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SESSION 2011

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HOUSE BILL 523
Committee Substitute Favorable 5/12/11
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Short Title: Change Winston-Salem/Forsyth Election Method.

(Local)

Sponsors:

Referred to:

March 31, 2011

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE ELECTION YEAR FOR THE CITY OF WINSTON-SALEM
AND THE ELECTION METHOD FOR THE WINSTON-SALEM/FORSYTH COUNTY
BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 163-279(b), which is applicable only to the City of
Winston-Salem, is repealed.

SECTION 1.(b) Paragraphs 1 and 2 of Section 12A of Chapter 232 of the Private
Laws of 1927, as amended by Chapter 53, Session Laws of 1965, as amended by the Ordinance
of January 6, 2003 adopted under Part 4 of Article 5 of Chapter 160A of the General Statutes,
reads as rewritten:

"1. Election of Mayor.—~~On the same day that the regular biennial general election for
county officials is held in 1966, and quadrennially thereafter, there shall be elected a mayor,
who shall be a resident of the City of Winston-Salem. The time for election of Mayor shall be
as provided in Section 12J of this Charter. The mayor shall be a resident of the City of
Winston-Salem. All persons voting for mayor shall cast their ballot in the respective wards in
which said voters reside, and the person receiving the highest number of the aggregate of the
votes of all the wards for the office of mayor shall be declared elected. The Mayor shall be
elected by all the qualified voters of the City. It is the intent and purpose of this Section that the
mayor elected in 1965 shall serve for a term expiring on the first Monday in December, 1966,
and that the mayors elected in 1966, and quadrennially thereafter, Except as provided in
Section 12J of this Charter, the Mayor shall serve for terms a term of four years commencing
on the first Monday in December as provided by G.S. 160A-68 at the organizational meeting
of the city council following the election.~~

2. Election of City Council. ~~On the same day that the regular biennial general election for
county officials is held in 1966, and quadrennially thereafter, The time for election of city
council members shall be as provided in Section 12J of this Charter. there There shall be
elected eight alderman council members for the City of Winston-Salem, who shall hold their
office until their successors are qualified, of whom one shall be elected from North Ward, one
from Northeast Ward, one from East Ward, One from Southeast Ward, one from South Ward,
one from Southeast Ward, one from West Ward, and one from Northwest Ward. Each
alderman council member shall be a resident of the ward in which he is elected, and he shall be
elected by the qualified voters of his the council member's ward only. It is the intent and
purpose of this Section that the alderman elected in 1965 shall serve for terms expiring on the
first Monday in December, 1966, and that the alderman elected in 1966, and quadrennially~~



1 ~~thereafter.~~ Except as provided in Section 12J of this Charter, city council members shall serve
 2 for terms of four years commencing ~~on the first Monday on December as provided by G.S.~~
 3 160A-68 at the organizational meeting of the city council following the election."

4 **SECTION 1.(c)** Section 12B of Chapter 232 of the Private Laws of 1927, as
 5 amended by Chapter 13, Session Laws of 1965, as amended by the Ordinance of January 6,
 6 2003 adopted under Part 4 of Article 5 of Chapter 160A of the General Statutes, reads as
 7 rewritten:

8 "Sec. 12B. Primary elections.

9 1. Generally. Primary elections to nominate candidates of each qualified political party for
 10 mayor and for members of the city council shall be held as needed and shall be conducted in
 11 the same manner and pursuant to the same statutes, rules, and regulations as other primary
 12 elections for local offices conducted under the provisions of Article ~~XIX-23~~ of Chapter 163 of
 13 the General Statutes of North Carolina, except that to the extent such statutes, rules, and
 14 regulations differ from or conflict with the provisions of the Charter of the City of Winston-
 15 Salem, the latter shall control. ~~A "qualified political party" shall be one which was qualified as~~
 16 ~~a political party at the preceding gubernatorial election as defined by General Statute 163-144.~~
 17 ~~The persons receiving the highest number of votes of their respective parties shall be deemed to~~
 18 ~~be the nominees of their said respective parties and for said offices; provided, that no one shall~~
 19 ~~participate in such election except duly qualified voters who affiliate with the political party in~~
 20 ~~whose primary seeks to vote.~~ In the event of a tie vote between two or more candidates, all of
 21 whom received the same highest vote for party nomination, the city executive committee or
 22 other duly constituted administrative body of the political party of said candidates shall
 23 determine which shall be the nominee.

24 2. Time of holding. ~~The primary in 1965 shall be held at a date to be fixed by the board of~~
 25 ~~elections, which date shall be not later than the second Tuesday before the general municipal~~
 26 ~~election in 1965, and in 1966 and biennially thereafter the primary shall be held on the same~~
 27 ~~day as the regular biennial primary election for county officials.~~ The time for holding primaries
 28 shall be as provided in Section 12J of this Charter.

29 3. Notice of candidacy to be filed; pledge. ~~Every candidate for selection as the nominee of~~
 30 ~~any political party for the office of mayor or member of the board of alderman shall file with~~
 31 ~~the secretary of the board of elections by twelve o'clock Noon on the third Friday before such~~
 32 ~~primary election is to be held in 1965, and by twelve o'clock Noon on or before the Friday~~
 33 ~~preceding the sixth Saturday before such primary election is to be held in 1966 and thereafter, a~~
 34 ~~notice of his candidacy and pledge in the following form, the blanks being properly filled in~~
 35 ~~and the same signed by the candidate:~~

36 ~~—'I hereby file my notice as a candidate for the nomination as~~
 37 ~~..... In the primary election to be held on the day of~~
 38 ~~..... I affiliate with the party, and I~~
 39 ~~hereby pledge myself to abide by the results of said primary, and to support in the next general~~
 40 ~~municipal election all candidates nominated by the party."~~

41 **SECTION 1.(d)** The Charter of the City of Winston-Salem, being Chapter 232 of
 42 the Private Laws of 1927, is amended by adding a new section to read:

43 "Sec. 12J. Time of Election; Terms.

44 (a) In 2013, the primary and election for mayor and council members shall be held on
 45 the dates provided in G.S. 163-279(a)(2).

46 (b) The terms of the mayor and council members of the City of Winston-Salem elected
 47 in 2013 expire at the organizational meeting after the 2016 regular municipal election.

48 (c) Notwithstanding G.S. 163-279, in 2016 and quadrennially thereafter, primaries and
 49 elections for mayor and city council shall be held at the same time as for county officers as
 50 provided in G.S. 163-1."

1 **SECTION 2.(a)** Section 2(a)(5)(iii) of Chapter 112, Session Laws of 1961, as
2 amended by Chapter 466, Session Laws of 1985, by Section 2 of Chapter 696 of the 1991
3 Session Laws, and by S.L. 2009-72, reads as rewritten:

4 "(iii) Notwithstanding the provisions of G.S. 115C-37, the Winston-Salem/Forsyth County
5 Board of Education shall be elected on a ~~nonpartisan-partisan~~ basis at the time of the general
6 election in each even-numbered year as terms expire. ~~The names of the candidates shall be~~
7 ~~printed on the ballot without reference to any party affiliations. The nonpartisan primary and~~
8 ~~election method shall be used with the results determined as provided in G.S. 163-294, and the~~
9 ~~primary shall be held on the date provided by G.S. 163-1 for county partisan primaries. Except~~
10 as provided by this act, the election shall be conducted in accordance with the applicable
11 provisions of Chapters 115C and 163 of the General Statutes. ~~Candidates shall file their notice~~
12 ~~of candidacy with the county board of elections under the same schedule provided by~~
13 ~~G.S. 163-106(e). Candidates for election to the Winston-Salem/Forsyth County Board of~~
14 ~~Education shall be nominated at the same time and in the same manner as other county officers.~~
15 Each candidate for the Winston-Salem/Forsyth County Board of Education shall, at the time of
16 filing notice of candidacy, certify in writing the exact location of that candidate's residence and
17 that the candidate is a bona fide resident thereof."

18 **SECTION 2.(b)** Section 2(a)(5)(ii) of Chapter 112, Session Laws of 1961, as
19 rewritten by Chapter 466, Session Laws of 1985 and Chapter 696 of the 1991 Session Laws,
20 and by S.L. 2009-72, reads as rewritten:

21 "(ii) Effective on the first Monday in December 1986, the Winston-Salem/Forsyth
22 County Board of Education shall be composed of nine members. In the 2010 election, nine
23 persons shall be elected to the Winston-Salem/Forsyth County Board of Education for
24 four-year terms. The terms of those elected in 2010 for two-year terms shall instead expire on
25 the first Monday in December of 2014. In 2010:2014:

- 26 (1) Two persons shall be elected from District 1. ~~The person receiving the~~
27 ~~highest number of votes is elected to a four year term, and the person~~
28 ~~receiving the next highest number of votes is elected to a two year term.~~
29 (2) Four persons shall be elected from District 2. ~~The two persons receiving the~~
30 ~~two highest numbers of votes are elected to a four year term, and the two~~
31 ~~persons receiving the two next highest numbers of votes are elected to~~
32 ~~two year terms.~~
33 (3) Three members shall be elected at large from all of Forsyth County. ~~The~~
34 ~~person receiving the highest number of votes is elected to a four year term,~~
35 ~~and the two persons receiving the two next highest numbers of votes are~~
36 ~~elected to two year terms.~~

37 Successors to those elected in 2010-2014 shall serve four-year terms.

38 For an at-large seat, any qualified voter of Forsyth County is eligible to vote. For the district
39 seats, only residents of the district shall be eligible to be candidates and only qualified voters of
40 the district shall be eligible to vote.

41 The districts as established for the purpose of this subparagraph are for the 2010 election
42 those established under G.S. 115C-37(i), which are subject to change for the election in
43 2012-2014 after the return of the 2010 census."

44 **SECTION 3.** This act becomes effective July 1, 2011.