

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 857
HOUSE BILL 1181

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO LIMIT THE
INCORPORATION OF CITIES AND TOWNS.

The General Assembly of North Carolina enacts:

Section 1. The Constitution of North Carolina, as ratified by the qualified voters of the State on November 3, 1970, is hereby amended by adding at the end of Section 1 of Article VII the following new paragraph:

"The General Assembly shall not incorporate as a city or town, nor shall it authorize to be incorporated as a city or town, any territory lying within one mile of the corporate limits of any other city or town having a population of 5,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within three miles of the corporate limits of any other city or town having a population of 10,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within four miles of the corporate limits of any other city or town having a population of 25,000 or more according to the most recent decennial census of population taken by order of Congress, or lying within five miles of the corporate limits of any other city or town having a population of 50,000 or more according to the most recent decennial census of population taken by order of Congress. Notwithstanding the foregoing limitations, the General Assembly may incorporate a city or town by an act adopted by vote of three-fifths of all the members of each house."

Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the next general election. That election shall be conducted under the laws then governing the general elections in this State.

Sec. 3. At that election, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

" ☐ FOR constitutional amendment limiting incorporation of cities and towns"

" ☐ AGAINST constitutional amendment limiting incorporation of cities and towns"

Those qualified voters favoring the amendment set out in Section 1 of this act shall vote by making an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to that amendment shall vote by making an X or check mark in the square beside the statement beginning "AGAINST".

Notwithstanding the foregoing provisions of this section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

Sec. 4. If a majority of the votes cast thereon shall be in favor of the amendment set out in Section 1 of this act, the Governor shall certify that amendment under the Great Seal of the State to the Secretary of State, who shall enroll that amendment so certified among the permanent records of his office, and the amendment shall become effective on January 1 next after its ratification by the qualified voters of the State.

Sec. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 14th day of July, 1971.