

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 597
HOUSE BILL 292

AN ACT TO PROVIDE A REFERENDUM ON THE QUESTION OF CHANGING
THE MANNER OF ELECTION OF THE WILMINGTON CITY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. Section 3.1 of the Charter of the City of Wilmington, being Chapter 495, Session Laws of 1977, is rewritten to read:

"Sec. 3.1. Composition of City Council. (a) The city council shall consist of six members. The city council shall divide the city into six districts, and beginning in 1985 one member shall be elected from each district, so that each member represents the same number of persons as nearly as possible, and only the qualified voters of each district shall vote in that district election. In 1983, the election shall be at large.

(b) The council shall cause a map of the districts so laid out to be drawn up and filed as provided in G.S. 160A-22 and G.S. 160A-23, and the districts may be revised as provided in G.S. 160A-23.

(c) The initial district plan shall be adopted by the city council no later than January 1, 1985.

(d) Each council member must reside in the district for which he is elected."

Sec. 2. Section 4.1 of the Charter of the City of Wilmington, being Chapter 495, Session Laws of 1977, is rewritten to read:

"Sec. 4.1. Beginning in 1985, elections for mayor and city council shall be conducted on a partisan basis as provided in G.S. 163-291."

Sec. 3. Section 4.2 of the Charter of the City of Wilmington is rewritten to read:

"Sec. 4.2. (a) At the regular municipal election in 1983, three council members shall be elected for two-year terms.

(b) In the 1985 municipal election and quadrennially thereafter, one council member shall be elected from each of the six districts to serve a four-year term."

Sec. 4. The terms of office of the three council members elected in 1981 for four-year terms are not affected by this act.

Sec. 5. Section 3.1 of the Charter of the City of Wilmington, being Chapter 495, Session Laws of 1977, is rewritten to read:

"Sec. 3.1. Composition of City Council. (a) The city council shall consist of six members. The city council shall divide the city into six districts, and beginning in 1985 one member shall be elected from each district, so that each member represents the same number of persons as nearly as possible, but all the qualified voters of the city

shall nominate and elect all the members of the council. In 1983, the election shall be at large.

(b) The council shall cause a map of the districts so laid out to be drawn up and filed as provided in G.S. 160A-22 and G.S. 160A-23, and the districts may be revised as provided in G.S. 160A-23.

(c) The initial district apportionment plan shall be adopted by the city council no later than January 1, 1985.

(d) Each council member must reside in the district for which he is elected."

Sec. 6. Section 4.2 of the Charter of the City of Wilmington is rewritten to read:

"Sec. 4.2. (a) At the regular municipal election in 1983, three council members shall be elected for two-year terms.

(b) In the 1985 municipal election, the three elected council members receiving the highest number of votes shall be elected for four-year terms and the three elected council members receiving the next highest number of votes shall be elected for two-year terms. Successors shall be elected for four-year terms."

Sec. 7. The terms of office of the three council members elected in 1981 for four-year terms are not affected by this act.

Sec. 8. (a) Sections 1, 3, 4, 5, 6, and 7 of this act shall become effective only if approved by the voters of the City of Wilmington in a referendum. The New Hanover County Board of Elections shall hold a special election on October 11, 1983, on the question of approval of Sections 1, 3, 4, 5, 6, and 7 of this act.

(b) The form of the ballot shall be:

"VOTE FOR ONLY ONE CHOICE

1. @ FOR election of Wilmington City Council by a district system with council members residing in the district for which elected and only the qualified voters of the district voting in that district election.

2. @ FOR election of Wilmington City Council by a district system with council members residing in the district for which elected, but all the qualified voters of the city voting in that district election.

3. @ FOR at-large election of the Wilmington City Council."

(c) If a majority of the votes cast are in favor of question 1, then Sections 1, 3, and 4 of this act shall become effective upon the date of certification of the election results, and Sections 5, 6, and 7 of this act shall have no force or effect.

(d) If a majority of the votes cast are in favor of question 2, then Sections 5, 6, and 7 of this act shall become effective upon the date of certification of the election results, and Sections 1, 3, and 4 of this act shall have no force or effect.

(e) If a majority of the votes cast are in favor of question 3, then Sections 1, 3, 4, 5, 6, and 7 of this act shall have no force or effect.

Sec. 9. (a) If neither question 1, 2, nor 3 receives a majority of the votes cast in the October 11, 1983, election, then the New Hanover County Board of Elections shall hold a second special election on November 8, 1983.

(b) At the second special election, the voters shall vote between the two questions provided in Section 8(b) of this act which received the two highest number of

votes in the October 11, 1983, special election. Only those two questions shall appear on the ballot. Sections 8(c), 8(d), and 8(e) of this act as appropriate shall determine the effect the second special election has on Sections 1, 3, 4, 5, 6, and 7 of this act. Absentee ballots for the second special election shall be available at least 10 days before the election.

Sec. 10. (a) Section 2 of this act shall become effective only if approved by the voters of the City of Wilmington in a referendum, and if so approved shall become effective beginning with the 1985 election. The referendum shall be conducted by the New Hanover County Board of Elections on October 8, 1983.

(b) The form of the ballot shall be:

"@ FOR election of Wilmington Mayor and City Council on a partisan basis.

@ AGAINST election of Wilmington Mayor and City Council on a partisan basis."

Sec. 11. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1983.