

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 145
HOUSE BILL 153

AN ACT RELATING TO ELECTIONS IN THE CITY OF JACKSONVILLE IN
ONSLow COUNTY.

The General Assembly of North Carolina do enact:

Section 1. There shall be no primary elections hereafter held in the City of Jacksonville, Onslow County, for the nomination of officers of said city.

Sec. 2. Section 1 of Chapter 540 of the Session Laws of 1953 is rewritten to read as follows:

"Section 1. At the general election to be held in the City of Jacksonville on the first Tuesday following the first Monday in May, 1959, and biennially thereafter, there shall be elected a mayor and four councilmen. The councilmen shall be elected from the wards heretofore established in said city or as such wards may hereafter be constituted, and there shall be elected only one councilman from each ward who shall be a resident of the ward for which he is elected, and shall be voted for only by the residents of that ward. The candidate receiving the highest number of votes for the office of councilman from the ward of his residence shall be declared elected to that office. The candidates for mayor shall be elected by the electors of the city at large. The mayor and councilmen elected at the May, 1959, election, and biennially thereafter, shall serve for terms of two (2) years each and until their successors are elected and qualified. In the event of a vacancy in the office of mayor cause by resignation, death or otherwise, such vacancy shall be filled by the city council for the unexpired term.

"Any person desiring to become a candidate for election as a mayor or councilman shall file, not later than five o'clock p. m. thirty (30) days prior to any municipal election, a statement with the city clerk in substantially the following form:

'I, _____, hereby give notice that I reside in the City of Jacksonville, North Carolina, and am a registered voter in said city; that I am a candidate for election to the office of _____, to be voted upon at the general election to be held on the _____ day of _____, 19____, and request that my name be placed on the official ballot for election to such office.

_____.

(Witness)

"At the time of filing his notice of candidacy, the candidate shall pay to the city clerk, to be turned over to the city treasurer, the sum of five dollars (\$5.00) to be credited to the general fund of the city.

"At the election to be held in May, 1959, and biennially thereafter, those electors voting in said election shall vote for the total number of councilmen to be elected, and the failure of any elector to do so shall void his or her ballot and the same shall not be counted.

"Any councilman who shall remove his legal residence from the ward for which elected thereby forfeits his office, and the vacancy thereby created shall be filled by the mayor and city council from the electorate of the ward in which such vacancy occurs. Vacancies occurring by reason of resignation, death or otherwise, shall be filled in the same manner. In the event of a tie vote in filling a vacancy in the office of mayor or a city councilman, the candidate selected shall be determined by lot."

Sec. 3. At the general municipal election to be held in the City of Jacksonville in May, 1959, there shall be submitted to the qualified voters of the city the question as to whether the city councilmen shall be elected at municipal elections by the electors of the city voting as a whole, or whether city councilmen shall be elected only by electors residing in the ward in which the councilmen are to represent.

Separate ballots shall be prepared and provided for each qualified elector voting in said election. The ballots shall be prepared for this purpose in substantially the following form:

For electing councilmen from and by wards.

For electing one councilman from each ward to be voted for by the electors of the city at large."

At said election should a majority of the electors voting favor the election of councilmen from and by wards, then at the municipal general election to be held in May, 1961, and biennially thereafter, there shall be one councilman elected from each ward and only the electors residing in any ward shall vote for the councilman for such ward.

If at said election the majority of electors vote in favor of electing one councilman from each ward to be voted for by the electors at large, then, and in such event, at the general municipal election to be held in May, 1961, and biennially thereafter, there shall be one councilman elected from each ward to be voted for by the electors at large.

In either event, each councilman shall be a resident of the ward from which he is elected.

Sec. 4. Chapter 867 of the Session Laws of 1957, and all other laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. 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 26th day of March, 1959.