

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 295
HOUSE BILL 832

AN ACT TO REVISE THE CHARTER OF THE CITY OF ELIZABETH CITY AND
CHANGE THE METHOD BY WHICH VACANCIES IN THE OFFICES OF
MAYOR OR COUNCIL MEMBER ARE FILLED.

The General Assembly of North Carolina enacts:

Section 1. Section 10 of the Charter of the City of Elizabeth City being Chapter 158, Session Laws of 1963, as amended by Chapter 844, Session Laws of 1985 is rewritten to read:

"Sec. 10. Pursuant to Section 4 of the Charter of the City of Elizabeth City and Article 4 of Chapter 160A of the General Statutes, as same may be amended from time to time, the city shall be divided into four wards or electoral districts and two seats of the eight city council members shall be apportioned and assigned to each ward or electoral district.

The qualified voters of each ward or electoral district shall vote for and elect candidates to the two 'ward seats' of city council so assigned and apportioned to the respective ward or electoral district. No person may be a candidate for a 'ward seat' unless that person is a resident and qualified voter of the ward or electoral district for which 'ward seat' said person desires to be elected.

The qualified voters residing in the entire city shall vote for and elect a candidate for the office of mayor. No person may be a candidate for mayor unless that person is a resident and qualified voter of the city.

There shall be elected one council member from each ward or electoral district and the mayor at each biennial municipal election to fill the offices of the council members and mayor whose terms will expire upon the election and qualifications of their successors on the first Monday in December after each biennial election.

In the event there should be a tie between two candidates for any office after a runoff election, the Pasquotank County Board of Elections shall determine the winner by lot as provided by G.S. 163-293(f), or any successor statute.

If a vacancy occurs in the office of mayor or councilmen, it shall be filled by election, notwithstanding 160A-63, as follows:

- (1) If the vacancy occurs within 90 days before the first date for filing notices of candidacy pursuant to G.S. 163-294.2 before the next regular city election then a successor shall be elected at the next regular city election. The elected successor shall serve the remainder of the unexpired term of the office in which the vacancy occurs unless the term of said office expired at the next regular city election in which

case the elected successor shall serve the full four year terms as provided in Section 9 of this Charter; or

- (2) If the vacancy occurs more than 90 days before the first date for filing notices of candidacy pursuant to G.S. 163-294.2 for the next regular city election then a successor shall be elected in a special election to fill said vacancy. In such event, the City Council shall meet within 10 days of the event creating the vacancy and shall issue a writ of election and by proclamation fix the date on which an election to fill the vacancy shall be held. The date of such special election shall be not less than 45 days and not more than 60 days from the date of the adoption of said writ of election and proclamation. Not less than two legal notices of the special election and the filing period for receipt of notices of candidacy shall be published in a qualified newspaper of general circulation in the City of Elizabeth City with the period between the first date of publication and the second date of publication to be seven days, excluding the first date of publication but including the second date of publication. The writ of election and proclamation shall set the filing period for notices of candidacy, but same shall not be less than 10 days from, but excluding, the first date of publication of the legal notice of the special election and filing period for receipt of notices of candidacy. The writ of election and proclamation shall also set the runoff date, if necessary and same shall be not less than 15 days and not more than 21 days after the election. The elected successor in the special election shall serve the remainder of the unexpired term of the office in which the vacancy occurs.
- (3) If by reason of a vacancy there shall be two seats within any ward to be filled in the same election then candidates shall declare for the specific seat or office which said candidate is seeking in the notice of candidacy. Each seat shall be a single office and the successor elected as provided in G.S. 163-293(a)(1) and (b)(1).

No person may be so elected to the office of mayor unless said person is a resident and qualified voter of the city; and no person may be so elected to the office of council member from any ward or electoral district unless said person is a resident and qualified voter of that ward or electoral district.

If any council member should change his or her residence from the ward or electoral district from which he or she was elected or the mayor from the city, his or her term of office shall immediately expire and a vacancy as to that office shall immediately occur."

Sec. 2. To the extent any provisions of Chapter 844 of the Session Laws of 1985 (Regular Session, 1986) is inconsistent with any provision of this act, this act prevails.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of June, 1989.