

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 412
Election Laws Committee Substitute Adopted 4/27/89

Short Title: Smithfield Election Changes.

(Local)

Sponsors:

Referred to:

March 14, 1989

1 A BILL TO BE ENTITLED
2 AN ACT CHANGING THE METHOD OF ELECTING THE SMITHFIELD TOWN
3 COUNCIL.

4 The General Assembly of North Carolina enacts:

5 Section 1. Section 6 of Chapter 219 of the Private Laws of 1911, the Charter
6 of the Town of Smithfield, as amended by Chapter 46, Private Laws of 1915, Chapter
7 36, Private Laws of 1933, Chapter 949, Session Laws of 1953, Chapter 56, Session
8 Laws of 1959, and Chapter 944, Session Laws of 1961, is rewritten to read as follows:

9 "Sec. 6. (a) The town officials of Smithfield shall consist of a mayor and town
10 council, elected as provided in this section. All elections shall be conducted according
11 to the nonpartisan plurality method of election. Elections shall be held in odd-numbered
12 years at the time and in the manner provided by State law, and the persons elected shall
13 take office according to State law.

14 (b) The mayor shall be elected by all the voters of the town every two years.

15 (c) The town council shall consist of seven members. One member each shall be
16 elected from the three districts described in subsection (g), and four shall be elected
17 from the town at-large.

18 (d) In 1989 and every four years thereafter one member shall be elected from
19 each of the three districts. In each election for a district seat only the voters residing in
20 the district shall be eligible to vote for that office, and only persons residing in the
21 district shall be eligible to be candidates for the seat representing that district.

22 (e) In 1991 and every four years thereafter the four at-large council members
23 shall be elected. All candidates for the at-large positions shall be listed together on a

1 single ballot, and each voter shall be entitled to vote for as many candidates as there are
2 offices to be filled. All voters shall be eligible to vote in elections for at-large seats, and
3 persons residing anywhere in the town may be candidates for such offices.

4 (f) If a vacancy occurs in the office of mayor, the town council shall appoint a
5 replacement to serve the remainder of the unexpired term. If a vacancy occurs on the
6 town council, the remaining members of the council shall appoint a replacement to
7 serve the remainder of the unexpired term. If the appointment is to a vacancy in a
8 district seat, the person appointed must reside in the district. Persons appointed to
9 vacancies in the office of mayor or any of the at-large seats on the town council may
10 reside anywhere in town.

11 (g) The three districts are:

12 **District 1** – The areas of satellite annexation south and east of town (the
13 areas encompassing the Meadows Mobile Home Park and the Log Cabin
14 Restaurant and Motel) plus the portion of the town included within the
15 following line running clockwise from the intersection of Highway 301
16 with the southern town limits: Northeast along Highway 301 to a point
17 midway between Booker Dairy Road and Pine Street, then north from that
18 point (running parallel to Booker Dairy Road) to the town limits
19 (excluding all residences on Booker Dairy Road from this district), then
20 clockwise from that point along the town limits to the starting point.

21 **District 2** – The portion of the town included within the following line
22 running clockwise from the intersection of Highway 301 with the southern
23 town limits: Clockwise along the town limits to a point on the Neuse
24 River opposite Davis Street, then directly from that point to Davis Street,
25 then southeast along Davis Street to Third Street, then south along Third
26 Street to Lee Street, then southeast along Lee Street to Highway 301
27 (Eighth Street), then southwest along Highway 301 to the starting point.

28 **District 3** – The area of satellite annexation encompassing Sunset
29 Memorial Park plus the portion of the town included within the following
30 line running counterclockwise from the intersection of Lee Street and
31 Highway 301 (Eighth Street): Northeast along Highway 301 to a point
32 midway between Booker Dairy Road and Pine Street, then north from that
33 point (running parallel to Booker Dairy Road) to the town limits
34 (including all residences on Booker Dairy Road within this district), then
35 counterclockwise along the town limits to a point on the Neuse River
36 opposite Davis Street, then directly from that point to Davis Street, then
37 southeast along Davis Street to Third Street, then south along Third Street
38 to Lee Street, then southeast along Lee Street to the starting point at the
39 intersection of Lee Street and Highway 301 (Eighth Street).

40 (h) The Smithfield Town Council shall review the population of the three
41 districts after each federal decennial census to determine whether the districts meet the
42 constitutional requirements for equal population. If necessary to comply with such
43 requirements, the town council may alter the district boundaries by adoption of an
44 ordinance. The new boundaries shall be applicable to district elections held after the

1 adoption of the ordinance. A council member who has been elected from a district may
2 serve the remainder of the term to which elected even if the boundaries for the district
3 are altered so as to place the member in a different district, so long as the member
4 continues to reside in the district as it was constituted at the time of election."

5 Sec. 2. Following the 1989 town election, the four incumbent members of the
6 town council whose terms do not expire until 1991 shall be designated as the four at-
7 large members for the remainder of their terms.

8 Sec. 3. The following sections of Chapter 219 of the Private Laws of 1911
9 are repealed: Sections 3, 10, 15, 16, and 17. Also repealed are the following local acts
10 which previously amended Section 6 of Chapter 219 of the Private Laws of 1911:
11 Section 1 of Chapter 46 of the Private Laws of 1915; Private Laws of 1933, Chapter 36;
12 Session Laws of 1953, Chapter 949; Session Laws of 1959, Chapter 56; Session Laws
13 of 1961, Chapter 944.

14 Sec. 4. This act is effective upon ratification and shall apply to the 1989 and
15 subsequent elections.