

NORTH CAROLINA GENERAL ASSEMBLY  
1963 SESSION

CHAPTER 875  
HOUSE BILL 1200

AN ACT TO PROVIDE FOR AN ELECTION IN THE CITY OF HENDERSON  
UPON THE QUESTION OF AMENDING THE CHARTER TO REQUIRE A  
MAJORITY VOTE FOR ELECTION TO OFFICE.

The General Assembly of North Carolina do enact:

Section 1. Subject to the approval of the voters at an election to be held as hereinafter provided, Chapter 731 of the Session Laws of 1953 is hereby amended by striking out all of Section 4 therein, and by inserting in lieu thereof a new Section 4, reading as follows:

"Sec. 4. (1) The elective officers of the City of Henderson shall consist of a mayor, who shall be elected on the first Tuesday in May, 1955, and biennially thereafter, by the qualified voters of the whole city, and two aldermen from each ward, whose term of office shall be two (2) years, one to be elected from each ward on the first Tuesday in May of each year by the qualified voters of the whole city. At the election to be held on the first Tuesday in May, 1954, one alderman shall be elected from each ward for a term of two (2) years to fill the office of the aldermen elected to office in 1952, and the aldermen elected in 1953 shall hold over in office until the election of 1955. Except as otherwise herein provided, such elections shall be in conformity with the general law of North Carolina governing municipal elections; and the term of office of such mayor and aldermen shall commence at 4:00 o'clock in the afternoon on the first Monday in June following their election. The city council and mayor now in office, and appointees to fill any vacancy in such office, shall hold over as mayor and aldermen until the expiration of the term for which they were elected and provide for the election of their successors as heretofore. The mayor and aldermen hereafter elected shall hold office until the expiration of their term or until their successors are duly elected and qualified. Only qualified voters of the State of North Carolina and City of Henderson shall be eligible to hold such offices. A vacancy shall exist when an elective officer shall fail, without good cause, to qualify within sixty (60) days after his election; shall die, resign, remove from the City of Henderson, absent himself without just cause continuously for sixty (60) days from the City of Henderson; is convicted or submits to the charge of a felony; is judicially declared a lunatic, or is removed for cause. Every such vacancy shall be filled by the city council in regular or special session.

(2) Except as otherwise provided in this Section, in all city elections, the candidate for each office receiving a majority of all votes cast for such office shall be declared elected. In the event no candidate for any particular office shall receive a

majority of the votes cast for such office the candidate receiving the second highest number of votes cast for such office shall be entitled to require that a second election for such office be held between the two candidates receiving the highest numbers of the votes cast for such office. If the second high candidate desires a second election for such office, he shall file, in writing with the city clerk not later than 12:00 o'clock Noon on the first Friday following the regular city election, a notice requesting, that a second election be held.

(3) If the city clerk shall receive a notice requesting a second election for any office, and the candidate filing such notice is entitled to a second election under the provisions of this Section, then the city clerk shall call such election to be held on the third Tuesday in May, and shall cause notice of such second election to be published at least once in a newspaper having general circulation in the city.

(4) In all second elections held under authority of this Section, the registration books used for the regular city election shall be used, and no new or additional registration shall be necessary; and, the election officials who conducted the regular city election shall conduct any second election, unless otherwise provided by action of the city council.

(5) In the event a candidate for any office is entitled under the provisions of this Section to request a second election, and does not file the required notice in proper time as herein provided, then the candidate who received the highest number of votes cast for such office in the regular city election shall be declared elected."

Sec. 2. In the event the Charter of the City of Henderson is amended in the manner herein provided, then from and after the effective date thereof, the election of officers in the city shall be conducted and determined in accordance with such amendments; and in the event a conflict shall exist between Section 4 of the Charter, as written in this Act, and any other provision of the Charter, then the provisions of Section 4 shall govern.

Sec. 3. The city council of the City of Henderson shall cause a special election to be held in the city not later than January 1, 1964, for the purpose of submitting to the qualified voters of the city the question of adoption of the amendment to the Charter as provided in Section 1 of this Act. It shall be the duty of the city council to call the special election herein provided for the same date as it calls the special election upon the question of adoption of the city manager form of government as required by House Bill No. 966, if the same be enacted by the 1963 General Assembly.

Sec. 4. Such special election shall be conducted in accordance with the General Statutes and other applicable law relating to special election in the City of Henderson, except as otherwise herein provided.

Sec. 5. Upon all ballots used in the special election authorized by this Act, there shall be printed or written the words "For amendment providing for majority election of officers" and "Against amendment providing for majority election of officers" with appropriate squares so that the voter may designate by a cross (X) mark his preference; provided, that the city council may, in its discretion, direct that the question to be submitted to the voters under authority of this Act may be submitted on the same ballot as the question on the city manager form of government authorized to be

submitted by House Bill No. 966, if the same be enacted by the 1963 General Assembly.

Sec. 6. If at such special election a majority of the votes cast shall be "For amendment providing for majority election of officers" then such amendment shall become adopted and become a part of the city Charter, and shall become effective on the first Monday in January, 1964, to the end that the 1964 city election shall be held in accordance therewith. If at such special election a majority of the votes cast shall be "Against amendment providing for majority election of officers" then such amendment shall not be adopted, and shall be null and void, and shall have no effect upon the city Charter.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

Sec. 8. This Act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1963.