

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 203  
SENATE BILL 412

AN ACT CHANGING THE METHOD OF ELECTING THE SMITHFIELD TOWN  
COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. Section 6 of Chapter 219 of the Private Laws of 1911, the Charter of the Town of Smithfield, as amended by Chapter 46, Private Laws of 1915, Chapter 36, Private Laws of 1933, Chapter 949, Session Laws of 1953, Chapter 56, Session Laws of 1959, and Chapter 944, Session Laws of 1961, is rewritten to read as follows:

"Sec. 6. (a) The town officials of Smithfield shall consist of a mayor and town council, elected as provided in this section. All elections shall be conducted according to the nonpartisan plurality method of election. Elections shall be held in odd-numbered years at the time and in the manner provided by State law, and the persons elected shall take office according to State law.

(b) The mayor shall be elected by all the voters of the town every two years.

(c) The town council shall consist of seven members. One member each shall be elected from the three districts described in subsection (g), and four shall be elected from the town at-large.

(d) In 1989 and every four years thereafter one member shall be elected from each of the three districts. In each election for a district seat only the voters residing in the district shall be eligible to vote for that office, and only persons residing in the district shall be eligible to be candidates for the seat representing that district.

(e) In 1991 and every four years thereafter the four at-large council members shall be elected. All candidates for the at-large positions shall be listed together on a single ballot, and each voter shall be entitled to vote for as many candidates as there are offices to be filled. All voters shall be eligible to vote in elections for at-large seats, and persons residing anywhere in the town may be candidates for such offices.

(f) If a vacancy occurs in the office of mayor, the town council shall appoint a replacement to serve the remainder of the unexpired term. If a vacancy occurs on the town council, the remaining members of the council shall appoint a replacement to serve the remainder of the unexpired term. If the appointment is to a vacancy in a district seat, the person appointed must reside in the district. Persons appointed to vacancies in the office of mayor or any of the at-large seats on the town council may reside anywhere in town.

(g) The three districts are:

**District 1** – The areas of satellite annexation south and east of town (the areas encompassing the Meadows Mobile Home Park and the Log Cabin

Restaurant and Motel) plus the portion of the town included within the following line running clockwise from the intersection of Highway 301 with the southern town limits: Northeast along Highway 301 to a point midway between Booker Dairy Road and Pine Street, then north from that point (running parallel to Booker Dairy Road) to the town limits (excluding all residences on Booker Dairy Road from this district), then clockwise from that point along the town limits to the starting point.

**District 2** – The portion of the town included within the following line running clockwise from the intersection of Highway 301 with the southern town limits: Clockwise along the town limits to a point on the Neuse River opposite Davis Street, then directly from that point to Davis Street, then southeast along Davis Street to Third Street, then south along Third Street to Lee Street, then southeast along Lee Street to Highway 301 (Eighth Street), then southwest along Highway 301 to the starting point.

**District 3** – The area of satellite annexation encompassing Sunset Memorial Park plus the portion of the town included within the following line running counterclockwise from the intersection of Lee Street and Highway 301 (Eighth Street): Northeast along Highway 301 to a point midway between Booker Dairy Road and Pine Street, then north from that point (running parallel to Booker Dairy Road) to the town limits (including all residences on Booker Dairy Road within this district), then counterclockwise along the town limits to a point on the Neuse River opposite Davis Street, then directly from that point to Davis Street, then southeast along Davis Street to Third Street, then south along Third Street to Lee Street, then southeast along Lee Street to the starting point at the intersection of Lee Street and Highway 301 (Eighth Street).

(h) The Smithfield Town Council shall review the population of the three districts after each federal decennial census to determine whether the districts meet the constitutional requirements for equal population. If necessary to comply with such requirements, the town council may alter the district boundaries by adoption of an ordinance. The new boundaries shall be applicable to district elections held after the adoption of the ordinance. A council member who has been elected from a district may serve the remainder of the term to which elected even if the boundaries for the district are altered so as to place the member in a different district, so long as the member continues to reside in the district as it was constituted at the time of election."

Sec. 2. Following the 1989 town election, the four incumbent members of the town council whose terms do not expire until 1991 shall be designated as the four at-large members for the remainder of their terms.

Sec. 3. The following sections of Chapter 219 of the Private Laws of 1911 are repealed: Sections 3, 10, 15, 16, and 17. Also repealed are the following local acts which previously amended Section 6 of Chapter 219 of the Private Laws of 1911: Section 1 of Chapter 46 of the Private Laws of 1915; Private Laws of 1933, Chapter 36; Session Laws of 1953, Chapter 949; Session Laws of 1959, Chapter 56; Session Laws of 1961, Chapter 944.

Sec. 4. This act is effective upon ratification and shall apply to the 1989 and subsequent elections.

In the General Assembly read three times and ratified this the 5th day of June, 1989.