

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 152
SENATE BILL 238

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HAVELOCK, NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Chapter 952, Session Laws of 1959, is amended by rewriting Section 3 thereof to read as follows:

"Sec. 3. Governing body generally; elections and terms of office; vacancies in offices. (a) The Government of the City of Havelock shall be vested in a mayor and a board of commissioners made up of five members. Regular elections shall be held biennially to elect a mayor for a term of two years and, as their terms expire, commissioners for terms of four years. In the regular election in 1977, and quadrennially thereafter, there shall be elected two commissioners; and in the regular election in 1979, and quadrennially thereafter, there shall be elected three commissioners. Voters in each regular election shall be entitled to one vote for the office of mayor and as many votes for the offices of commissioner as there are full terms for commissioner to be filled pursuant to this subparagraph. The candidate for mayor who receives the highest number of votes shall be declared elected; and candidates for commissioner, equal in number to the number of offices to be filled, who receive the highest number of votes, shall be declared elected.

(b) Any vacancy in the office of mayor shall be filled by appointment of the board of commissioners for the remainder of the unexpired term.

(c) If a vacancy, for any reason, occurs on the board of commissioners, the remaining members shall, within 30 days, appoint a qualified person to fill the vacancy as provided herein. If the vacancy occurs in the first two years of a four-year term, and more than 30 days prior to the regular municipal election, the person appointed shall serve until the statutory organizational meeting of the board after the election. At the regular municipal election, a person shall be elected for the unexpired term, said term to begin on the date of the organizational meeting. A vacancy occurring otherwise shall be filled for the unexpired term.

(d) The board of commissioners, in acting pursuant to subparagraph (c) of this section to fill a vacancy, shall make its appointment from among those unelected candidates for commissioner in the immediately preceding regular election, who each received total votes in excess of one-half of the average number of total votes cast in such election for those candidates who were elected, appointment to be made of the first then eligible candidate as taken in the order of the highest number of votes received in

the foregoing election; and provided that if there is no candidate so eligible for appointment that the board of commissioners shall make its appointment to fill the vacancy from among all eligible citizens."

Sec. 2. Chapter 94, Session Laws of 1971, is hereby repealed.

Sec. 3. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1977.