

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 791

Short Title: Alternative Election Methods.

(Public)

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Sponsors: Senator Gulley.

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Referred to: Judiciary II/Election Laws

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April 24, 1995

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

19 2. Limited Voting. As used in this Article, 'limited voting'  
20 means a system in which a voter is limited to casting some  
21 number of votes fewer than the number of members to be  
22 elected.

23 3. Cumulative Voting. As used in this Article, 'cumulative  
24 voting' means a system in which a voter may cast a  
25 number of votes up to the number of members to be  
26 elected, and the voter may distribute those votes,  
27 including fractions of votes, in any combination, including  
28 all votes for one candidate.

29 4. Preference Voting. As used in this Article, 'preference  
30 voting' means a system in which a voter ranks the  
31 candidates in the order the voter prefers them, and  
32 candidates win by reaching a required threshold of top-  
33 ranked votes; votes in excess of the threshold, including  
34 fractions of votes, are transferred to the voter's next-choice  
35 candidates; candidates with the fewest top-ranked votes  
36 are eliminated, and all their votes, including fractions of  
37 votes, are transferred to the next-choice candidates. The  
38 city may allow voters to rank one or more candidates  
39 equally. The threshold is calculated as votes divided by  
40 number of seats; or votes divided by number of seats plus  
41 one, plus one vote; or any number in between.

42 b. The city shall be divided into single-member electoral districts;  
43 council members shall be apportioned to the districts so that each

1 member represents the same number of persons as nearly as  
2 possible, except for members apportioned to the city at large, if  
3 any; the qualified voters of each district shall nominate and elect  
4 candidates who reside in the district for seats apportioned to that  
5 district; and all the qualified voters of the city shall nominate and  
6 elect candidates apportioned to the city at large, if any. In any  
7 multiseat contest under this sub-subdivision, the city may adopt  
8 any of the voting methods listed in sub-subdivision a. of this  
9 subdivision.

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

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

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

1                   adopt any of the voting methods listed in sub-subdivision a. of  
2                   this subdivision.

3                   Notwithstanding the provisions of G.S. 163-111, 163-291, 163-292, or  
4                   163-294, the city may choose options 1. through 4. of sub-subdivision a.  
5                   of this subdivision for use for a multiseat contest in a primary, or in a  
6                   general election, or in both, except that if the nonpartisan election and  
7                   runoff method is used as provided by sub-subdivision (7)c. of this  
8                   section, the city may not choose options 2. through 4. of sub-subdivision  
9                   a. of this subdivision.

10                   If either of options b, c, d or e is adopted, the council shall divide the  
11                   city into the requisite number of single-member electoral districts  
12                   according to the apportionment plan adopted, and shall cause a map of  
13                   the districts so laid out to be drawn up and filed as provided by G.S.  
14                   160A-22 and 160A-23. No more than one half of the council may be  
15                   apportioned to the city at large. An initiative petition may specify the  
16                   number of single-member electoral districts to be laid out, but the  
17                   drawing of district boundaries and apportionment of members to the  
18                   districts shall be done in all cases by the council.

19                   (7) Elections:

- 20                   a.       Partisan. – Municipal primaries and elections shall be conducted  
21                   on a partisan basis as provided in G.S. 163-291.  
22                   b.       Nonpartisan Plurality. – Municipal elections shall be conducted  
23                   as provided in G.S. 163-292.  
24                   c.       Nonpartisan Election and Runoff Election. – Municipal elections  
25                   and runoff elections shall be conducted as provided in G.S. 163-  
26                   293.  
27                   d.       Nonpartisan Primary and Election. – Municipal primaries and  
28                   elections shall be conducted as provided in G.S. 163-294.

29                   (8) Selection of mayor:

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

34                   Under option a, the mayor may be given the right to vote on all  
35                   matters before the council, or he may be limited to voting only to break  
36                   a tie. Under option b, the mayor has the right to vote on all matters  
37                   before the council. In both cases the mayor has no right to break a tie  
38                   vote in which he participated.

39                   (9) Form of government:

- 40                   a.       The city shall operate under the mayor-council form of  
41                   government in accordance with Part 3 of Article 7 of this  
42                   Chapter.

- 1           b.     The city shall operate under the council-manager form of  
2           government in accordance with Part 2 of Article 7 of this Chapter  
3           and any charter provisions not in conflict therewith."

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

5     **"§ 153A-58. Optional structures.**

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

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

- 11          (2)    Terms of office of members of the board of commissioners:

- 12           a.     Members shall be elected for two-year terms of office.  
13           b.     Members shall be elected for four-year terms of office.  
14           c.     Members shall be elected for overlapping four-year terms of  
15           office.  
16           d.     The board shall consist of an odd number of members, who are  
17           elected for a combination of four- and two-year terms of office,  
18           so that a majority of members is elected each two years. This  
19           option may be used only if all members of the board are  
20           nominated and elected by the voters of the entire county, and  
21           only if the chairman of the board is elected by and from the  
22           members of the board.

- 23          (3)    Mode of election of the board of commissioners:

- 24           a.     The qualified voters of the entire county shall nominate all  
25           candidates for and elect all members of the ~~board~~ board at large,  
26           using one of the following methods:

27           1.     One Vote Per Office. As used in this Article, 'one vote per  
28           office' means a system in which a voter may cast as many  
29           votes as the number to be elected but may cast fewer votes  
30           than the number to be elected, and a voter may cast only  
31           one vote for any one candidate.

32           2.     Limited Voting. As used in this Article, 'limited voting'  
33           means a system in which a voter is limited to casting some  
34           number of votes fewer than the number of members to be  
35           elected.

36           3.     Cumulative Voting. As used in this Article, 'cumulative  
37           voting' means a system in which a voter may cast a  
38           number of votes up to the number of members to be  
39           elected, and the voter may distribute those votes,  
40           including fractions of votes, in any combination, including  
41           all votes for one candidate.

42           4.     Preference Voting. As used in this Article, 'preference  
43           voting' means a system in which a voter ranks the

1 candidates in the order the voter prefers them, and  
2 candidates win by reaching a required threshold of top-  
3 ranked votes; votes in excess of the threshold, including  
4 fractions of votes, are transferred to the voter's next-choice  
5 candidates; candidates with the fewest top-ranked votes  
6 are eliminated, and all their votes, including fractions of  
7 votes, are transferred to the next-choice candidates. The  
8 county may allow voters to rank one or more candidates  
9 equally. The threshold is calculated as votes divided by  
10 number of seats; or votes divided by number of seats plus  
11 one, plus one vote; or any number in between.

12 Notwithstanding the provisions of G.S. 163-111 and of Articles 13  
13 and 15 of Chapter 163 of the General Statutes, the county may choose  
14 options 1. through 4. of sub-subdivision a. of this section for use in a  
15 primary, or in a general election, or in both.

16 For options b, c, and d, the county shall be divided into electoral  
17 districts, and board members shall be apportioned to the districts so that  
18 the quotients obtained by dividing the population of each district by the  
19 number of commissioners apportioned to the district are as nearly equal  
20 as practicable.

- 21 b. The qualified voters of each district shall nominate candidates  
22 and elect members who reside in the district for seats apportioned  
23 to that district; and the qualified voters of the entire county shall  
24 nominate candidates and elect members apportioned to the  
25 county at large, if any. In any multiseat contest under this sub-  
26 subdivision, the county may adopt any of the voting methods  
27 listed in sub-subdivision a. of this subdivision.
- 28 c. The qualified voters of each district shall nominate candidates  
29 who reside in the district for seats apportioned to that district, and  
30 the qualified voters of the entire county shall nominate  
31 candidates for seats apportioned to the county at large, if any;  
32 and the qualified voters of the entire county shall elect all the  
33 members of the board. In any multiseat contest under this sub-  
34 subdivision, the county may adopt any of the voting methods  
35 listed in sub-subdivision a. of this subdivision.
- 36 d. Members shall reside in and represent the districts according to  
37 the apportionment plan adopted, but the qualified voters of the  
38 entire county shall nominate all candidates for and elect all  
39 members of the board. In any multiseat contest under this sub-  
40 subdivision, the county may adopt any of the voting methods  
41 listed in sub-subdivision a. of this subdivision.

42 If any of options b, c, or d is adopted, the board shall divide the  
43 county into the requisite number of electoral districts according to the

1                   apportionment plan adopted, and shall cause a delineation of the  
2                   districts so laid out to be drawn up and filed as required by G.S. 153A-  
3                   20. No more than half the board may be apportioned to the county at  
4                   large.

- 5           (4)   Selection of chairman of the board of commissioners:  
6               a.     The board shall elect a chairman from among its membership to  
7               serve a one-year term, as provided by G.S. 153A-39.  
8               b.     The chairmanship shall be a separate office. The qualified voters  
9               of the entire county nominate candidates for and elect the  
10              chairman for a two- or four-year term."

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