

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-265
HOUSE BILL 892

AN ACT SUBJECT TO A REFERENDUM TO GIVE THE VOTERS OF BEAUFORT COUNTY A SIMILAR RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL.

The General Assembly of North Carolina enacts:

Section 1. (a) Part 4 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-60.1. Alteration by voter initiative.

(a) The people may initiate a referendum on proposed alterations authorized by this Part. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the county equal to at least fifteen percent (15%) of the whole number of voters who are registered to vote in the county according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall with reference to the pertinent provisions of G.S. 153A-58, contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the county board of elections shall call a special election on the question of adopting the alterations proposed therein and shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be the date of the next countywide election, whether primary, general, or special, held more than 90 days after receipt of the petition. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the resolution is adopted. Alterations adopted under this section shall continue in force for at least two years after the beginning of the term of office of the officers elected under the new manner of election. No initiative petition may be filed (i) within one year and six months following the effective date of a resolution adopting alterations pursuant to this Part, nor (ii) within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) Notwithstanding G.S. 120-30.9E, the Attorney General shall make any submissions under this section.

(c) This section applies to Beaufort County only."

(b) This section becomes effective only if approved by the qualified voters of Beaufort County in a referendum. The referendum shall be conducted by the Beaufort County Board of Elections on November 3, 1998. Notwithstanding G.S. 120-30.9E, this section shall be submitted by the Attorney General. The question on the ballot shall be:

"[] FOR [] AGAINST

Giving the voters of Beaufort County a similar right to petition for changes in the structure of the Board of Commissioners of Beaufort County as city residents have as to their city council."

Section 2. (a) Article 5 of Chapter 115C of the General Statutes is amended by adding the following section to read:

"§ 115C-37.2. Alteration by voter initiative.

(a) The people may initiate a referendum on proposed alterations to the manner of election of the board of education, with the same options available as under G.S. 160A-101(4), (5), (6), and (7) as are authorized for cities. For purposes of this section, references in G.S. 160A-101 to 'council' and 'city' are deemed to refer to 'board of education' and 'school administrative unit', respectively. An initiative petition shall bear the signatures and resident addresses of a number of qualified voters of the school administrative unit equal to at least fifteen percent (15%) of the whole number of voters who are registered to vote in the school administrative unit according to the most recent figures certified by the State Board of Elections or 5,000, whichever is less. The petition shall, with reference to the pertinent provisions of G.S. 160A-101, contain the precise text of the resolution necessary to implement the proposed changes. The petition may not propose changes in the alternative, or more than one integrated set of alterations. Upon receipt of a valid initiative petition, the county board of elections shall call a special election on the question of adopting the alterations proposed therein, and the board of elections shall give public notice thereof in accordance with G.S. 163-287. The date of the special election shall be the date of the next countywide election, whether primary, general, or special, held more than 90 days after receipt of the petition. If a majority of the votes cast in the special election shall be in favor of the proposed changes, the resolution is adopted. Alterations adopted under this section shall continue in force for at least two years after the beginning of the term of office of the officers elected under the new manner of election. No initiative petition may be filed within one year and six months following the date of any election on alterations that were defeated by the voters.

The restrictions imposed by this section on filing initiative petitions shall apply only to petitions concerning the same subject matter.

Nothing in this section shall be construed to prohibit the submission of more than one proposition for alterations on the same ballot so long as no proposition offers a different plan under the same option as another proposition on the same ballot.

(b) Notwithstanding G.S. 120-30.9G, the Attorney General shall make any submissions under this section.

(c) This section applies to the Beaufort County School Administrative Unit only."

(b) This section becomes effective only if approved by the qualified voters of the Beaufort County School Administrative Unit in a referendum. Notwithstanding G.S. 120-30.9G, the Attorney General shall make any submissions under this section. The referendum shall be conducted by the Beaufort County Board of Elections on November 3, 1998. The question on the ballot shall be:

"[] FOR [] AGAINST

Giving the voters of the Beaufort County School Administrative Unit a similar right to petition for changes in the structure of the Board of Education of Beaufort County as city residents have as to their city council."

Section 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 3rd day of July, 1997.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives