shall be passed for the first time not later than 120 days before the deadline for filing notice of candidacy for the City Council. Following passage on first reading, the substance of the ordinance shall be published in some newspaper having a general circulation in the City. Following this publication the Council shall call a public

hearing on the ordinance. Following the public hearing, the Council shall read the ordinance for a second time and if it shall pass its second reading, it shall take effect for the next succeeding City election, unless submitted or petitioned to a vote of the people as hereinafter provided.

The City Council may not adopt an ordinance amending the Charter between the time of registration of an initiative petition pursuant to Section 5 of this Act and the time the plan proposed in such petition takes effect, unless the petition shall become invalid by reason of not having been submitted with the requisite number of signatures within the time prescribed by Section 5 or unless the plan proposed by the petition fails of adoption at the referendum required by Section 5.

Sec. 4. Referendum on Council Plan. The City Council may of its own motion, and shall upon receipt of a valid petition bearing the signatures of a number of qualified voters of the City equal to at least 15 per cent of the whole number of voters who participated in the last regular City election, submit any ordinance adopted pursuant to Section 3 of this Act to a vote of the people, the date of the vote to be not more than 120 days and not fewer than 60 days after receipt of the valid petition. No petition shall be valid unless delivered to the City Clerk at least 30 days prior to the deadline for filing notice of candidacy for City Council. The proposition shall be submitted on separate ballots which shall be printed in substantially the following form:

☐ FOR adoption a new form of government as follows: (here insert a brief description of the proposed plan)

☐ AGAINST adopting a new form of government.

If a majority of the votes cast on the proposition shall be in favor of the new form of government as provided by the ordinance, the ordinance shall take effect as provided by Section 9 of this Act. If a majority of the votes shall be against the new form of government, the ordinance shall be null and void.

Sec. 5. Initiative by the People. The people may initiate a referendum on adoption of a new form of government by petition. The petition shall bear the signatures of a number of qualified voters of the city equal to at least 15 per cent of the whole number of voters who participated in the last regular city election. It may propose only one form of government for submission to the voters and shall be in substantially the following form:

To the City Council of the City of Greensboro

We, the undersigned qualified voters of the City of Greensboro, do hereby request that you submit to the people the question of whether to adopt a new form of government as follows: (describe the proposed plan briefly but completely and refer to the pertinent provisions of Section 2 of this Act.)

No petition shall be valid which proposes any form of government not entirely composed of the options set out in Section 2 of this Act. No petition shall be valid unless received with the requisite number of signatures by the City Clerk at least 60 days prior to the deadline for filing notice of candidacy for the City Council. Upon receipt of such a valid petition, the City Council shall fix a date for submitting the new form of government to the people, the date of the vote to be not more than 120 days and not fewer than 60 days after receipt of the valid petition. Ballots shall be printed in the

form prescribed by Section 4 of this Act. If a majority of the ballots cast on the proposition shall be in favor of the new form of government proposed in the petition, the City Council shall adopt an ordinance amending the Charter of the City to that effect. Such an ordinance shall not be subject to a referendum petition under Section 4 of this Act. If a majority of the ballots cast on the proposition shall be against adopting the new form of government as proposed in the petition, the City Council shall take no action on the petition.

No initiative petition shall be valid, nor shall any be registered, between the time of the first reading of an ordinance of the Council initiating a new plan of government and the time such plan takes effect unless the ordinance fails of passage on second reading or fails of passage in a referendum called pursuant to Section 4 of this Act, unless more than 60 days shall have elapsed between the time for first reading and second reading.

Sec. 6. Registration and Priority of Petitions. Any person or group of persons proposing to circulate an initiative petition under Section 5 of this Act shall register the petition with the City Clerk before attempting to obtain signatures thereon. The Clerk shall retain a copy of the petition and shall note thereon the date and hour of registration. Petitions shall be assigned priority in the order in which they are registered. Any change in the form of government proposed in the petition subsequent to registrations shall cancel its registration. Unless a registered petition is submitted with the requisite number of signatures within sixty days following its registration, such petition shall not be valid.

Sec. 7. Plan to Continue for Two Years. Should any new form of government be adopted as provided in this Act, it shall continue in force for at least two years after the beginning of the term of office of the officers elected thereunder; and no ordinance or petition proposing a different plan shall be adopted or filed during the period of one year and six months after such adoption.

Sec. 8. City Officers to Carry out Plan. It shall be the duty of the Mayor, the City Council, the City Clerk, and other City officials in office, and the Guilford County Board of Elections and all election officials, when any plan of government is adopted as provided by this Act or is proposed for adoption, to comply with all requirements of this Act, to the end that all things may be done which are necessary for the nomination and election of the officers first to be elected under the new plan so adopted.

Sec. 9. Submission of Plan; Effective Date. The City Council may submit a new form of government proposed under this Act at any regular or special municipal election, or at a special election called for that sole purpose. If a plan is submitted at a special election held at least 180 days prior to a regular City election, any new form of government adopted shall take effect for the next succeeding regular City election. If a plan is submitted at a special election held within 180 days before a regular City election, any new form of government adopted shall take effect for the regular City election held two years after the regular City election next succeeding the special election. If a plan is submitted at a regular City election, any new form of government adopted shall take effect for the next succeeding regular City election.

Sec. 10. Municipal Corporation Continued. Should the City of Greensboro adopt a new form of government as provided in this Act, the City shall thereafter be governed by the provisions thereof, and the inhabitants of the City shall continue to be a municipal corporation and shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties, liabilities, and obligations pertaining to or incumbent upon the City as a municipal corporation.

Sec. 11. Ordinances Remain in Force. All ordinances, resolutions, orders, and other regulations of the City of Greensboro or of any authority, body, or officer thereof existing at the time when the City adopts a new form of government as provided in this Act shall continue in full force and effect until annulled, repealed, modified, or superseded.

Sec. 12. Charter to Remain in Force. All special, local, and private acts of the General Assembly applicable to the City of Greensboro shall continue in full force and effect notwithstanding adoption of a new form of government, except to the extent modified by an ordinance adopted under the authority conferred and pursuant to the procedures prescribed by this Act.

Sec. 13. All laws and clauses of laws in conflict with this Act are repealed.

Sec. 14. This Act shall take effect upon its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.