

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 186
SENATE BILL 243

AN ACT TO CLARIFY THE ELECTION LAWS IN SANITARY DISTRICTS AND TO
CONFORM TO THE GENERAL ELECTION LAWS FOR SPECIAL DISTRICTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130-126 is rewritten to read:

"§ 130-126. **Election and terms of office of sanitary districts.** — (a) The Department of Human Resources shall send a copy of the resolution creating the sanitary district to the board or boards of county commissioners of the county or counties in which all or part of the district is located. The board or boards of commissioners shall hold a meeting or joint meeting for the purpose of electing the members of the sanitary district board who must be residents of the district.

(b) The sanitary district board shall be composed of either three or five members as the county commissioners in their discretion shall determine. The members first appointed shall serve as the governing body of the sanitary district until the next regular election for municipal and special district officers as provided in G.S. 163-279, which occurs more than 90 days after their appointment. At that election, their successors shall be elected. The terms of the members shall be for two years or four years and may be staggered as determined by the board of county commissioners, so that some members are elected at each biennial election. The members of the sanitary district board shall be residents of the district. The board of county commissioners shall notify the county board of elections of any decision made under this subsection.

(c) The election shall be nonpartisan and decided by simple plurality as provided in G.S. 163-292 and shall be held and conducted by the county board of elections in accordance with the applicable provisions of Articles 23 and 24 of Chapter 163 of the General Statutes. If the district is in more than one county, then the county board of elections of the county wherein the largest part of the district is located shall conduct the election for the entire district with the assistance and full cooperation of the boards of elections in the other counties.

(d) The board of elections shall certify the results of the election to the clerk of superior court. The clerk of superior court is authorized and directed to take and file the oaths of office of the board members elected.

(e) The newly elected members of the sanitary board shall take the oath of office on the first Monday in December following their election and shall serve for the term elected and until their successors are elected and qualified."

Sec. 2. G.S. 130-127 is amended by deleting the words "general election" in line 3 and inserting the words "election for sanitary district board members".

Sec. 3. G.S. 130-145 is amended by rewriting the second sentence to read:

"Upon receipt of such petition, the board of county commissioners, or boards of county commissioners if the district is located in more than one county, shall meet or meet jointly if more than one board, and adopt a resolution calling for an election on the question of removal and requesting the county board of elections to conduct the election for removal from office the members or member of the district named in the petition."

Sec. 4. G.S. 130-147 is rewritten to read:

"§ 130-147. **Returns of elections.** — In all elections provided for in this Article, the board of elections shall file copies of the returns with the boards of county commissioners and clerk of superior court in which the district is located; and with the sanitary district board."

Sec. 5. G.S. 130-148(a) is amended by deleting paragraphs 3, 4, 5, 6, 7, 8 and 9, and inserting in lieu thereof the following:

"The election shall be held by the county board of elections as soon as possible after the board of commissioners orders the election. The cost of the election shall be paid by the sanitary district. Registration in the area proposed for annexation shall be under the same procedure as G.S. 163-288.2.

Notice of the election shall be given as required by G.S. 163-33(8), and shall include a statement that the boundary lines of the territory to be annexed and the boundary lines of the sanitary district has been prepared by the district board and may be examined. The notice shall also state that if a majority of the qualified voters voting in the election favor annexation, both in the area to be annexed and in the sanitary district if an election is held therein, then the territory annexed shall be subject to all debts of the sanitary district.

The ballot shall be substantially as follows:

'FOR annexation to the _____ Sanitary District;

AGAINST annexation to the _____ Sanitary District.'

If no election is held in the sanitary district, then upon majority favorable vote in the area to be annexed shall constitute the area a part of the district. If a vote is required in both the district and the area to be annexed, then upon a majority favorable vote for annexation in both areas shall constitute the area a part of the district.

The board of elections shall certify the results of the election to the sanitary district board and the boards of county commissioners in which the district is located.

No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity be open to question in any court upon any ground unless the action or proceeding is commenced within 30 days after the certification of the results by the county board of elections."

Sec. 6. G.S. 130-149 is amended by deleting from the sixth paragraph the citation "G.S. 160-448" and inserting in lieu thereof "Chapter 163 of the General Statutes as may be applicable."

Sec. 7. G.S. 130-156.2 is amended as follows:

- (1) Insert in line 8 of subdivision (2) after the word "town" the words "after consultation with the appropriate boards of elections";
- (2) By deleting in lines 1 and 2 of subdivision (3), the words "board of commissioners of such county" and inserting in lieu thereof the words "boards of elections";
- (3) By rewriting subdivision (7) to read:
"(7) The board of county commissioners shall request the appropriate board of elections to hold and conduct the election. All qualified voters of the city and the sanitary district shall be eligible to vote if the election is called in both areas as authorized in subsection (1).";
- (4) By rewriting subdivision (8) to read:
"(8) Notice of the election shall be given as required in G.S. 163-33(8). The board of elections may, in its discretion, use either method of registration set out in G.S. 163-288.2 if it deems a special registration is desirable in the sanitary district or in the city or town."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of April,

1981.