

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

SESSION LAW 2011-141  
HOUSE BILL 523

AN ACT TO CHANGE THE ELECTION YEAR FOR THE CITY OF WINSTON-SALEM AND THE ELECTION METHOD FOR THE WINSTON-SALEM/FORSYTH COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 163-279(b), which is applicable only to the City of Winston-Salem, is repealed.

**SECTION 1.(b)** Paragraphs 1 and 2 of Section 12A of Chapter 232 of the Private Laws of 1927, as amended by Chapter 53, Session Laws of 1965, as amended by the Ordinance of January 6, 2003 adopted under Part 4 of Article 5 of Chapter 160A of the General Statutes, reads as rewritten:

"1. Election of Mayor.—~~On the same day that the regular biennial general election for county officials is held in 1966, and quadrennially thereafter, there shall be elected a mayor, who shall be a resident of the City of Winston-Salem. The time for election of Mayor shall be as provided in Section 12J of this Charter. The mayor shall be a resident of the City of Winston-Salem. All persons voting for mayor shall cast their ballot in the respective wards in which said voters reside, and the person receiving the highest number of the aggregate of the votes of all the wards for the office of mayor shall be declared elected. The Mayor shall be elected by all the qualified voters of the City. It is the intent and purpose of this Section that the mayor elected in 1965 shall serve for a term expiring on the first Monday in December, 1966, and that the mayors elected in 1966, and quadrennially thereafter, Except as provided in Section 12J of this Charter, the Mayor shall serve for terms~~ a term of four years commencing on the first Monday in December as provided by G.S. 160A-68 at the organizational meeting of the city council following the election.

2. Election of City Council. ~~On the same day that the regular biennial general election for county officials is held in 1966, and quadrennially thereafter, The time for election of city council members shall be as provided in Section 12J of this Charter. there~~ There shall be elected eight ~~alderman~~ council members for the City of Winston-Salem, who shall hold their office until their successors are qualified, of whom one shall be elected from North Ward, one from Northeast Ward, one from East Ward, One from Southeast Ward, one from South Ward, one from Southeast Ward, one from West Ward, and one from Northwest Ward. Each ~~alderman~~ council member shall be a resident of the ward in which he is elected, and he shall be elected by the qualified voters of his the council member's ward only. It is the intent and purpose of this Section that the alderman elected in 1965 shall serve for terms expiring on the first Monday in December, 1966, and that the alderman elected in 1966, and quadrennially thereafter, Except as provided in Section 12J of this Charter, city council members shall serve for terms of four years commencing on the first Monday on December as provided by G.S. 160A-68 at the organizational meeting of the city council following the election."

**SECTION 1.(c)** Section 12B of Chapter 232 of the Private Laws of 1927, as amended by Chapter 13, Session Laws of 1965, as amended by the Ordinance of January 6,



2003 adopted under Part 4 of Article 5 of Chapter 160A of the General Statutes, reads as rewritten:

"Sec. 12B. Primary elections.

1. Generally. Primary elections to nominate candidates of each qualified political party for mayor and for members of the city council shall be held as needed and shall be conducted in the same manner and pursuant to the same statutes, rules, and regulations as other primary elections for local offices conducted under the provisions of Article ~~XIX-23~~ of Chapter 163 of the General Statutes of North Carolina, except that to the extent such statutes, rules, and regulations differ from or conflict with the provisions of the Charter of the City of Winston-Salem, the latter shall control. ~~A "qualified political party" shall be one which was qualified as a political party at the preceding gubernatorial election as defined by General Statute 163-144. The persons receiving the highest number of votes of their respective parties shall be deemed to be the nominees of their said respective parties and for said offices; provided, that no one shall participate in such election except duly qualified voters who affiliate with the political party in whose primary seeks to vote.~~ In the event of a tie vote between two or more candidates, all of whom received the same highest vote for party nomination, the city executive committee or other duly constituted administrative body of the political party of said candidates shall determine which shall be the nominee.

2. Time of holding. ~~The primary in 1965 shall be held at a date to be fixed by the board of elections, which date shall be not later than the second Tuesday before the general municipal election in 1965, and in 1966 and biennially thereafter the primary shall be held on the same day as the regular biennial primary election for county officials.~~ The time for holding primaries shall be as provided in Section 12J of this Charter.

3. Notice of candidacy to be filed; pledge. ~~Every candidate for selection as the nominee of any political party for the office of mayor or member of the board of alderman shall file with the secretary of the board of elections by twelve o'clock Noon on the third Friday before such primary election is to be held in 1965, and by twelve o'clock Noon on or before the Friday preceding the sixth Saturday before such primary election is to be held in 1966 and thereafter, a notice of his candidacy and pledge in the following form, the blanks being properly filled in and the same signed by the candidate:~~

~~"I hereby file my notice as a candidate for the nomination as ..... In the primary election to be held on the ..... day of ....., I affiliate with the ..... party, and I hereby pledge myself to abide by the results of said primary, and to support in the next general municipal election all candidates nominated by the ..... party."~~

**SECTION 1.(d)** The Charter of the City of Winston-Salem, being Chapter 232 of the Private Laws of 1927, is amended by adding a new section to read:

"Sec. 12J. Time of Election; Terms.

(a) In 2013, the primary and election for mayor and council members shall be held on the dates provided in G.S. 163-279(a)(2).

(b) The terms of the mayor and council members of the City of Winston-Salem elected in 2013 expire at the organizational meeting after the 2016 regular municipal election.

(c) Notwithstanding G.S. 163-279, in 2016 and quadrennially thereafter, primaries and elections for mayor and city council shall be held at the same time as for county officers as provided in G.S. 163-1."

**SECTION 2.(a)** Section 2(a)(5)(iii) of Chapter 112, Session Laws of 1961, as amended by Chapter 466, Session Laws of 1985, by Section 2 of Chapter 696 of the 1991 Session Laws, and by S.L. 2009-72, reads as rewritten:

"(iii) Notwithstanding the provisions of G.S. 115C-37, the Winston-Salem/Forsyth County Board of Education shall be elected on a ~~nonpartisan~~ partisan basis at the time of the general election in each even-numbered year as terms expire. ~~The names of the candidates shall be~~

~~printed on the ballot without reference to any party affiliations. The nonpartisan primary and election method shall be used with the results determined as provided in G.S. 163-294, and the primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Except as provided by this act, the election shall be conducted in accordance with the applicable provisions of Chapters 115C and 163 of the General Statutes. Candidates shall file their notice of candidacy with the county board of elections under the same schedule provided by G.S. 163-106(e). Candidates for election to the Winston-Salem/Forsyth County Board of Education shall be nominated at the same time and in the same manner as other county officers. Each candidate for the Winston-Salem/Forsyth County Board of Education shall, at the time of filing notice of candidacy, certify in writing the exact location of that candidate's residence and that the candidate is a bona fide resident thereof."~~

**SECTION 2.(b)** Section 2(a)(5)(ii) of Chapter 112, Session Laws of 1961, as rewritten by Chapter 466, Session Laws of 1985 and Chapter 696 of the 1991 Session Laws, and by S.L. 2009-72, reads as rewritten:

"(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth County Board of Education shall be composed of nine members. In the 2010 election, nine persons shall be elected to the Winston-Salem/Forsyth County Board of Education for four-year terms. The terms of those elected in 2010 for two-year terms shall instead expire on the first Monday in December of 2014. In 2010:2014:

- (1) Two persons shall be elected from District 1. ~~The person receiving the highest number of votes is elected to a four year term, and the person receiving the next highest number of votes is elected to a two year term.~~
- (2) Four persons shall be elected from District 2. ~~The two persons receiving the two highest numbers of votes are elected to a four year term, and the two persons receiving the two next highest numbers of votes are elected to two year terms.~~
- (3) Three members shall be elected at large from all of Forsyth County. ~~The person receiving the highest number of votes is elected to a four year term, and the two persons receiving the two next highest numbers of votes are elected to two year terms.~~

Successors to those elected in 2010-2014 shall serve four-year terms.

For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district seats, only residents of the district shall be eligible to be candidates and only qualified voters of the district shall be eligible to vote.

The districts as established for the purpose of this subparagraph are for the 2010 election those established under G.S. 115C-37(i), which are subject to change for the election in 2012-2014 after the return of the 2010 census."

**SECTION 3.** This act becomes effective July 1, 2011.

In the General Assembly read three times and ratified this the 15<sup>th</sup> day of June, 2011.

s/ Walter H. Dalton  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives