

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1121*

Short Title: Modified At-Large Election Methods.

(Public)

Sponsors: Senators Gulley; and Winner.

Referred to: Judiciary II/Election Laws.

May 14, 1996

A BILL TO BE ENTITLED

AN ACT TO ADD TO THE MODES OF ELECTION THAT MAY BE CHOSEN
LOCALLY FOR CITY AND COUNTY GOVERNMENTS THE FOLLOWING:
CUMULATIVE VOTING AND PREFERENCE VOTING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-101 reads as rewritten:

"§ 160A-101. Optional forms.

Any city may change its name or alter its form of government by adopting any one or combination of the options prescribed by this section:

(1) Name of the corporation:

The name of the corporation may be changed to any name not deceptively similar to that of another city in this State.

(2) Style of the corporation:

The city may be styled a city, town, or village.

(3) Style of the governing board:

The governing board may be styled the board of commissioners, the board of aldermen, or the council.

(4) Terms of office of members of the council:

1 Members of the council shall serve terms of office of either two or
2 four years. All of the terms need not be of the same length, and all of the
3 terms need not expire in the same year.

4 (5) Number of members of the council:

5 The council shall consist of any number of members not less than
6 three nor more than 12.

7 (6) Mode of election of the council:

8 a. All candidates shall be nominated and elected at large by all the
9 qualified voters of the ~~city.~~ city, using one of the following
10 methods:

11 1. One Vote Per Office. As used in this Article, 'one vote
12 per office' means a system in which a voter may cast as
13 many votes as the number to be elected but may cast
14 fewer votes than the number to be elected, and a voter
15 may cast only one vote for any one candidate. G.S. 163-
16 291, 163-292, 163-293, and 163-294 apply the one vote
17 per office method to the four election systems set out in
18 subdivision (7) of this section.

19 2. Cumulative Voting. As used in this Article, 'cumulative
20 voting' means a system in which a voter may cast a
21 number of votes up to the number of members to be
22 elected, and the voter may distribute those votes in any
23 combination, including all votes for one candidate.

24 3. Preference Voting. As used in this Article, 'preference
25 voting' means a system in which a voter ranks the
26 candidates in the order the voter prefers them, and
27 candidates win by reaching a required threshold of top-
28 ranked votes; votes in excess of the threshold are
29 transferred to the voter's next-choice candidates;
30 candidates with the fewest top-ranked votes are
31 eliminated, and all their votes are transferred to the next-
32 choice candidates. Voters may rank candidates equally.
33 The threshold is calculated as votes divided by number of
34 seats; or votes divided by number of seats plus one, plus
35 one vote; or any number in between.

36 b. The city shall be divided into single-member electoral districts;
37 council members shall be apportioned to the districts so that each
38 member represents the same number of persons as nearly as
39 possible, except for members apportioned to the city at large, if
40 any; the qualified voters of each district shall nominate and elect
41 candidates who reside in the district for seats apportioned to that
42 district; and all the qualified voters of the city shall nominate and
43 elect candidates apportioned to the city at large, if any. In any

1 multiseat contest under this sub-subdivision, the city may adopt
2 any of the voting methods listed in sub-subdivision a. of this
3 subdivision.

4 c. The city shall be divided into single-member electoral districts;
5 council members shall be apportioned to the districts so that each
6 member represents the same number of persons as nearly as
7 possible, except for members apportioned to the city at large; and
8 candidates shall reside in and represent the districts according to
9 the apportionment plan adopted, but all candidates shall be
10 nominated and elected by all the qualified voters of the city. In
11 any multiseat contest under this sub-subdivision, the city may
12 adopt any of the voting methods listed in sub-subdivision a. of
13 this subdivision.

14 d. The city shall be divided into electoral districts equal in number
15 to one half the number of council seats; the council seats shall be
16 divided equally into 'ward seats' and 'at-large seats,' one each of
17 which shall be apportioned to each district, so that each council
18 member represents the same number of persons as nearly as
19 possible; the qualified voters of each district shall nominate and
20 elect candidates to the 'ward seats'; candidates for the 'at-large
21 seats' shall reside in and represent the districts according to the
22 apportionment plan adopted, but all candidates for 'at-large' seats
23 shall be nominated and elected by all the qualified voters of the
24 city. In any multiseat contest under this sub-subdivision, the city
25 may adopt any of the voting methods listed in sub-subdivision a.
26 of this subdivision.

27 e. The city shall be divided into single-member electoral districts;
28 council members shall be apportioned to the districts so that each
29 member represents the same number of persons as nearly as
30 possible, except for members apportioned to the city at large, if
31 any; in a nonpartisan primary, the qualified voters of each district
32 shall nominate two candidates who reside in the district, and the
33 qualified voters of the entire city shall nominate two candidates
34 for each seat apportioned to the city at large, if any; and all
35 candidates shall be elected by all the qualified voters of the city.
36 In any multiseat contest under this sub-subdivision, the city may
37 adopt any of the voting methods listed in sub-subdivision a. of
38 this subdivision.

39 Notwithstanding the provisions of G.S. 163-111, 163-291, 163-292, or
40 163-294, the city may choose options 1. through 3. of sub-subdivision a.
41 of this subdivision for use for a multiseat contest in a primary, or in a
42 general election, or in both, except that if the nonpartisan election and
43 runoff method is used as provided by sub-subdivision (7)c. of this

1 section, the city may not choose option 2. or 3. of sub-subdivision a. of
2 this subdivision.

3 If either of options b, c, d, or e is adopted, the council shall divide
4 the city into the requisite number of single-member electoral districts
5 according to the apportionment plan adopted, and shall cause a map of
6 the districts so laid out to be drawn up and filed as provided by G.S.
7 160A-22 and 160A-23. No more than one half of the council may be
8 apportioned to the city at large. An initiative petition may specify the
9 number of single-member electoral districts to be laid out, but the
10 drawing of district boundaries and apportionment of members to the
11 districts shall be done in all cases by the council.

12 (7) Elections:

- 13 a. Partisan. – Municipal primaries and elections shall be conducted
14 on a partisan basis as provided in G.S. 163-291.
15 b. Nonpartisan Plurality. – Municipal elections shall be conducted
16 as provided in G.S. 163-292.
17 c. Nonpartisan Election and Runoff Election. – Municipal elections
18 and runoff elections shall be conducted as provided in G.S. 163-
19 293.
20 d. Nonpartisan Primary and Election. – Municipal primaries and
21 elections shall be conducted as provided in G.S. 163-294.

22 (8) Selection of mayor:

- 23 a. The mayor shall be elected by all the qualified voters of the city
24 for a term of not less than two years nor more than four years.
25 b. The mayor shall be selected by the council from among its
26 membership to serve at its pleasure.

27 Under option a, the mayor may be given the right to vote on all
28 matters before the council, or he may be limited to voting only to break
29 a tie. Under option b, the mayor has the right to vote on all matters
30 before the council. In both cases the mayor has no right to break a tie
31 vote in which he participated.

32 (9) Form of government:

- 33 a. The city shall operate under the mayor-council form of
34 government in accordance with Part 3 of Article 7 of this
35 Chapter.
36 b. The city shall operate under the council-manager form of
37 government in accordance with Part 2 of Article 7 of this Chapter
38 and any charter provisions not in conflict therewith."

39 Sec. 2. G.S. 153A-58 reads as rewritten:

40 "**§ 153A-58. Optional structures.**

41 A county may alter the structure of its board of commissioners by adopting one or any
42 combination of the options prescribed by this section.

- 1 (1) Number of members of the board of commissioners: The board may
2 consist of any number of members not less than three, except as limited
3 by subdivision (2)d of this section.
- 4 (2) Terms of office of members of the board of commissioners:
5 a. Members shall be elected for two-year terms of office.
6 b. Members shall be elected for four-year terms of office.
7 c. Members shall be elected for overlapping four-year terms of
8 office.
9 d. The board shall consist of an odd number of members, who are
10 elected for a combination of four- and two-year terms of office,
11 so that a majority of members is elected each two years. This
12 option may be used only if all members of the board are
13 nominated and elected by the voters of the entire county, and
14 only if the chairman of the board is elected by and from the
15 members of the board.
- 16 (3) Mode of election of the board of commissioners:
17 a. The qualified voters of the entire county shall nominate all
18 candidates for and elect all members of the ~~board~~ board at large,
19 using one of the following methods:
20 1. One Vote Per Office. As used in this Article, 'one vote
21 per office' means a system in which a voter may cast as
22 many votes as the number to be elected but may cast
23 fewer votes than the number to be elected, and a voter
24 may cast only one vote for any one candidate.
25 2. Cumulative Voting. As used in this Article, 'cumulative
26 voting' means a system in which a voter may cast a
27 number of votes up to the number of members to be
28 elected, and the voter may distribute those votes in any
29 combination, including all votes for one candidate.
30 3. Preference Voting. As used in this Article, 'preference
31 voting' means a system in which a voter ranks the
32 candidates in the order the voter prefers them, and
33 candidates win by reaching a required threshold of top-
34 ranked votes; votes in excess of the threshold are
35 transferred to the voter's next-choice candidates;
36 candidates with the fewest top-ranked votes are
37 eliminated, and all their votes are transferred to the next-
38 choice candidates. Voters may rank candidates equally.
39 The threshold is calculated as votes divided by number of
40 seats; or votes divided by number of seats plus one, plus
41 one vote; or any number in between.

42 Notwithstanding the provisions of G.S. 163-111 and of Articles 13
43 and 15 of Chapter 163 of the General Statutes, the county may choose

1 options 1. through 3. of sub-subdivision a. of this subdivision for use in
2 a primary, or in a general election, or in both.

3 For options b, c, and d, the county shall be divided into electoral
4 districts, and board members shall be apportioned to the districts so that
5 the quotients obtained by dividing the population of each district by the
6 number of commissioners apportioned to the district are as nearly equal
7 as practicable.

8 b. The qualified voters of each district shall nominate candidates
9 and elect members who reside in the district for seats apportioned
10 to that district; and the qualified voters of the entire county shall
11 nominate candidates and elect members apportioned to the
12 county at large, if any. In any multiseat contest under this sub-
13 subdivision, the county may adopt any of the voting methods
14 listed in sub-subdivision a. of this subdivision.

15 c. The qualified voters of each district shall nominate candidates
16 who reside in the district for seats apportioned to that district, and
17 the qualified voters of the entire county shall nominate
18 candidates for seats apportioned to the county at large, if any;
19 and the qualified voters of the entire county shall elect all the
20 members of the board. In any multiseat contest under this sub-
21 subdivision, the county may adopt any of the voting methods
22 listed in sub-subdivision a. of this subdivision.

23 d. Members shall reside in and represent the districts according to
24 the apportionment plan adopted, but the qualified voters of the
25 entire county shall nominate all candidates for and elect all
26 members of the board. In any multiseat contest under this sub-
27 subdivision, the county may adopt any of the voting methods
28 listed in sub-subdivision a. of this subdivision.

29 If any of options b, c, or d is adopted, the board shall divide the
30 county into the requisite number of electoral districts according to the
31 apportionment plan adopted, and shall cause a delineation of the
32 districts so laid out to be drawn up and filed as required by G.S. 153A-
33 20. No more than half the board may be apportioned to the county at
34 large.

35 (4) Selection of chairman of the board of commissioners:

36 a. The board shall elect a chairman from among its membership to
37 serve a one-year term, as provided by G.S. 153A-39.

38 b. The chairmanship shall be a separate office. The qualified voters
39 of the entire county nominate candidates for and elect the
40 chairman for a two- or four-year term."

41 Sec. 3. This act is effective upon ratification.