

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 963
Second Edition Engrossed 6/17/91

Short Title: Residency Districts.

(Public)

Sponsors: Representative Redwine.

Referred to: Legislative and Local Redistricting.

April 19, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY AND EXPAND THE AUTHORITY OF CITY COUNCILS
3 AND BOARDS OF COUNTY COMMISSIONERS TO REVISE RESIDENCY
4 DISTRICTS.

5 The General Assembly of North Carolina enacts:

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

7 "**§ 160A-1. Application and meaning of terms.**

8 Unless otherwise specifically provided, or unless otherwise clearly required by the
9 context, the words and phrases defined in this section shall have the meaning indicated
10 when used in this Chapter.

11 (1) 'Charter' means the entire body of local acts currently in force
12 applicable to a particular city, including articles of incorporation
13 issued to a city by an administrative agency of the State, and any
14 amendments thereto adopted pursuant to 1917 Public Laws, Chapter
15 136, Subchapter 16, Part VIII, sections 1 and 2, or Article 5, Part 4, of
16 this Chapter.

17 (2) 'City' means a municipal corporation organized under the laws of this
18 State for the better government of the people within its jurisdiction and
19 having the powers, duties, privileges, and immunities conferred by law
20 on cities, towns, and villages. The term 'city' does not include counties
21 or municipal corporations organized for a special purpose. 'City' is
22 interchangeable with the terms 'town' and 'village,' is used throughout
23 this Chapter in preference to those terms, and shall mean any city as

1 defined in this subdivision without regard to the terminology
2 employed in charters, local acts, other portions of the General Statutes,
3 or local customary usage. The terms 'city' or 'incorporated
4 municipality' do not include a municipal corporation that, without
5 regard to its date of incorporation, would be disqualified from
6 receiving gasoline tax allocations by G.S. 136-41.2(a), except that the
7 end of status as a city under this sentence shall not affect the levy or
8 collection of any tax or assessment, or any criminal or civil liability,
9 and shall not serve to escheat any property until five years after the end
10 of such status as a city, or until September 1, 1991, whichever comes
11 later.

12 (3) 'Council' means the governing board of a city. 'Council' is
13 interchangeable with the terms 'board of aldermen' and 'board of
14 commissioners,' is used throughout this Chapter in preference to those
15 terms, and shall mean any city council as defined in this subdivision
16 without regard to the terminology employed in charters, local acts,
17 other portions of the General Statutes, or local customary usage.

18 (3a) 'Electoral district' and 'residency district' have the following meanings:

19 a. 'Electoral district' means a district whose voters have the
20 exclusive right, in either a primary or election, to vote for the
21 candidates for the council seat representing that district; and

22 b. 'Residency district' means a district in which the candidates for
23 a council seat must reside in the district, but the candidates will
24 be voted on in all applicable primaries and elections by voters
25 in all geographic parts of the city.

26 (4) 'General law' means an act of the General Assembly applying to all
27 units of local government, to all cities, or to all cities within a class
28 defined by population or other criteria, including a law that meets the
29 foregoing standards but contains a clause or section exempting from its
30 effect one or more cities or all cities in one or more counties.

31 (5) 'Local act' means an act of the General Assembly applying to one or
32 more specific cities by name, or to all cities within one or more
33 specifically named counties. 'Local act' is interchangeable with the
34 terms 'special act,' 'public-local act,' and 'private act,' is used
35 throughout this Chapter in preference to those terms, and shall mean a
36 local act as defined in this subdivision without regard to the
37 terminology employed in charters, local acts, or other portions of the
38 General Statutes.

39 (6) 'Mayor' means the chief executive officer of a city by whatever title
40 known.

41 (7) 'Publish,' 'publication,' and other forms of the verb 'to publish' mean
42 insertion in a newspaper qualified under G.S. 1-597 to publish legal
43 advertisements in the county or counties in which the city is located.

- 1 (8) 'Rural Fire Department' means, for the purpose of Articles 4A or 14 of
2 this Chapter, a bona fide department which, as determined by the
3 Commissioner of Insurance, is classified as not less than class '9' in
4 accordance with rating methods, schedules, classifications,
5 underwriting rules, bylaws or regulations effective or applied with
6 respect to the establishment of rates or premiums used or charged
7 pursuant to Articles 36 and 40 of Chapter 58 of the General Statutes,
8 and which operates fire apparatus and equipment of the value of five
9 thousand dollars (\$5,000) or more; but it does not include a municipal
10 fire department."

11 Sec. 2. G.S. 160A-23 reads as rewritten:

12 **"§ 160A-23. District map; reapportionment.**

13 (a) If the city is divided into electoral or residency districts for the purpose of
14 electing the members of the council, the map or description required by G.S. 160A-22
15 shall also show the boundaries of the several districts.

16 (b) The council shall have authority to revise electoral or residency district
17 boundaries from time to time. If district boundaries are set out in the city charter and the
18 charter does not provide a method for revising them, the council may revise them only
19 for the purpose of (i):

20 (1) Accounting for territory annexed to or excluded from the city, ~~and-or~~
21 (ii)

22 (2) Correcting population imbalances among the districts shown by a new
23 federal census or caused by exclusions or annexations. If the districts
24 are residency districts, the council may revise the districts even if not
25 required to do so by federal law, and may do so to any extent permitted
26 by federal law, as long as the revisions are in the direction of greater
27 equality in population.

28 When district boundaries have been established in conformity with the federal
29 Constitution, the council shall not be required to revise them again until a new federal
30 census of population is taken or territory is annexed to or excluded from the city,
31 whichever event first occurs. In establishing district boundaries, the council may use
32 data derived from the most recent federal census and shall not be required to use any
33 other population estimates."

34 Sec. 3. G.S. 160A-23.1 reads as rewritten:

35 **"§ 160A-23.1. Special rules for redistricting after 1990 census.**

36 (a) As soon as possible after receipt of federal census information in 1991 the
37 council of any city which elects the members of its governing board ~~on a district basis,~~
38 from electoral districts, or where candidates for such office must reside in a residency
39 district in order to run, shall evaluate the existing district boundaries to determine
40 whether it would be lawful to hold the next election without revising districts to correct
41 population imbalances. If such revision is necessary, the council shall consider whether
42 it will be possible to adopt the changes (and obtain approval from the United States
43 Department of Justice, if necessary) before the third day before opening of the filing
44 period for the municipal election. The council shall take into consideration the time that

1 will be required to afford ample opportunities for public input. If the council determines
2 that it most likely will not be possible to adopt the changes (and obtain federal approval,
3 if necessary) before the third business day before opening of the filing period, and
4 determines further that the population imbalances are so significant that it would not be
5 lawful to hold the next election using the current ~~electoral~~-districts, it may adopt a
6 resolution delaying the election so that it will be held on the timetable provided by
7 subsection (d) of this section. Before adopting such a resolution, the council shall hold
8 a public hearing on it. The notice of public hearing shall summarize the proposed
9 resolution and shall be published at least once in a newspaper of general circulation, not
10 less than seven days before the date fixed for the hearing. Notwithstanding adoption of
11 such a resolution, if the council proceeds to adopt the changes, (and federal approval is
12 obtained, if necessary) by the end of the third business day before the opening of the
13 filing period, the election shall be held on the regular schedule under the revised
14 ~~electoral~~-districts. Any resolution adopted under this subsection, and any changes in
15 ~~electoral~~-district boundaries made under this section shall be submitted to the United
16 States Department of Justice (if the city is covered under Section 5 of the Voting Rights
17 Act of 1965), the State Board of Elections, and to the board conducting the elections for
18 that city.

19 (b) In adopting any revisal under this section, if the council determines that in
20 order for the plan to conform to the Voting Rights Act of 1965, the number of district
21 seats needs to be increased or decreased, it may do so by following the procedures set
22 forth in Part 4 of Article 5 of Chapter 160A of the General Statutes, except that the
23 ordinance under G.S. 160A-102 may be adopted at the same meeting as the public
24 hearing, and any referendum on the change under G.S. 160A-103 shall not apply to the
25 municipal election in 1991 or 1992.

26 (c) If the resolution provided for in subsection (a) of this section is not adopted
27 and:

- 28 (1) Proposed changes to the ~~electoral~~-districts are not adopted, or
- 29 (2) Such changes are adopted, but approval under the Voting Rights Act
30 of 1965, as amended, is required, and notice of such approval is not
31 received,

32 by the end of the third business day before the opening of the filing period, the election
33 shall be held on the regular schedule using the current ~~electoral~~-districts.

34 (d) If the council adopts the resolution provided for in subsection (a) of this
35 section and:

- 36 (1) Does not adopt the changes, or
- 37 (2) Does adopt the changes, but approval under the Voting Rights Act of
38 1965, as amended, is required, and notice of such approval is not
39 received,

40 by the end of the third day before the opening of the filing period, the municipal
41 election shall be rescheduled as provided in this subsection and current officeholders
42 shall hold over until their successors are elected and qualified. For cities using the:

- 43 (1) Partisan primary and election method under G.S. 163-291, the primary
44 shall be held on the primary election date for county officers in 1992,

1 the second primary, if necessary, shall be held on the second primary
2 election date for county officers in 1992, and the general election shall
3 be held on the general election date for county officers in 1992;

4 (2) Nonpartisan primary and election method under G.S. 163-294, the
5 primary shall be held on the primary election date for county officers
6 in 1992 and the election shall be held on the date for the second
7 primary for county officers in 1992;

8 (3) Nonpartisan plurality election method under G.S. 163-292, the election
9 shall be held on the primary election date for county officers in 1992;

10 (4) Election and runoff method under G.S. 163-293, the election shall be
11 held on the primary election date for county officers in 1992 and the
12 runoffs, if necessary, shall be held on the date for the second primary
13 for county officers in 1992.

14 The organizational meeting of the new council may be held at any time after the
15 results of the election have been officially determined and published, but not later than
16 the time and date of the first regular meeting of the council in July 1992, except in the
17 case of partisan municipal elections, when the organizational meeting shall be held not
18 later than the time and date of the first regular meeting of the council in December of
19 1992."

20 Sec. 4. G.S. 160A-59 reads as rewritten:

21 "**§ 160A-59. Qualifications for elective office.**

22 All city officers elected by the people shall possess the qualifications set out in
23 Article VI of the Constitution. In addition, when the city is divided into electoral or
24 residency districts for the purpose of electing members of the council, council members
25 shall reside in the district they represent. When any elected city officer ceases to meet
26 all of the qualifications for holding office pursuant to the Constitution, or when a
27 council member ceases to reside in an electoral or residency district that he was elected
28 to represent, the office is ipso facto vacant."

29 Sec. 5. G.S. 160A-101 reads as rewritten:

30 "**§ 160A-101. Optional forms.**

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

33 (1) Name of the corporation:

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

36 (2) Style of the corporation:

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

38 (3) Style of the governing board:

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

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

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

- 1 (5) Number of members of the council:
2 The council shall consist of any number of members not less than
3 three nor more than 12.
- 4 (6) Mode of election of the council:
- 5 a. All candidates shall be nominated and elected by all the
6 qualified voters of the city.
- 7 b. The city shall be divided into single-member electoral districts;
8 council members shall be apportioned to the districts so that
9 each member represents the same number of persons as nearly
10 as possible, except for members apportioned to the city at large,
11 if any; the qualified voters of each district shall nominate and
12 elect candidates who reside in the district for seats apportioned
13 to that district; and all the qualified voters of the city shall
14 nominate and elect candidates apportioned to the city at large, if
15 any.
- 16 c. The city shall be divided into single-member ~~electoral~~-residency
17 districts; council members shall be apportioned to the districts
18 so that each member represents the same number of persons as
19 ~~nearly as possible~~ no less an extent than required by the
20 Constitution of the United States and any applicable federal
21 law, except for members apportioned to the city at large; and
22 candidates shall reside in and represent the districts according to
23 the apportionment plan adopted, but all candidates shall be
24 nominated and elected by all the qualified voters of the city.
- 25 d. The city shall be divided into electoral districts equal in number
26 to one half the number of council seats; the council seats shall
27 be divided equally into 'ward seats' and 'at-large seats,' one each
28 of which shall be apportioned to each district, so that each
29 council member represents the same number of persons as
30 nearly as possible; the qualified voters of each district shall
31 nominate and elect candidates to the 'ward seats'; candidates for
32 the 'at-large seats' shall reside in and represent the districts
33 according to the apportionment plan adopted, but all candidates
34 for 'at-large' seats shall be nominated and elected by all the
35 qualified voters of the city.
- 36 e. The city shall be divided into single-member electoral districts;
37 council members shall be apportioned to the districts so that
38 each member represents the same number of persons as nearly
39 as possible, except for members apportioned to the city at large,
40 if any; in a nonpartisan primary, the qualified voters of each
41 district shall nominate two candidates who reside in the district,
42 and the qualified voters of the entire city shall nominate two
43 candidates for each seat apportioned to the city at large, if any;

1 and all candidates shall be elected by all the qualified voters of
2 the city.

3 If either of options b, c, d or e is adopted, the council shall divide the
4 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
14 conducted 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
18 elections and runoff elections shall be conducted as provided in
19 G.S. 163-293.
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
24 city for a term of not less than two years nor more than four
25 years.
26 b. The mayor shall be selected by the council from among its
27 membership to serve at its pleasure.

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

33 (9) Form of government:

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

40 Sec. 6. G.S. 153A-1 reads as rewritten:

41 "**§ 153A-1. Definitions.**

42 Unless otherwise specifically provided, or unless otherwise clearly required by the
43 context, the words and phrases defined in this section have the meaning indicated when
44 used in this Chapter.

- 1 (1) 'City' means a city as defined by G.S. 160A-1(2), except that it does
2 not include a city that, without regard to its date of incorporation,
3 would be disqualified from receiving gasoline tax allocations by G.S.
4 136-41.2(a).
- 5 (2) 'Clerk' means the clerk to the board of commissioners.
- 6 (3) 'County' means any one of the counties listed in G.S. 153A-10.
- 7 (3a) 'Electoral district' and 'residency district' have the following meanings:
- 8 a. 'Electoral district' means a district whose voters have the
9 exclusive right, in either a primary or election, to vote for the
10 candidates for the board seat representing that district; and
- 11 b. 'Residency district' means a district in which the candidates for
12 a council seat must reside in the district, but the candidates will
13 be voted on in all applicable primaries and elections by voters
14 in all geographic parts of the county.
- 15 (4) 'General law' means an act of the General Assembly that applies to all
16 units of local government, to all counties, to all counties within a class
17 defined by population or other criteria, to all cities, or to all cities
18 within a class defined by population or other criteria, including a law
19 that meets the foregoing standards but contains a clause or section
20 exempting from its effect one or more counties, cities, or counties and
21 cities.
- 22 (5) 'Local act' means an act of the General Assembly that applies to one or
23 more specific counties, cities, or counties and cities by name. 'Local
24 act' is interchangeable with the terms 'special act,' 'special law,' 'public-
25 local act,' and 'private act,' is used throughout this Chapter in
26 preference to those terms, and means a local act as defined in this
27 subdivision without regard to the terminology employed in local acts
28 or other portions of the General Statutes.
- 29 (6) 'Publish,' 'publication,' and other forms of the verb 'to publish' mean
30 insertion in a newspaper qualified under G.S. 1-597 to publish legal
31 advertisements in the county."

32 Sec. 7. G.S. 153A-20 reads as rewritten:

33 **"§ 153A-20. Map of electoral districts.**

34 If a county is divided into electoral or residency districts for the purpose of
35 nominating or electing persons to the board of commissioners, the current boundaries of
36 the ~~electoral~~ districts shall at all times be drawn on a map, or set out in a written
37 description, or shown by a combination of these techniques. This current delineation
38 shall be available for public inspection in the office of the clerk."

39 Sec. 8. G.S. 153A-22 reads as rewritten:

40 **"§ 153A-22. Redefining electoral-district boundaries.**

41 (a) If a county is divided into electoral or residency districts ~~for the purpose of~~
42 ~~nominating or electing persons to the board of commissioners~~, the board of commissioners
43 may find as a fact whether there is substantial inequality of population among the
44 districts.

1 (b) If the board finds that there is substantial inequality of population among the
2 districts, it may by resolution redefine the ~~electoral~~ districts to make them more nearly
3 equal.

4 (c) Redefined electoral districts shall be so drawn that the quotients obtained by
5 dividing the population of each district by the number of commissioners apportioned to
6 the district are as nearly equal as practicable, and each district shall be composed of
7 territory within a continuous boundary.

8 (c1) Redefined residency districts may be drawn so that the quotients obtained by
9 dividing the population of each district by the number of commissioners apportioned to
10 the districts approach equality to no less an extent than is required by the Constitution of
11 the United States or any applicable federal law.

12 (d) No change in the boundaries of an electoral or residency district may affect
13 the unexpired term of office of a commissioner residing in the district and serving on
14 the board on the effective date of the resolution. If the terms of office of members of the
15 board do not all expire at the same time, the resolution shall state which seats are to be
16 filled at the initial election held under the resolution.

17 (e) A resolution adopted pursuant to this section shall be the basis of electing
18 persons to the board of commissioners at the first general election for members of the
19 board of commissioners occurring after the resolution's effective date, and thereafter. A
20 resolution becomes effective upon its adoption, unless it is adopted during the period
21 beginning 150 days before the day of a primary and ending on the day of the next
22 succeeding general election for membership on the board of commissioners, in which
23 case it becomes effective on the first day after the end of the period.

24 (f) Not later than 10 days after the day on which a resolution becomes effective,
25 the clerk shall file in the Secretary of State's office, in the office of the register of deeds
26 of the county, and with the chairman of the county board of elections, a certified copy of
27 the resolution.

28 ~~(g) This section shall not apply to counties where under G.S. 153A-58(3)d. or~~
29 ~~under public or local act, districts are for residence purposes only, and the qualified~~
30 ~~voters of the entire county nominate all candidates for and elect all members of the~~
31 ~~board."~~

32 Sec. 9. G.S. 153A-27 reads as rewritten:

33 **"§ 153A-27. Vacancies on the board of commissioners.**

34 If a vacancy occurs on the board of commissioners, the remaining members of the
35 board shall appoint a qualified person to fill the vacancy. If the number of vacancies on
36 the board is such that a quorum of the board cannot be obtained, the chairman of the
37 board shall appoint enough members to make up a quorum, and the board shall then
38 proceed to fill the remaining vacancies. If the number of vacancies on the board is such
39 that a quorum of the board cannot be obtained and the office of chairman is vacant, the
40 clerk of superior court of the county shall fill the vacancies upon the request of any
41 remaining member of the board or upon the petition of any five registered voters of the
42 county. If for any other reason the remaining members of the board do not fill a vacancy
43 within 60 days after the day the vacancy occurs, the clerk shall immediately report the

1 vacancy to the clerk of superior court of the county. The clerk of superior court shall,
2 within 10 days after the day the vacancy is reported to him, fill the vacancy.

3 If the member being replaced was serving a two-year term, or if the member was
4 serving a four-year term and the vacancy occurs later than 60 days before the general
5 election held after the first two years of the term, the appointment to fill the vacancy is
6 for the remainder of the unexpired term. Otherwise, the term of the person appointed to
7 fill the vacancy extends to the first Monday in December next following the first general
8 election held more than 60 days after the day the vacancy occurs; at that general
9 election, a person shall be elected to the seat vacated, either to the remainder of the
10 unexpired term or, if the term has expired, to a full term.

11 To be eligible for appointment to fill a vacancy, a person must (i) be a member of the
12 same political party as the member being replaced, if that member was elected as the
13 nominee of a political party, and (ii) be a resident of the same district as the member
14 being replaced, if the county is divided into electoral or residency districts. The board of
15 commissioners or the clerk of superior court, as the case may be, shall consult the
16 county executive committee of the appropriate political party before filling a vacancy,
17 but neither the board nor the clerk of the superior court is bound by the committee's
18 recommendation."

19 Sec. 10. G.S. 153A-27.1 reads as rewritten:

20 "**§ 153A-27.1. Vacancies on board of commissioners in certain counties.**

21 (a) If a vacancy occurs on the board of commissioners, the remaining members
22 of the board shall appoint a qualified person to fill the vacancy. If the number of
23 vacancies on the board is such that a quorum of the board cannot be obtained, the
24 chairman of the board shall appoint enough members to make up a quorum, and the
25 board shall then proceed to fill the remaining vacancies. If the number of vacancies on
26 the board is such that a quorum of the board cannot be obtained and the office of
27 chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon
28 the request of any remaining member of the board or upon the petition of any registered
29 voters of the county.

30 (b) If the member being replaced was serving a two-year term, or if the member
31 was serving a four-year term and the vacancy occurs later than 60 days before the
32 general election held after the first two years of the term, the appointment to fill the
33 vacancy is for the remainder of the unexpired term. Otherwise, the term of the person
34 appointed to fill the vacancy extends to the first Monday in December next following
35 the first general election held more than 60 days after the day the vacancy occurs; at that
36 general election, a person shall be elected to the seat vacated for the remainder of the
37 unexpired term.

38 (c) To be eligible for appointment to fill a vacancy, a person must (i) be a
39 member of the same political party as the member being replaced, if that member was
40 elected as the nominee of a political party, and (ii) be a resident of the same district as
41 the member being replaced, if the county is divided into electoral or residency districts.

42 (d) If the member who vacated the seat was elected as a nominee of a political
43 party, the board of commissioners, the chairman of the board, or the clerk of superior
44 court, as the case may be, shall consult the county executive committee of the

1 appropriate political party before filling the vacancy, and shall appoint the person
2 recommended by the county executive committee of the political party of which the
3 commissioner being replaced was a member, if the party makes a recommendation
4 within 30 days of the occurrence of the vacancy.

5 (e) Whenever because of G.S. 153A-58(3)b. or because of any local act, only the
6 qualified voters of an area which is less than the entire county were eligible to vote in
7 the general election for the member whose seat is vacant, the appointing authority must
8 accept the recommendation only if the county executive committee restricted voting to
9 committee members who represent precincts all or part of which were within the
10 territorial area of the district of the county commissioner.

11 (f) The provisions of any local act which provides that a county executive
12 committee of a political party shall fill any vacancy on a board of county commissioners
13 are repealed.

14 (g) Counties subject to this section are not subject to G.S. 153A-27.

15 (h) This section shall apply only in the following counties: Alamance, Alleghany,
16 Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret,
17 Cherokee, Clay, Cleveland, Dare, Davidson, Davie, Forsyth, Graham, Guilford,
18 Haywood, Henderson, Hyde, Jackson, Madison, McDowell, Mecklenburg, Moore, Polk,
19 Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Wake, and Yancey."

20 Sec. 11. G.S. 153A-58 reads as rewritten:

21 **"§ 153A-58. Optional structures.**

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

24 (1) Number of members of the board of commissioners: The board may
25 consist of any number of members not less than three, except as
26 limited by subdivision (2)d of this section.

27 (2) Terms of office of members of the board of commissioners:

28 a. Members shall be elected for two-year terms of office.

29 b. Members shall be elected for four-year terms of office.

30 c. Members shall be elected for overlapping four-year terms of
31 office.

32 d. The board shall consist of an odd number of members, who are
33 elected for a combination of four- and two-year terms of office,
34 so that a majority of members is elected each two years. This
35 option may be used only if all members of the board are
36 nominated and elected by the voters of the entire county, and
37 only if the chairman of the board is elected by and from the
38 members of the board.

39 (3) Mode of election of the board of commissioners:

40 a. The qualified voters of the entire county shall nominate all
41 candidates for and elect all members of the board.

42 For options ~~b, c, and d~~, b and c, the county shall be divided into
43 electoral districts, and board members shall be apportioned to the
44 districts so that the quotients obtained by dividing the population of

1 each district by the number of commissioners apportioned to the
2 district are as nearly equal as practicable. For option d, the county
3 shall be divided into residency districts, and board members shall be
4 apportioned to the districts so that the quotients obtained by dividing
5 the population of each district by the number of commissioners
6 approach equality to no less an extent than required by the Constitution
7 of the United States and any applicable federal law.

8 b. The qualified voters of each district shall nominate candidates
9 and elect members who reside in the district for seats
10 apportioned to that district; and the qualified voters of the entire
11 county shall nominate candidates and elect members
12 apportioned to the county at large, if any.

13 c. The qualified voters of each district shall nominate candidates
14 who reside in the district for seats apportioned to that district,
15 and the qualified voters of the entire county shall nominate
16 candidates for seats apportioned to the county at large, if any;
17 and the qualified voters of the entire county shall elect all the
18 members of the board.

19 d. Members shall reside in and represent the districts according to
20 the apportionment plan adopted, but the qualified voters of the
21 entire county shall nominate all candidates for and elect all
22 members of the board.

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

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

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

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

35 Sec. 12. G.S. 153A-60 reads as rewritten:

36 "**§ 153A-60. Initiation of alterations by resolution.**

37 The board of commissioners shall initiate any alteration in the structure of the board
38 by adopting a resolution. The resolution shall:

39 (1) Briefly but completely describe the proposed alterations;

40 (2) Prescribe the manner of transition from the existing structure to the
41 altered structure;

42 (3) Define the electoral or residency districts, if any, and apportion the
43 members among the districts;

1 (4) Call a special referendum on the question of adoption of the
2 alterations. The referendum shall be held and conducted by the county
3 board of elections. The referendum may be held at the same time as
4 any other state, county or municipal primary, election, special election
5 or referendum, or on any date set by the board of county
6 commissioners, provided, that such referendum shall not be held
7 within the period of time beginning 60 days before and ending 60 days
8 after any other primary, election, special election or referendum held
9 in the county.

10 Upon its adoption, the resolution shall be published in full."

11 Sec. 13. This act is effective upon ratification.