

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 104
HOUSE BILL 319

AN ACT TO AMEND CHAPTER 818 OF THE SESSION LAWS OF 1969
RELATING TO MUNICIPAL ELECTIONS IN THE CITY OF DUNN.

The General Assembly of North Carolina do enact:

Section 1. Article 4, Sections 4.1 through 4.6, of Chapter 818 of the Session Laws of 1969 is hereby amended by re-writing said Article to read as follows:

"Sec. 4.1. Wards. The city shall be divided into four wards for purposes of conducting elections of councilmen. There shall be four ward seats and two at-large seats on the Council. One councilman shall reside in each of the four wards, but all six councilmen shall be elected by all qualified voters of the city. The four wards shall continue as now constituted, until changed in accordance with law.

"Sec. 4.2. Primary Elections. The municipal primary election, if one be required, for the nomination of candidates for the offices of mayor and councilman shall be held on the third Tuesday after the first Monday in April preceding the regular municipal election. Such primary shall be a non-partisan primary and all residents of the city who are registered and qualified to vote in the regular municipal election shall be qualified and eligible to vote in the primary election. All candidates to be voted for at regular municipal elections for mayor and councilman shall be nominated in the municipal primary election under the following terms, provisions and conditions:

(a) Any person desiring to become a candidate for nomination for mayor or councilman shall file with the City Clerk a statement giving notice of such candidacy. Such notice shall be filed not earlier than sixty days nor later than ten days prior to the date of the primary election. Such notice of candidacy shall be filed on a form approved and furnished by the City Clerk showing name, address, length of residence in the City of Dunn, the office he seeks, and the request that his name be placed on the official ballot for nomination to such office. At the same time such statement is filed, the candidate filing shall pay the City Clerk a filing fee of \$5.00.

(b) A primary shall be held for the office of mayor if more than two candidates have filed for the office, or for any ward seat on the council for which more than two candidates have filed. A primary shall be held for the at-large seats on the council if more than four candidates have filed for those seats. If in a primary for mayor, or for any ward or at-large seat on the council, a candidate receives a majority of the votes cast, he shall be declared elected. If no candidate receives a majority of the votes cast for mayor or a ward seat on the council, then the two candidates receiving the highest number of votes for each such office shall be the nominees for that office. If no candidate receives a majority of the votes cast for councilman at-large, then the four

candidates receiving the highest number of votes cast shall be the nominees for the two at large seats. If only one candidate receives a majority of the votes cast for councilman at-large, then the two candidates receiving the next highest number of votes cast shall be the nominees for the remaining at-large seat. The names of the candidates so nominated shall be placed on the official ballot for the regular municipal election.

(c) In the event there should be an equal number of votes for two or more persons for either the office of mayor or councilman and such tie or ties must be resolved in order to determine the identity of the nominees for the respective offices in the municipal election, the City Council shall immediately call a meeting, wherein they shall select two disinterested electors from each ward and four disinterested electors at large, none of whom may be, at the time of selection, employed by the city. These disinterested electors, together with the mayor and city council, shall vote by written ballot to break the tie, and the person receiving a majority of the votes cast shall be the nominee.

"Sec. 4.3. Regular Elections. Elections shall be held quadrennially on the Tuesday after the first Monday in May, beginning in 1971. In the 1971 election and quadrennially thereafter, the candidate for mayor who received the largest number of votes cast for mayor shall be declared elected for a term of four years. In the 1971 election and quadrennially thereafter, the candidate for the ward seat from each ward and the two candidates for at-large seats who receive the largest numbers of votes cast for such seats shall be declared elected for terms of four years.

"Sec. 4.4. Voting. In each election, each qualified voter shall be entitled to vote for one candidate for each office to be filled.

"Sec. 4.5. Registration. Prior to each primary election, registration of qualified electors shall begin at 9:00 a.m. on the morning of the third Saturday next before the primary election and shall end at 5:00 p.m. on the second Saturday next before the primary election. Challenge day shall be from 9:00 a.m. until 3:00 p.m. on the last Saturday next before the primary. Registration and challenge shall be conducted and the polling places attended by the registrars of election in the same manner as provided by the general municipal election laws. The registration book shall not be open for registration and no challenge day will be held between the primary and the general election.

"Sec. 4.6. Polling Places. G.S. 160-31 of the General Statutes, insofar as it requires a separate polling place in each ward, shall not apply to the City of Dunn. The polling place shall be located in the Fire Station in the Municipal Building in the City of Dunn.

"Sec. 4.7. Regulation of Elections. All municipal elections shall be conducted in accordance with the general laws of North Carolina relating to municipal elections, except as otherwise herein provided.

"Sec. 4.8. Ratification. Any action or proceedings heretofore taken by the Council of the City of Dunn relating to the calling and conduct of the 1971 city primary election or regular election, and any notice thereof heretofore published or posted, is hereby ratified, legalized, confirmed, and validated."

Sec. 2. This act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 19th day of March, 1971.