

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 286
SENATE BILL 195

AN ACT TO AMEND CHAPTER 1184, SESSION LAWS OF 1949, AND CHAPTER 347, SESSION LAWS OF 1953, SO AS TO PROVIDE FOR A REFERENDUM UPON THE QUESTION OF THE ELECTION OF THE MAYOR AND MEMBERS OF THE CITY COUNCIL OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. Section 9 of Chapter 1184, Session Laws of 1949 is amended to read as follows:

"Sec. 9. Number and Election of the Mayor and Members of the City Council. The city council shall consist of a mayor and six members, who shall be elected at large by and from the qualified voters of the city for a term of two years and until their successors are elected and qualified. The nomination and election of the mayor and city councilors of the city shall be conducted as hereinafter provided. Vacancies in the office of mayor and councilor shall be filled by the city council for the remainder of the unexpired term."

Sec. 2. Section 10 of Chapter 1184, Session Laws of 1949, as amended, is further amended to read as follows:

"The city council at such meeting shall choose from its members a mayor pro tempore who shall hold this office during the pleasure of the city council."

Sec. 3. Section 19 of Chapter 1184, Session Laws of North Carolina, 1949, is amended to read as follows:

"Sec. 19. Election of Mayor. The mayor shall be elected as herein provided. In case of a vacancy in the office of mayor from any cause, the remaining members of the council shall choose his successor for the unexpired term."

Sec. 4. Section 36 of Chapter 347, Session Laws of 1953, is amended to read as follows:

"Sec. 36. Nomination of Candidates. All candidates to be voted for at all general municipal elections of the City of Raleigh, at which time the mayor and members of the city council, the Judge of the City Court of Raleigh, or any other elective officers of the city are to be elected under the provisions of this Act, shall be nominated by a primary election, and no other name shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed; provided, however, that the two candidates for mayor and the twelve candidates for city councilors receiving the largest number of votes in the primary election shall be the nominees whose names shall be placed upon the ballot for mayor and city councilors at the next

succeeding general municipal election, and the candidate receiving the largest number of votes for mayor and the six candidates receiving the largest number of votes for city councilor in said general municipal election shall be declared to be the duly elected mayor and city councilors; provided, further, that in the event that not more than two candidates should file for the office of mayor, the county board of elections shall, at the expiration of the time for filing, declare said candidates to be the only nominees for mayor whose names shall be placed upon the ballot at the general municipal election, and shall declare that no primary election shall be held as to the nomination of mayor; and in the event that not more than twelve candidates should file for the office of city councilor, the county board of elections shall, at the expiration of the time for filing, declare said candidates to be the only nominees for city councilors whose names shall be placed upon the ballots at the general municipal election, and shall declare that no primary election shall be held as to city councilors; and provided further that in the event that not more than two candidates should file for the office of Judge of the City Court of Raleigh, the county board of elections shall, at the expiration of the time for filing, declare said candidates to be the only nominees for Judge of the City Court of Raleigh whose names shall be placed upon the ballots at the general municipal election, and shall declare that no primary election shall be held as to the office of Judge of the City Court of Raleigh. The judges and other officers of election appointed for the general municipal election, shall, whenever practicable, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls shall be opened and closed at the same hours, as are required for said general municipal election. Any person desiring to become a candidate for nomination by the primary for the office of mayor or for the office of city councilor or for the office of Judge of the City Court of Raleigh, or any other elective office of the city, shall file with the county board of elections a statement of such candidacy, in substantially the following form, not later than 12:00 o'clock noon on the second Tuesday before the primary:

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, _____, being first duly sworn, say that I reside at _____ Street, City of Raleigh, County of Wake, State of North Carolina; that I am a candidate for nomination to the office of _____ to be voted upon at the primary election to be held on the _____ Tuesday of _____, 19____, and hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

Signed _____

Subscribed and sworn to before me
by _____ on this
the _____ day of _____, 19____.

Signed _____(Notary Public)

And each such person desiring to become a candidate for nomination shall at the same time pay to said county board of elections, to be turned over to the Treasurer of the City of Raleigh, a filing fee in an amount equal to one per cent (1%) of the annual salary of the office sought. (Except the candidates for the office of Judge of the City Court of Raleigh, who shall pay the filing fee provided for in Chapter 1093, Session Laws of 1949, as amended.) Immediately upon the expiration of the time for filing the petitions of candidates, the county board of elections shall cause to be published for three successive days in all daily newspapers published in the city, in proper form, the names of the persons as they are to appear upon the primary ballots; and the said county board of elections shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of the signature of its chairman."

Sec. 5. Section 37, Chapter 347, Session Laws of 1953, is amended to read as follows:

"Sec. 37. Primary Ballots. Upon the said ballot the names of the candidates for mayor shall first be placed, with a square at the left of each name and immediately below the words, 'Vote for one.' Following these names shall appear the names of candidates for the office of city councilor, with a square at the left of each name and immediately below the words, 'Vote for six.' Following these names shall appear the names of candidates for each other elective office provided by law. The ballots shall be printed upon plain, substantial white paper, and shall be headed 'Candidates for nomination for the office of mayor, of city councilors, and other offices (naming them) of the City of Raleigh, North Carolina, at the primary election,' but shall have no party designation or mark whatever. The ballots shall be substantially the following form:

FORM OF BALLOT

(Place a cross in the square preceding the names of the parties you favor as candidates for the respective positions.) Official primary ballot, candidates for the office of mayor, city councilor, and other offices (naming them), of the City of Raleigh, North Carolina, at the Primary Election. For mayor (names of candidates), (vote for one). For city councilors (names of candidates), (vote for six). For Judge of the City Court of Raleigh (names of candidates), (vote for one).

Official ballot – Attest:

(Signature) _____

Chairman County Board of Elections

Having caused said ballot to be printed, the said county board of elections shall cause to be delivered at each polling place such number of said ballots as may be necessary. The persons who are qualified to vote at the succeeding general municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the City of Raleigh under such rules as may be prescribed by the election laws of the State of North Carolina, and such challenge shall be passed upon by the judges of election and registrars; provided, however, that the law applicable to challenges at a general municipal election shall be applicable to challenge made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the county board of elections, upon blanks to be furnished by the said county board of elections, within six hours of the closing of the

polls. On the day following the said primary election, the county board of elections shall canvass such returns so received from all the polling precincts and shall make and publish in all daily newspapers of said city, at least once, the results thereof."

Sec. 6. Section 38, Chapter 347, Session Laws of 1953, is amended to read as follows:

"Sec. 38. Canvass of Primary Returns. Said canvass by the county board of elections shall be publicly made, at the city hall. The two candidates receiving the highest number of votes for the office of mayor, the two candidates receiving the highest number of votes for Judge of the City Court of Raleigh, and the two candidates receiving the highest number of votes for any other elective office, and the twelve candidates receiving the highest number of votes for the office of city councilor shall be the candidates, and the only candidates whose names shall be placed upon the ballot for the office of mayor, city councilor, or Judge of the City Court of Raleigh, and other elective officers at the next succeeding general municipal election. Provided, however, that if any candidate shall receive a majority of the votes for mayor or Judge of the City Court of Raleigh, or other single office to be voted on in the Primary Election, he shall be deemed to be the sole nominee,"

Sec. 7. Section 39, Chapter 347, Session Laws of 1953, is amended to read as follows:

"Sec. 39. When Officials Elected, Number of Councilors. There shall, on (the) Tuesday after the first Monday in May, 1953, and every two years thereafter, be elected a mayor and six city councilors, who together shall constitute the City Council of the City of Raleigh; and there shall also be, at the same time, elected such other elective officers as may be provided by law. There shall also be elected, on the said Tuesday after the first Monday in May, 1953, and every four years thereafter, at the time of the regular municipal election for the City of Raleigh, a Judge of the City Court of Raleigh who shall be elected for a term of four years."

Sec. 8. Section 40, Chapter 347, Session Laws of 1953, is amended to read as follows:

"Sec. 40. Ballots. The county board of elections shall cause ballots to be printed for the municipal election as herein provided, authenticated with a facsimile signature of its chairman. Upon the said ballots the names of the said candidates for mayor shall first be placed, with a square at the left of each name, and immediately below the words, 'Vote for one'. Following these names shall appear the names of the candidates for city councilors, with a square at the left of each name, and immediately below the words, 'Vote for six'. Following these names shall appear the names of the candidates for Judge of the City Court of Raleigh, with a square at the left of each name and immediately below the words, 'Vote for one'; and likewise shall appear the names of the candidates for such other elective offices as may be provided by law. The ballots shall be printed upon plain, substantial white paper, and shall be headed 'Candidates for Election of Mayor, City Councilor, Judge of the City Court of Raleigh, North Carolina, and other offices (naming them) at the General Municipal Election,' but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

FORM OF BALLOT

(Place a cross in the square preceding the names of the candidates you favor for the respective positions.) Official municipal ballot, candidates for the office of mayor, city councilor, Judge of the City Court of Raleigh, and other offices (naming them), at the Municipal Election. For mayor (names of candidates), (vote for one) For city councilors (naming them), (vote for six) For Judge of the City Court of Raleigh (naming them), (vote for one)

Official ballot – Attest:

(Signature) _____
Chairman County Board of Elections".

Sec. 9. Section 41, Chapter 347, Session Laws of 1953, is amended to read as follows:

"Sec. 41. Election Canvass. At the time set forth by law, the county board of elections and the registrars of the several precincts shall meet at the city hall and shall constitute the canvassing board for the said election. Said canvassing board shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates as shown by the returns of the registrars and judges, and the candidate receiving the highest number of votes for the office of mayor shall be declared elected as mayor; the six candidates receiving the highest number of votes for city councilor shall be declared elected as city councilors; and the person receiving the highest number of votes for Judge of the City Court of Raleigh shall be declared elected as Judge of the City Court of Raleigh; and the person receiving the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify under their hands and seals the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the returns of the canvassing board shall be made under the hands of the members of the said board, one of which shall be retained by the county board of elections and the other filed in the archives of the city clerk, who, the same day, shall publish the results of the election at the door of the city hall. If there shall be an equal number of votes between two or more candidates who shall be in the position of having received the sixth highest number of votes for the office of city councilor, or if, of the other persons voted for as mayor or as Judge of the City Court of Raleigh, or any other single elective office, there shall be an equal number of votes between candidates for like office in the Municipal Election in the City of Raleigh, the board of canvassers shall determine which shall be elected by lot."

Sec. 10. The provisions of this Act shall not become effective unless approved by a majority of the votes cast by the qualified voters of the City of Raleigh in the Municipal Election to be held May 7, 1963. The Wake County Board of Elections shall cause to be printed and use in the said Municipal Election a ballot submitting to the qualified voters of the city the question as to whether or not the provisions of this Act shall become effective and said proposition shall be stated on the official ballot in substantially the following form:

"[] FOR amendment to the city charter to provide for the election of the mayor and six members of the city council.

"[] AGAINST amendment to the city charter to provide for the election of the mayor and six members of the city council."

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of April, 1963.