

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 963

Short Title: Residency Districts.

(Public)

Sponsors: Representative Redwine.

Referred to: Legislative and Local Redistricting.

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO CLARIFY AND EXPAND THE AUTHORITY OF LOCAL BOARDS TO REVISE RESIDENCY DISTRICTS.

The General Assembly of North Carolina enacts:

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

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

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

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

(2) 'City' means a municipal corporation organized under the laws of this State for the better government of the people within its jurisdiction and having the powers, duties, privileges, and immunities conferred by law on cities, towns, and villages. The term 'city' does not include counties or municipal corporations organized for a special purpose. 'City' is interchangeable with the terms 'town' and 'village,' is used throughout this Chapter in preference to those terms, and shall mean any city as defined in this subdivision without regard to the terminology employed in charters, local acts, other portions of the General Statutes,

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

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

16 (3a) 'Electoral district' and 'residency district' have the following meanings:

17 a. 'Electoral district' means a district whose voters have the
18 exclusive right, in either a primary or election, to vote for the
19 candidates for the council seat representing that district; and
20 b. 'Residency district' means a district in which the candidates for
21 a council seat must reside in the district, but the candidates will
22 be voted on in any applicable primary or election by all the
23 voters of the city.

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

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

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

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

42 (8) 'Rural Fire Department' means, for the purpose of Articles 4A or 14 of
43 this Chapter, a bona fide department which, as determined by the
44 Commissioner of Insurance, is classified as not less than class '9' in

1 accordance with rating methods, schedules, classifications,
2 underwriting rules, bylaws or regulations effective or applied with
3 respect to the establishment of rates or premiums used or charged
4 pursuant to Articles 36 and 40 of Chapter 58 of the General Statutes,
5 and which operates fire apparatus and equipment of the value of five
6 thousand dollars (\$5,000) or more; but it does not include a municipal
7 fire department."

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

9 **"§ 160A-23. District map; reapportionment.**

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

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

17 (1) Accounting for territory annexed to or excluded from the city, ~~and~~ or
18 ~~(ii)~~

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

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

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

32 **"§ 160A-23.1. Special rules for redistricting after 1990 census.**

33 (a) As soon as possible after receipt of federal census information in 1991 the
34 council of any city which elects the members of its governing board ~~on a district basis,~~
35 from electoral districts, or where candidates for such office must reside in a residency
36 district in order to run, shall evaluate the existing district boundaries to determine
37 whether it would be lawful to hold the next election without revising districts to correct
38 population imbalances. If such revision is necessary, the council shall consider whether
39 it will be possible to adopt the changes (and obtain approval from the United States
40 Department of Justice, if necessary) before the third day before opening of the filing
41 period for the municipal election. The council shall take into consideration the time that
42 will be required to afford ample opportunities for public input. If the council determines
43 that it most likely will not be possible to adopt the changes (and obtain federal approval,
44 if necessary) before the third business day before opening of the filing period, and

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

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

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

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

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

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

- 33 (1) Does not adopt the changes, or
34 (2) Does adopt the changes, but approval under the Voting Rights Act of
35 1965, as amended, is required, and notice of such approval is not
36 received,

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

- 40 (1) Partisan primary and election method under G.S. 163-291, the primary
41 shall be held on the primary election date for county officers in 1992,
42 the second primary, if necessary, shall be held on the second primary
43 election date for county officers in 1992, and the general election shall
44 be held on the general election date for county officers in 1992;

- 1 (2) Nonpartisan primary and election method under G.S. 163-294, the
2 primary shall be held on the primary election date for county officers
3 in 1992 and the election shall be held on the date for the second
4 primary for county officers in 1992;
- 5 (3) Nonpartisan plurality election method under G.S. 163-292, the election
6 shall be held on the primary election date for county officers in 1992;
- 7 (4) Election and runoff method under G.S. 163-293, the election shall be
8 held on the primary election date for county officers in 1992 and the
9 runoffs, if necessary, shall be held on the date for the second primary
10 for county officers in 1992.

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

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

18 **"§ 160A-59. Qualifications for elective office.**

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

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

27 **"§ 160A-101. Optional forms.**

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

- 30 (1) Name of the corporation:

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

- 33 (2) Style of the corporation:

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

- 35 (3) Style of the governing board:

36 The governing board may be styled the board of commissioners,
37 the board of aldermen, or the council.

- 38 (4) Terms of office of members of the council:

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

- 42 (5) Number of members of the council:

43 The council shall consist of any number of members not less than
44 three nor more than 12.

1 (6) Mode of election of the council:

- 2 a. All candidates shall be nominated and elected by all the
3 qualified voters of the city.
- 4 b. The city shall be divided into single-member electoral districts;
5 council members shall be apportioned to the districts so that
6 each member represents the same number of persons as nearly
7 as possible, except for members apportioned to the city at large,
8 if any; the qualified voters of each district shall nominate and
9 elect candidates who reside in the district for seats apportioned
10 to that district; and all the qualified voters of the city shall
11 nominate and elect candidates apportioned to the city at large, if
12 any.
- 13 c. The city shall be divided into single-member ~~electoral~~-residency
14 districts; council members shall be apportioned to the districts
15 so that each member represents the same number of persons as
16 ~~nearly as possible~~ to no less an extent than required by the
17 Constitution of the United States and any applicable federal
18 law, except for members apportioned to the city at large; and
19 candidates shall reside in and represent the districts according to
20 the apportionment plan adopted, but all candidates shall be
21 nominated and elected by all the qualified voters of the city.
- 22 d. The city shall be divided into electoral districts equal in number
23 to one half the number of council seats; the council seats shall
24 be divided equally into 'ward seats' and 'at-large seats,' one each
25 of which shall be apportioned to each district, so that each
26 council member represents the same number of persons as
27 nearly as possible; the qualified voters of each district shall
28 nominate and elect candidates to the 'ward seats'; candidates for
29 the 'at-large seats' shall reside in and represent the districts
30 according to the apportionment plan adopted, but all candidates
31 for 'at-large' seats shall be nominated and elected by all the
32 qualified voters of the city.
- 33 e. The city shall be divided into single-member electoral districts;
34 council members shall be apportioned to the districts so that
35 each member represents the same number of persons as nearly
36 as possible, except for members apportioned to the city at large,
37 if any; in a nonpartisan primary, the qualified voters of each
38 district shall nominate two candidates who reside in the district,
39 and the qualified voters of the entire city shall nominate two
40 candidates for each seat apportioned to the city at large, if any;
41 and all candidates shall be elected by all the qualified voters of
42 the city.

43 If either of options b, c, d or e is adopted, the council shall divide the
44 city into the requisite number of single-member ~~electoral~~-districts

1 according to the apportionment plan adopted, and shall cause a map of
 2 the districts so laid out to be drawn up and filed as provided by G.S.
 3 160A-22 and 160A-23. No more than one half of the council may be
 4 apportioned to the city at large. An initiative petition may specify the
 5 number of single-member ~~electoral~~ districts to be laid out, but the
 6 drawing of district boundaries and apportionment of members to the
 7 districts shall be done in all cases by the council.

8 (7) Elections:

- 9 a. Partisan. – Municipal primaries and elections shall be
 10 conducted on a partisan basis as provided in G.S. 163- 291.
 11 b. Nonpartisan Plurality. – Municipal elections shall be conducted
 12 as provided in G.S. 163-292.
 13 c. Nonpartisan Election and Runoff Election. – Municipal
 14 elections and runoff elections shall be conducted as provided in
 15 G.S. 163-293.
 16 d. Nonpartisan Primary and Election. – Municipal primaries and
 17 elections shall be conducted as provided in G.S. 163- 294.

18 (8) Selection of mayor:

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

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

29 (9) Form of government:

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

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

37 "§ 153A-1. Definitions.

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

- 41 (1) 'City' means a city as defined by G.S. 160A-1(2), except that it does
 42 not include a city that, without regard to its date of incorporation,
 43 would be disqualified from receiving gasoline tax allocations by G.S.
 44 136-41.2(a).

- 1 (2) 'Clerk' means the clerk to the board of commissioners.
2 (3) 'County' means any one of the counties listed in G.S. 153A- 10.
3 (3a) 'Electoral district' and 'residency district' have the following meanings:
4 a. 'Electoral district' means a district whose voters have the
5 exclusive right, in either a primary or election, to vote for the
6 candidates for the board seat representing that district; and
7 b. 'Residency district' means a district in which the candidates for
8 a council seat must reside in the district, but the candidates will
9 be voted on in any applicable primary or election by all the
10 voters of the county.
- 11 (4) 'General law' means an act of the General Assembly that applies to all
12 units of local government, to all counties, to all counties within a class
13 defined by population or other criteria, to all cities, or to all cities
14 within a class defined by population or other criteria, including a law
15 that meets the foregoing standards but contains a clause or section
16 exempting from its effect one or more counties, cities, or counties and
17 cities.
- 18 (5) 'Local act' means an act of the General Assembly that applies to one or
19 more specific counties, cities, or counties and cities by name. 'Local
20 act' is interchangeable with the terms 'special act,' 'special law,' 'public-
21 local act,' and 'private act,' is used throughout this Chapter in
22 preference to those terms, and means a local act as defined in this
23 subdivision without regard to the terminology employed in local acts
24 or other portions of the General Statutes.
- 25 (6) 'Publish,' 'publication,' and other forms of the verb 'to publish' mean
26 insertion in a newspaper qualified under G.S. 1-597 to publish legal
27 advertisements in the county."

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

29 **"§ 153A-20. Map of ~~electoral~~ districts.**

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

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

36 **"§ 153A-22. Redefining ~~electoral~~ district boundaries.**

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

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

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

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

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

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

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

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

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

30 "**§ 153A-27. Vacancies on the board of commissioners.**

31 If a vacancy occurs on the board of commissioners, the remaining members of the
32 board shall appoint a qualified person to fill the vacancy. If the number of vacancies on
33 the board is such that a quorum of the board cannot be obtained, the chairman of the
34 board shall appoint enough members to make up a quorum, and the board shall then
35 proceed to fill the remaining vacancies. If the number of vacancies on the board is such
36 that a quorum of the board cannot be obtained and the office of chairman is vacant, the
37 clerk of superior court of the county shall fill the vacancies upon the request of any
38 remaining member of the board or upon the petition of any five registered voters of the
39 county. If for any other reason the remaining members of the board do not fill a vacancy
40 within 60 days after the day the vacancy occurs, the clerk shall immediately report the
41 vacancy to the clerk of superior court of the county. The clerk of superior court shall,
42 within 10 days after the day the vacancy is reported to him, fill the vacancy.

43 If the member being replaced was serving a two-year term, or if the member was
44 serving a four-year term and the vacancy occurs later than 60 days before the general

1 election held after the first two years of the term, the appointment to fill the vacancy is
2 for the remainder of the unexpired term. Otherwise, the term of the person appointed to
3 fill the vacancy extends to the first Monday in December next following the first general
4 election held more than 60 days after the day the vacancy occurs; at that general
5 election, a person shall be elected to the seat vacated, either to the remainder of the
6 unexpired term or, if the term has expired, to a full term.

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

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

16 "**§ 153A-27.1. Vacancies on board of commissioners in certain counties.**

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

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

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

38 (d) If the member who vacated the seat was elected as a nominee of a political
39 party, the board of commissioners, the chairman of the board, or the clerk of superior
40 court, as the case may be, shall consult the county executive committee of the
41 appropriate political party before filling the vacancy, and shall appoint the person
42 recommended by the county executive committee of the political party of which the
43 commissioner being replaced was a member, if the party makes a recommendation
44 within 30 days of the occurrence of the vacancy.

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

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

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

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

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

17 **"§ 153A-58. Optional structures.**

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

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

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

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

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

26 c. Members shall be elected for overlapping four-year terms of
27 office.

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

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

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

38 For options ~~b, c, and d~~, b and c, the county shall be divided into
39 electoral districts, and board members shall be apportioned to the
40 districts so that the quotients obtained by dividing the population of
41 each district by the number of commissioners apportioned to the
42 district are as nearly equal as practicable. For option d, the county
43 shall be divided into residency districts, and board members shall be
44 apportioned to the districts so that the quotients obtained by dividing

1 the population of each district by the number of commissioners
2 approach equality to no less an extent than required by the Constitution
3 of the United States and any applicable federal law.

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

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

15 d. Members shall reside in and represent the districts according to
16 the apportionment plan adopted, but the qualified voters of the
17 entire county shall nominate all candidates for and elect all
18 members of the board.

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

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

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

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

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

32 "**§ 153A-60. Initiation of alterations by resolution.**

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

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

36 (2) Prescribe the manner of transition from the existing structure to the
37 altered structure;

38 (3) Define the electoral districts, if any, and apportion the members among
39 the districts;

40 (4) Call a special referendum on the question of adoption of the
41 alterations. The referendum shall be held and conducted by the county
42 board of elections. The referendum may be held at the same time as
43 any other state, county or municipal primary, election, special election
44 or referendum, or on any date set by the board of county

1 commissioners, provided, that such referendum shall not be held
2 within the period of time beginning 60 days before and ending 60 days
3 after any other primary, election, special election or referendum held
4 in the county.

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

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