

NORTH CAROLINA GENERAL ASSEMBLY  
1959 SESSION

CHAPTER 80  
HOUSE BILL 38

AN ACT AMENDING THE CHARTER OF THE TOWN OF HAYESVILLE TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR THE OFFICES OF MAYOR AND MEMBERS OF THE BOARD OF COMMISSIONERS BY PARTY PRIMARIES, TO PROVIDE FOR TERMS OF OFFICE OF TWO YEARS FOR SUCH OFFICERS AND TO FIX THEIR COMPENSATION.

The General Assembly of North Carolina do enact:

Section 1. That Section 12 of Chapter 468, Public Laws of 1913, the same being the Charter of the Town of Hayesville, be and the same is hereby rewritten to read as follows:

"Sec. 12. Primaries and Elections:

(a) On and after the effective date of this Act, all candidates for Mayor and Commissioners of the Town of Hayesville to be voted on in the General Municipal Elections of said town, shall be nominated in political party primaries in the manner and form herein prescribed, and no name shall be printed on the general election ballot for said town except of those candidates who are nominated under the provisions of this Act.

(b) On and after the fourth Tuesday preceding the date of the holding of the general municipal election of the Town of Hayesville, there shall be called and held, under the direction of the Clay County Board of Elections by election officials designated and appointed by them for that purpose a party primary for the purpose of nominating candidates for Mayor and Commissioners of the Town of Hayesville. In the event a runoff primary is required to determine the candidates for any political party, the runoff shall be held on the second Tuesday next preceding the date of the general election.

Such primary elections shall be governed by the general laws providing for primary elections in subchapter II of Chapter 163 of the General Statutes insofar as such general laws may be construed to apply to said municipal primary, and in all other respects where the general laws of the State cannot be construed to conform to the provisions of the procedures of a municipal primary, said primary election shall be governed by rules and regulations to be adopted by the Clay County Board of Elections for such primary.

(c) Any person desiring to become a candidate for nomination in the primary for the office of Mayor or a member of the Board of Commissioners of the Town of Hayesville shall, by 12:00 o'clock noon on the second Wednesday preceding the

primary election, file with the Chairman of the Clay County Board of Elections a statement of such candidacy in substantially the following form:

'STATE OF NORTH CAROLINA  
COUNTY OF CLAY

I, ....., hereby give notice that I reside in the Town of Hayesville, County of Clay, State of North Carolina; that I am a candidate for nomination for the office of mayor, member of the Board of Commissioners (strike out inapplicable part), to be voted upon at the primary election to be held on the ..... Tuesday of May, 19..... I affiliate with the ..... party and shall support the nominees of that party, and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed) ....."

Each candidate for mayor shall, at the same time, pay to the Chairman of the County Board of Elections, to be turned over to the town treasurer, a filing fee in the sum of ten dollars (\$10.00). Each candidate for commissioner shall, at the same time, pay to the Chairman of said Board of Elections, to be turned over to the town treasurer, a filing fee in the sum of five dollars (\$5.00).

(d) The registration books shall be open on the sixth, seventh, and eighth Saturdays next preceding the date on which the general election is held. The registration books shall not thereafter be open for registration for either the primary or general municipal election except for persons qualifying between the time of closing of the books and the general election, as in the case of newly qualified voters under the general election laws of the State. The fifth Saturday next preceding such general election shall be set for challenge day for the registration.

(e) The Clay County Board of Elections is authorized, empowered and directed to supervise and conduct each and every primary election, general election and referendum election submitted to the voters of the Town of Hayesville regardless of the purpose for which the election may be held. All primaries and elections conducted by the Clay County Board of Elections, under authority of this Act, for the Town of Hayesville shall be held at the expense of and be paid for by said town and said expense shall constitute a valid expenditure of the funds of said city for that purpose.

In the conduct of said primaries and elections for the Town of Hayesville, the Clay County Board of Elections shall have the power and is directed to appoint all precinct officials for the conduct of elections, to canvass the vote for the said elections and, in general to exercise all of the same powers in connection with such elections as is now exercised under the law by the Clay County Board of Elections in the conduct of primaries and elections for the nomination and election of county officers.

(f) The fourth Tuesday in May every second year shall be the date for the holding of the general municipal election in the Town of Hayesville. The first primary and general election to be conducted under the provisions of this Act shall be held in the year 1959.

(g) The Mayor and members of the Board of Commissioners of the Town of Hayesville shall be installed in their respective offices at 12:00 o'clock noon on the first Wednesday in July next after their election, and shall hold their respective offices for

the term of two (2) years and until their successors shall be elected and qualified. The terms of office of the present Mayor and Commissioners of the Town of Hayesville are hereby extended until 12:00 o'clock noon on the first Wednesday in July, 1959."

Sec. 2. From and after July 1, 1959, the compensation of the Mayor of the Town of Hayesville shall be ten dollars (\$10.00) per month to be paid out of the general fund of the town; and the compensation of each member of the Board of Commissioners of said town shall be seven dollars and fifty cents (\$7.50) per month to be paid out of the general fund of the town. In addition to the foregoing, each of said officials shall be reimbursed by the town for their actual expenditures made in the performance of their duties.

Sec. 3. All laws and clauses of laws, including Chapter 24, Session Laws of 1949 and Chapter 887, Session Laws of 1957, in conflict with the provisions of this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of March, 1959.