

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**SESSION LAW 2015-253
HOUSE BILL 527**

AN ACT TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE MUNICIPALITIES OF STANLY COUNTY SHALL BE HELD IN EVEN-NUMBERED YEARS; TO EXTEND THE TERM OF OFFICE FOR THE MAYOR OF THE CITY OF ALBEMARLE FROM TWO YEARS TO FOUR YEARS; TO AMEND THE CHARTER OF THE CITY OF RALEIGH TO AUTHORIZE THE CITY TO SELL, EXCHANGE, OR OTHERWISE TRANSFER REAL PROPERTY; TO CLARIFY THE BOARD VOTING RULES FOR THE ELIZABETH CITY-PASQUOTANK BOARD OF EDUCATION; AND TO ADD DARE, GATES, AND HYDE COUNTIES TO THE LIST OF COUNTIES COVERED BY G.S. 153A-15.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Section 3.1 of the Charter of the City of Albemarle, being Chapter 259 of the Session Laws of 1979, as amended by Ordinance 95-18 adopted by the City Council, reads as rewritten:

"Section 3.1. Regular Municipal Elections; Conduct and Method of Election. ~~Regular municipal elections for Mayor shall be held in the City in 1979 and every two years thereafter and~~ Elections shall be conducted in accordance with the uniform municipal election laws of North Carolina. The Mayor and members of the City Council shall be elected according to the partisan primary and elections method for statewide office as provided in ~~G.S. 163-291~~ G.S. 163-1."

SECTION 1.(b) Section 3.2 of the Charter of the City of Albemarle, being Chapter 259 of the Session Laws of 1979, as amended by Chapter 881 of the 1987 Session Laws and Ordinance 95-18 adopted by the City Council, reads as rewritten:

"Section 3.2. Election of Mayor and Council Members. At the regular municipal election in 2015, there shall be nominated and elected a Mayor for a term of five years. At the regular municipal election in 1991-2020 and every two-four years thereafter, there shall be nominated and elected a Mayor. ~~Mayor to serve for a term of four years.~~

~~At the regular municipal election to be held in 1995, members of the City Council shall be nominated and elected as follows. The member of Council from District 1 and the member of Council from District 3 shall be nominated and elected by and from the qualified voters of the electoral district to serve for a four year term. The member of Council from District 2 and the member of Council from District 4 shall be nominated and elected by and from the qualified voters of the electoral district to serve for a two year term. Three members of Council shall be nominated and elected at large by and from the qualified voters of the City. The two at large members of Council receiving the highest number of votes in the regular municipal election shall be elected to serve for a four year term. The at large member of Council receiving the next highest number of votes in the regular municipal election shall be elected to serve for a two year term.~~

The City Council shall consist of seven members, each residing in and elected from districts. At the regular municipal election held in 2015, members of the Council from District 1, District 3, and the two members elected at-large in the 2011 regular municipal election shall each be elected to a term of five years. The members of the Council from District 2, District 4, and the member elected at-large in the 2013 regular municipal election shall continue to serve until 2018.

At the regular municipal election held in ~~1997~~, 2018 and every four years thereafter, the member of Council from District 2, the member of Council from District 4, and the member of



Council elected at large in the ~~1995~~2013 regular municipal election ~~to serve a two-year term~~ shall be nominated and elected to serve a four year term.

At the regular municipal election held in ~~1999~~2020 and every four years thereafter, the member of Council from District 1, the member of Council from District 3, and the two members of Council elected at large in the ~~1995~~2015 regular municipal election ~~to serve a four year term~~ shall be nominated and elected to serve for a four year term."

SECTION 2. Chapter III of the Charter of the Town of Badin, being Chapter 894 of the Session Laws of 1989, reads as rewritten:

**"CHAPTER III.
"GOVERNING BODY.**

...
"Sec. 3.3. Term of office of Council members. ~~The initial members of the Council shall be elected in 1990 at the same time as the general election for county officers, and the procedure shall be as generally provided for election of municipal officers in an odd-numbered year, except that the filing period shall open as soon as the results of the incorporation referendum are certified, and shall end at 12:00 noon on the third Friday after that date. The initial district members are elected for three-year terms, their successors shall be elected in 1993 and quadrennially thereafter for four-year terms. In 1990, the at-large candidate receiving the highest number of votes is elected to a three-year term, and the two at-large candidates receiving the next highest numbers of votes are elected to one-year terms. In 1991 and quadrennially thereafter, two at-large members are elected for four-year terms. In 1993 and quadrennially thereafter, one at-large member is elected for a four-year term. Initial town officers shall take office on the Monday following the canvassing of the returns of their election, at a time and place designated by any three of them.~~In 2015, the two at-large members shall serve for terms of five years, and their successors shall serve terms of four years. Each of the resident district members and the at-large members whose terms expire in 2017 shall continue to serve until 2018, and their successors shall be elected to serve terms of four years. Regular municipal elections shall be held in each even-numbered year thereafter in accordance with Chapter IV of this Charter.

"Sec. 3.4. Selection of Mayor: term of office. The members of the Town Council shall, from among their members, elect the Mayor at their organizational meeting to serve a two-year term, except that the Mayor elected in ~~1990~~2015 shall serve a ~~one-year~~three-year term."

SECTION 3.(a) Article III of the Charter of the City of Locust, being Chapter 246 of the Session Laws of 1973, as amended by Chapter 41 of the 1977 Session Laws, reads as rewritten:

...
"Sec. 3.2. Mayor and Mayor Pro Tempore. The Mayor shall be a resident and qualified voter of the City of Locust and shall be elected by the qualified voters of the City of Locust, and he shall hold office for two (2) ~~years~~years, ~~except that the Mayor elected in 2015 shall serve a term of three years, but the Mayor's successors shall serve terms of two years.~~ In the case of a vacancy in the office of Mayor, the City Council shall by appointment fill the vacancy for the unexpired term. The Mayor shall be the official head of the City government and shall preside at all meetings of the City Council. When there is an equal division upon any question, or in the appointment of officers, by the Council, the Mayor shall determine the matter by his vote, and shall vote in no other case. The Mayor shall exercise such powers and perform such duties as are or may be conferred upon him by the general laws of North Carolina, by this Charter, and by the ordinances of the City. The City Council shall choose one of its number to act as Mayor Pro Tempore, and he shall perform the duties of the Mayor in the Mayor's absence or disability. The Mayor Pro Tempore as such shall have no fixed term of office, but shall serve in such capacity at the pleasure of the remaining members of the Council.

"Sec. 3.3. Composition of City Council. Beginning with the election to be held on November 8, ~~1977~~3, 2015, the City Council shall consist of seven (7) members to be elected by and from the qualified voters of the city voting at large in the manner provided by Article IV.

...."
SECTION 3.(b) Section 4.1 of the Charter of the City of Locust, being Chapter 246 of the Session Laws of 1973, as amended by Chapter 41 of the 1977 Session Laws, reads as rewritten:

"Sec. 4.1. Regular Municipal Elections. Regular municipal elections shall be held on the Tuesday after the first Monday in November of each ~~odd-numbered year which began in 1973~~ even-numbered year except as provided in this section. In the regular election in ~~1977~~ 2015, ~~there shall be elected three (3) councilmen. The three (3) candidates receiving the highest number of votes shall be elected for terms of four (4) years. In the regular election of 1979, there shall be elected four (4) councilmen, and the four (4) candidates receiving the highest number of votes shall be elected for four (4) years.~~ four members shall be elected for terms of five years, and the three members whose terms expire in 2017 shall continue to serve until 2018. Thereafter as the terms of members expire, their successors shall be elected for terms of four (4) years."

SECTION 4.(a) Section 3.3 of the Charter of the Village of Misenheimer, being Chapter 268 of the Session Laws of 2003, as amended by Chapter 19 of the 2004 Session Laws, reads as rewritten:

"Section 3.3. Manner of Electing Village Council; Term of Office. The qualified voters of the entire Village shall elect the members of the Village Council, and, except as provided in this section, they shall serve four-year terms. ~~In 2005, the three candidates receiving the highest numbers of votes shall be elected to four-year terms, and the two candidates receiving the next highest numbers of votes shall be elected to two-year terms.~~ 2015, two members shall be elected for five-year terms, and the three members whose terms expire in 2017 shall continue to serve until 2018. In 2007,2020, and quadrennially thereafter, two members shall be elected to four-year terms. In 2009,2018, and quadrennially thereafter, three members shall be elected to four-year terms."

SECTION 4.(b) Section 3.4 of the Charter of the Village of Misenheimer, being Chapter 268 of the Session Laws of 2003, reads as rewritten:

"Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** At the organizational meeting following each municipal election, the Village Council shall elect one of its members as Mayor, and the Mayor shall serve at the pleasure of the Village ~~Council~~ Council, provided that the Mayor elected in 2015 shall serve pursuant to the manner provided in Section 3.3 of this Charter. The Mayor shall be the official head of Village government and shall preside at all meetings of the Village Council. The Mayor shall exercise such powers and duties as conferred by the general laws of this State and this Charter and as directed by the Village Council. In the case of a vacancy in the office of Mayor, the remaining members of the Village Council shall choose from their membership a person to serve as Mayor for the unexpired term."

SECTION 5. Section 3 of the Charter of the Town of New London, being Chapter 91 of the Private Laws of 1907, as amended by Chapter 131 of the 2001 Session Laws, reads as rewritten:

"Sec. 3. The officers of the town shall consist of a mayor and five commissioners, and they shall be elected to four-year terms by the qualified voters of the entire town, except as provided otherwise in this section. ~~In 2001, and quadrennially thereafter, a mayor shall be elected to a four-year term. In 2001, for the position of commissioner, the two persons receiving the highest numbers of votes shall be elected to four-year terms and the three persons receiving the next highest numbers of votes shall be elected to two-year terms.~~ The Mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, the Mayor shall be elected for a term of four years. In 2015, three commissioners shall be elected for five-year terms, and the two commissioners whose terms expire in 2017 shall continue to serve until 2018. In 2003,2020, and quadrennially thereafter, three persons shall be elected to four-year terms. In 2005,2018, and quadrennially thereafter, two persons shall be elected to four-year terms."

SECTION 6. Section 12 of the Charter of the Town of Norwood, being Chapter 212 of the Private Laws of 1905, as amended by Chapter 15 of the Session Laws of 2001, reads as rewritten:

"Sec. 12. The Commissioners and Mayor shall be elected to four-year terms by the qualified voters of the entire Town, except as provided otherwise in this section. ~~In 2001, and quadrennially thereafter, a Mayor shall be elected to a four-year term. In 2001, for the position of Commissioner, the two persons receiving the highest numbers of votes shall be elected to four-year terms and the three persons receiving the next highest numbers of votes shall be elected to two-year terms.~~ The Mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, the Mayor shall be elected for a term of four years. In 2015, three commissioners shall be elected for five-year terms, and the two commissioners

whose terms expire in 2017 shall continue to serve until 2018. In ~~2003,2020~~, and quadrennially thereafter, three persons shall be elected to four-year terms. In ~~2005,2018~~, and quadrennially thereafter, two persons shall be elected to four-year terms."

SECTION 7. Section 15 of the Charter of the Town of Oakboro, being Chapter 51 of the Private Laws of 1915, as amended by ordinance adopted by the Town Board, reads as rewritten:

"Sec. 15. That the Mayor of the town of Oakboro shall hold office for the term of two years and until its successor is elected and ~~qualified~~, qualified, except that in 2015, the Mayor elected shall serve a term of three years, but the Mayor's successors shall serve terms of two years. ~~At the regular municipal election held in 2009, the three members of the Board elected who have the highest total of votes shall serve for a four-year term.~~ Those members of the Board who have the lowest total number of votes shall serve for a two-year term. At the regular election held in 2011, and every four years thereafter, members of the Board who were elected for two-year terms in the election of 2009, shall be elected to serve for a four-year term. In 2015, three members of the Board shall be elected for five-year terms, and the two members whose terms expire in 2017 shall continue to serve until 2018. In 2020, and quadrennially thereafter, three persons shall be elected to four-year terms. In 2018, and quadrennially thereafter, two persons shall be elected to four-year terms. That in the absence of any officer of the town, or during sickness of any of the officers, the commissioners may appoint a man to fill the office during his absence or during his inability, and no longer. If the absence be caused by resignation, the board may appoint an officer to fill the unexpired term."

SECTION 8. Article III of the Charter of the Town of Red Cross, being Chapter 56 of the Session Laws of 2002, reads as rewritten:

"ARTICLE III. GOVERNING BODY.

...
"Section 3.3. **Manner of Electing Town Council; Term of Office.** The qualified voters of the entire Town shall elect the members of the Town Council and, except as provided in this section, they shall be elected to four-year terms. ~~In 2003, the two candidates receiving the highest number of votes shall be elected to four-year terms and the two candidates receiving the next highest number of votes shall be elected to two-year terms.~~ In 2015, two members shall be elected for five-year terms, and the two members whose terms expire in 2017 shall continue to serve until 2018. In ~~2005,2018~~, and biennially thereafter, two members shall be elected to four-year terms.

"Section 3.4. **Manner of Electing Mayor; Term of Office; Duties.** The qualified voters of the entire Town shall elect the Mayor. In 2015, the Mayor shall be elected to serve a term of five years. In ~~2003,2020~~, and quadrennially thereafter, the Mayor shall be elected for a term of four years.

...."

SECTION 9.(a) Section 3 of the Charter of the Town of Richfield, being Chapter 204 of the Private Laws of 1915, as amended by Chapter 1066 of the 1953 Session Laws, Chapter 527 of the 1961 Session Laws, and by resolution adopted by the Town Board of Commissioners, reads as rewritten:

"Section 3. That the officers of said town shall consist of a mayor and five commissioners, to be elected for ~~staggered 4-year terms~~, and a marshal and secretary and treasurer, to be ~~appointed every two years by the commissioners as provided in Section 4 of this Charter.~~"

SECTION 9.(b) Section 4 of the Charter of the Town of Richfield, being Chapter 204 of the Private Laws of 1915, as amended by Chapter 1066 of the 1953 Session Laws, and Chapter 527 of the 1961 Session Laws, reads as rewritten:

"Section 4. ~~That there shall be a convention held in said town for the purpose of electing a mayor and five commissioners. The said convention shall be called on the first Tuesday after the first Monday in May, 1915, and every two years thereafter. The Mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, the Mayor shall be elected for a term of four years. In 2015, the three members elected shall serve terms of five years, and their successors shall serve terms of four years. The two members whose terms expire in 2017 shall continue to serve until 2018, and their successors shall serve terms of four years.~~ Notice of said ~~convention~~ election shall be posted at four public places within said town at least thirty days prior to the holding of the ~~convention~~ election and all citizens residing within the corporate limits of said town who are qualified voters in Stanly County and who

have resided in said town for a period of ninety (90) days before said ~~convention~~ election shall be allowed to vote."

SECTION 9.(c) Section 15 of the Charter of the Town of Richfield, being Chapter 204 of the Private Laws of 1915, as amended by Chapter 1066 of the 1953 Session Laws, reads as rewritten:

"Section 15. That the officers elected in said town at any ~~convention~~ election shall hold office for the term of four years and until their successors are elected and qualified, and that during the absence of any officer of the town or the sickness of any officer or officers, the commissioners may appoint a man to fill the vacancy during his or their absence, or during his or their inability to fill the same, and no longer. If the absence be caused by resignation, the board of commissioners shall appoint an officer to fill said vacancy or unexpired term."

SECTION 10. Section 3 of the Charter of the Town of Stanfield, being Chapter 1210 of the Session Laws of 1955, as amended by Chapter 485 of the 1957 Session Laws and Ordinance 2009-3 adopted by the Town Commissioners, reads as rewritten:

"Sec. 3. MUNICIPAL GOVERNMENT. That the government of the Town of Stanfield shall be vested in a mayor and a board of five commissioners and such other officers as may be provided for in the Municipal Incorporation Act of North Carolina. The mayor and board of commissioners shall be quadrennially elected by the qualified voters of the town, ~~shall provided~~ that the Mayor whose term expires in 2017 shall continue to serve until 2018. In 2018, and quadrennially thereafter, the Mayor shall serve a term of four years. At the regular municipal election to be held in 2009, the mayor and two members of the Board elected who have the highest total of votes shall serve for a four-year term. The three members of the Board who have the lowest total number of votes shall serve for a two-year term. At the regular municipal election held in 2011, and every four years thereafter, members of the board who were elected for two-year terms in the election of 2009 shall be elected to serve for a four-year term. In 2015, three members of the Board shall be elected for five-year terms, and the two members whose terms expire in 2017 shall continue to serve until 2018. In 2020, and quadrennially thereafter, three persons shall be elected to four-year terms. In 2018, and quadrennially thereafter, two persons shall be elected to four-year terms. The Mayor and board of commissioners shall take such oaths of office as provided by law, law and shall have such rights, powers, duties and responsibilities as provided in ~~Article 2 of Chapter 160-160A~~ of the General Statutes of North Carolina relating to municipal officers."

SECTION 11. Section 22 of the Charter of the City of Raleigh, being Chapter 1184 of the 1949 Session Laws, as amended, is amended by adding the following new subsection:

"(88). Conveyance of Real Property. When the City Council determines that a sale or disposition of real property will advance or further any Council adopted economic development, transportation, urban revitalization, community development, or other City policy, the City may, in addition to other authorized means, sell, exchange, or transfer the fee or any lesser interest in real property, either by public sale or by negotiated private sale. Any conveyance under this section may be made only pursuant to a resolution of the City Council authorizing the conveyance. Notice of the proposed transaction shall be given at least 10 days prior to adoption of the resolution by generally authorized legal advertising methods, and the notice shall generally describe: (i) the property involved; (ii) the nature of the interest to be conveyed; and (iii) all of the material terms of the proposed transaction. The notice shall give the time and place of the City Council meeting where the proposed transaction will be considered and shall announce the Council's intention to authorize the proposed transaction."

SECTION 12. Section 3 of Chapter 29 of the 1967 Session Laws, as amended by Chapter 8 of the 1977 Session Laws and by Section 9(b) of S.L. 2005-305, reads as rewritten:

"Sec. 3. Three members of the Board shall be residents within the Elizabeth City Township, hereinafter referred to as "inside members", and three members of the Board shall be residents of the other townships outside Elizabeth City Township, hereinafter referred to as "outside members". The remaining member shall hereinafter be referred to as the "at-large member" and shall be a county resident with no residence required within a particular township area.

Candidates for membership on the Board shall file for office at the same time and on the same terms and conditions as candidates for other county offices. Candidates shall file, based upon residency, for any available "inside member" seats, "outside member" seats, or the "at-large member" seat that they qualify for by virtue of the residency at the time of filing. However, there shall be no primary, and filed candidates for each type of available seat shall be

placed on the general election ballot to be voted on by all qualified voters of the county. Each voter shall have the right to vote in each race for "inside member" seats, "outside members" seats, or the "at-large member" seat up to the number of open seats up for election as to each particular type of seat, but may not cast more than one vote for each candidate. The election shall be held on a nonpartisan plurality basis with the candidates receiving the highest number of votes for each type of seat filling the available open seat or seats in descending order of their vote totals. Candidates elected shall take office the first Monday in December, and shall serve a four-year term.

All vacancies shall be filled by appointment by the remainder of the Board within 60 days, and the person so appointed shall serve the remainder of the unexpired term.

Terms shall be staggered, with two "inside member" seats and two "outside member" seats being elected in 2006 and every four years thereafter, and one "inside member" seat, one "outside member" seat, and the "at-large member" seat being elected in 2008 and every four years thereafter.

~~The Elizabeth City-Pasquotank Board of Education shall elect a chairman and vice chairman to preside over its meetings, and the vice chairman shall be entitled to vote in all matters being considered by said Board but neither the chairman nor the vice chairman shall have the authority to cast a vote to create a tie vote and then vote again to break the tie.~~

The Elizabeth City-Pasquotank Board of Education shall elect a chair to preside over its meetings and a vice-chair to preside over its meetings in the chair's absence. The chair shall not vote on any matters being considered by said Board, unless there is a tie vote, in which case the chair shall cast the deciding vote. When the chair is present at a meeting, the vice-chair shall be entitled to vote on all matters being considered by said Board. When the vice-chair is presiding over a meeting in the chair's absence, the vice-chair shall not vote on any matters being considered by said Board, unless there is a tie vote, in which case the vice-chair shall cast the deciding vote. Neither the chair nor the vice-chair shall have the authority to cast a vote to create a tie vote and then vote again to break the tie.

The Elizabeth City-Pasquotank Board of Education shall control, administer and operate all of the public schools in Pasquotank County, including the public schools now located in the Elizabeth City Administrative Unit, as well as the public schools now located in the Pasquotank County Administrative Unit. The Elizabeth City-Pasquotank Board of Education shall exercise all the powers, authority and duties as are now exercised and performed by city and county boards of education and as provided by Chapter 115 of the General Statutes, as revised and amended, and as the same may hereafter be revised and amended. All members of the said Board shall hold their offices until their successors are elected and qualified."

SECTION 13. G.S. 153A-15 reads as rewritten:

"§ 153A-15. Consent of board of commissioners necessary in certain counties before land may be condemned or acquired by a unit of local government outside the county.

(a) Notwithstanding the provisions of Chapter 40A of the General Statutes or any other general law or local act conferring the power of eminent domain, before final judgment may be entered in any action of condemnation initiated by a county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county, whereby the condemnor seeks to acquire property located in the other county, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented to the taking.

(b) Notwithstanding the provisions of G.S. 153A-158, 160A-240.1, 130A-55, or any other general law or local act conferring the power to acquire real property, before any county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county acquires any real property located in the other county by exchange, purchase or lease, it must have the approval of the county board of commissioners of the county where the land is located.

(c) This section applies to Alamance, Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Hyde, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Montgomery, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico,

Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham, Rowan, Rutherford, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, and Yancey Counties only.

(d) This section does not apply as to any condemnation or acquisition of real property or an interest in real property by a city where the property to be condemned or acquired is within the corporate limits of that city."

SECTION 14. Notwithstanding any other provision of law to the contrary and except as otherwise provided by federal law, municipal elections held pursuant to this act may be combined on the same official ballot as other ballot items for elections held at the same time.

SECTION 15. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 28th day of September, 2015.

s/ Daniel J. Forest
President of the Senate

s/ Paul Stam
Presiding Officer of the House of Representatives