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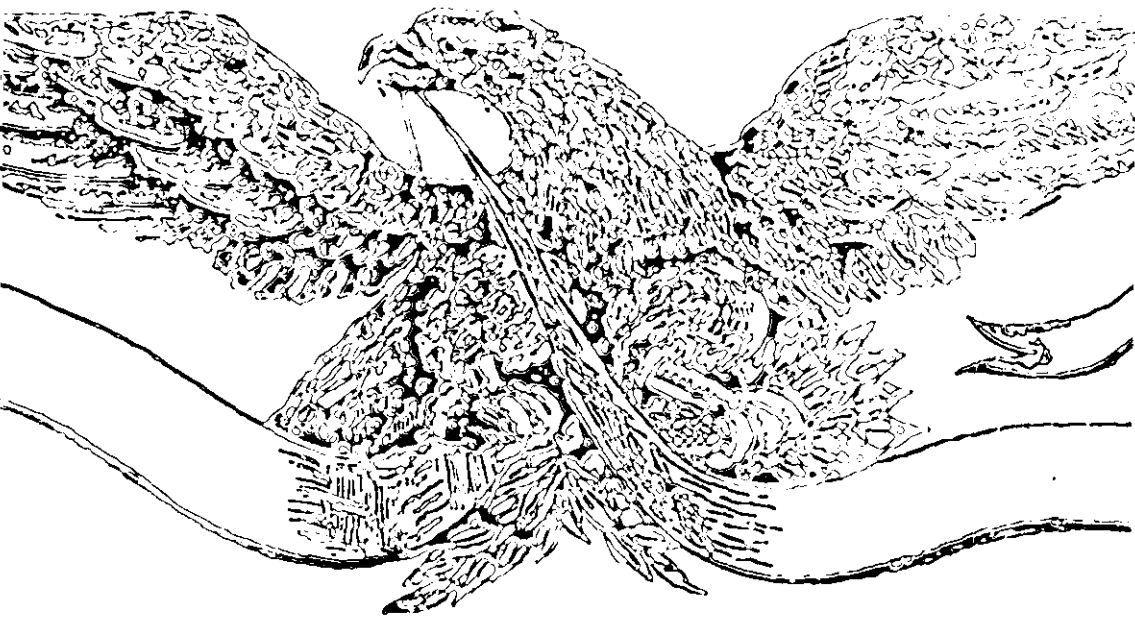
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Guide to Elections Outside Chapter 163



Michael Crowell

Institute of Government
The University of North Carolina at Chapel Hill
1984

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Introduction

The pages that follow contain summaries of the North Carolina statutes on elections other than those in the general elections law, Chapter 163 of the General Statutes. These non-Chapter 163 statutes govern some elections of public officers, such as supervisors of soil and water conservation districts, and almost all special elections—that is, elections for purposes other than choosing officeholders. Only those procedures that differ from general elections procedure are summarized here; except as stated in the summary, any election described in this booklet should be conducted as a regular election for county offices is conducted.

A few provisions of the general elections law deal with special elections. Those provisions are summarized in the next section, and you should consult them before you read the sections on particular kinds of special elections.

In addition, some local elections are subject to local acts of the General Assembly that provide procedures different from those stated here. The legislature may have passed an act that sets a different petition requirement, different notice requirement, or other different procedure for an election conducted in a particular city or county. Such local acts must be consulted to be certain of the rules that apply to any particular election.

The city or county attorney should always be consulted to determine whether any local act governs a local election. Even if there is no such act, the attorney should be consulted and apprised of the procedures being followed. This is especially true, indeed essential, in bond elections.

Michael Crowell

Chapel Hill
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Provisions Applicable to All Special Elections

Who conducts the election. A special election is an election for some purpose other than electing public officials. Special elections include referenda on amending the State Constitution, issuing bonds, establishing liquor stores, levying taxes for fire districts, and a variety of other matters that require voter approval. A special election may be statewide, such as a referendum on a state constitutional amendment, or it may be local, such as a city or county election on the sale of beer. A number of special elections are held in special districts, such as elections on levying taxes to support a rural fire protection district or to extend the boundaries of a sanitary district. These districts are units of local government created specifically to provide the particular service to that territory.

All statewide and county special elections are conducted by the county board of elections. Unless a statute governing the special election says otherwise, a city special election—such as a referendum on whether the city may issue bonds—is conducted by the municipal board of elections, or by the county board if there is no municipal board. Under G.S. 163-284.1 all elections for special districts—such as fire, sanitary, and school districts—are conducted by the county elections board.

The summaries that follow state whether the statute governing the special election specifies which board is to conduct the election. If the statute does not say which board is to conduct the election, the general rules stated above apply. If an election involves more than one county—say, for a sanitary district that crosses county lines—the election is conducted jointly by the county elections boards of all involved counties unless the statute specifies some other procedure.

If an election is held on *creating* a special district and as a result a district is established, G.S. 163-288.3 says that the costs of that election are to be paid by the district, with payment due within 18 months. Sometimes, though, another statute will require the county to bear

the costs of an election creating a new district, as G.S. 69-25.2 does for fire districts.

Calling a special election. Under G.S. 163-287 a special election for a city or special district (a fire district or school district, for example) is called by a resolution adopted by the district's governing body. The resolution is to state the election date and call on the appropriate board of elections to conduct the election. The special election may be held on the same date as any other election, but not within 30 days before or after another election.

Some statutes that govern particular kinds of special elections may contain different requirements for calling the election. In that case, the specific statute for the special election should be followed. The ABC election statute, for example, specifies that the board of elections, not the city council or board of county commissioners, sets the election date, which must be within 60 to 120 days from the time the board receives the request for the election.

Notice. The general election law's provision on notice, G.S. 163-33(8), requires the elections board to publish notice of an election at least 20 days before registration is to close. The notice must state the kind of election being held, the date of the election, and the hours the polls will be open. The notice must be published at least once a week during that 20-day period in a newspaper with general circulation in the county. It also must be posted at the courthouse. The same requirements are repeated in G.S. 163-287 for special elections in cities and special districts, with the additional requirement that the notice for city and district special elections state the precincts in which the election will be held.

This general notice requirement is in *addition* to any notice required by any other statute. If a statute governing a special election—say, an election on merger of sanitary districts—has its own notice requirement, the board of elections must comply with both requirements. Usually this will just mean adding more information to the notice normally published by the board, but sometimes it may mean publishing at different times.

It is important to remember that the elections board must always give both the notice required by the special election statute *and* the notice required by G.S. 163-33(8). The only exception is in bond elections. Both G.S. 163-33(8) and G.S. 163-287 state that only the notice required by the bond election statutes need be given.

Alcoholic Beverages

Kinds of elections authorized [G.S. 18B-600(a)]:

- (1) Sale of malt beverages.
- (2) Sale of unfortified wine.
- (3) Establishment of ABC stores.
- (4) Sale of mixed beverages.

Statutes: G.S. 18B-600 through -605.

Registration: No separate registration required [G.S. 18B-601(g)].

Calling election: ABC elections are called by the board of elections when it receives a written request from the governing body of the city or county or a petition of 25 per cent of the jurisdiction's registered voters [G.S. 18B-601(b) and (c)]. County elections are conducted by the county elections board [G.S. 18B-601(b)]; city elections are conducted by the city elections board, if one exists—otherwise by the county board of elections [G.S. 18B-601(c)]. The elections board sets the election date, which must be no sooner than 60 days and no later than 120 days after it receives the written request of the unit's governing body or after it verifies the petition [G.S. 18B-601(f)].

Special petition requirements: The elections board provides the petition forms, which when completed must include each petitioner's signature, name, address, and precinct [G.S. 18B-601(e)]. The form must state the kind(s) of election being requested; more than one kind may be on the same petition [G.S. 18B-601(d)]. Within 72 hours after it gives him the forms, the elections board must certify the number of registered voters to whoever initiated the petition [G.S. 18B-601(e)]. The petition must be returned within 90 days; otherwise it is void [G.S. 18B-601(e)]. The board has 30 days after the petition is returned to verify the names [G.S. 18B-601(e)].

Notice: Same as provided in the general elections statutes [G.S. 18B-601(h)].

Wording of the ballot: Set out in G.S. 18B-602.

Observers [G.S. 18B-601(i)]: Proponents and opponents are entitled to appoint observers. The board of elections decides specifically who is entitled to appoint observers. Names must be submitted

in writing to registrars three days before the election; the registrar may reject an appointee and require that he be replaced. An observer must be a registered voter of the precinct.

Subsequent elections: No county election is permitted for three years after the results of the last county election on the same issue were certified; nor may any city election be held for three years after the results of the last city election on the same issue were certified [G.S. 18B-604(a)].

Rural Fire Protection Districts

Kinds of elections authorized:

- (1) Creating a fire protection district and levying a special tax within that district [G.S. 69-25.1].
- (2) Raising the tax levy for fire protection within the district [G.S. 69-25.1].
- (3) Abolishing the special tax for fire protection within the district [G.S. 69-25.10].

Statutes: G.S. 69-25.1 through -25.17.

Registration: No separate registration required [G.S. 69-25.2].

Calling election: At least 35 per cent of the "resident freeholders" (basically, resident property owners) within a proposed district must petition the board of county commissioners for an election on establishing a fire protection district and levying a tax [G.S. 69-25.1]. The county commissioners call the election and, after consulting with the county elections board, set the date of the election by resolution [G.S. 69-25.2]. The same petition requirements apply to elections on raising the tax levy [G.S. 69-25.1] and abolishing the district [G.S. 69-25.10].

Multi-county district: If the proposed district lies in more than one county, the petition goes to each board of county commissioners and the election is called jointly by those boards [G.S. 69-25.9].

Notice [G.S. 69-25.2]: The same as is provided in general elections statutes, except for the additional requirement that the notice state when registration closes.

Wording of the ballot: Set out in G.S. 69-25.3.

Absentee ballots: Absentee ballots are prohibited in fire district elections [G.S. 163-226(b)].

Costs of the election: The cost of an election on establishing a district is paid by the county; the cost of an election on raising the tax levy or abolishing the district is paid "from the funds of the district" [G.S. 69-25.2]. For multi-county district, costs are to be shared equally by all counties involved [G.S. 69-25.9].

Subsequent elections: No election on creating a district may be held for two years in an area that includes a majority of the land within a proposed district that was rejected [G.S. 69-25.1].

No election on raising the tax levy is permitted within two years of a previous election on raising the levy [G.S. 69-25.1]. No election on abolishing a district is permitted within two years of an election on abolishing the district [G.S. 69-25.10].

County Sales Tax

Kinds of elections authorized:

- (1) Adopting a 1 per cent county sales tax [G.S. 105-465]. (Note: By 1983, 99 counties had already adopted a 1 per cent sales tax under this statute, and Mecklenburg County had adopted the tax under a separate local act.)
- (2) Repealing the 1 per cent county sales tax [G.S. 105-473].
- (3) Adopting an additional $\frac{1}{2}$ per cent county sales tax [G.S. 105-483].
- (4) Repealing the $\frac{1}{2}$ per cent additional county sales tax [G.S. 105-483].

Statutes: G.S. 105-463 through -474, and G.S. 105-480 through -494.

When an election is required: A county board of commissioners may adopt a 1 per cent county sales tax on its own [G.S. 105-466(b)], or it may submit the question of adoption to a county referendum [G.S. 105-465]. The commissioners must hold an election on the tax if they are petitioned by 15 per cent of the number of voters in the county who voted in the last gubernatorial election [G.S. 105-465].

The 1983 General Assembly authorized counties to adopt an additional $\frac{1}{2}$ per cent sales tax. The procedure for adopting the additional tax is the same as for adopting the 1 per cent county tax [G.S. 105-483].

The county commissioners on their own may repeal a county's sales tax that was adopted without a referendum [G.S. 105-473(c)]. An election on repealing the tax is required when requested by the county commissioners or petitioned by 15 per cent of the number of voters in the county who voted in the last gubernatorial election [G.S. 105-474(a)]. The same procedure applies to repeal of the $\frac{1}{2}$ per cent additional tax [G.S. 105-483].

Registration: No new registration is required for an election either to adopt [G.S. 105-465] or to repeal [G.S. 105-473(a)] a county sales tax.

Calling the election: The county elections board calls an election on adopting a county sales tax when it receives either a written

request from the county commissioners or a petition signed by 15 per cent of the number of voters in the county who voted in the last gubernatorial election [G.S. 105-465]. The same rule applies to an election to repeal a tax [G.S. 105-473(a)].

Date of the election: The county elections board sets the date of the election, but the election may not be at the same time as or within 60 days of the general election of county officers [G.S. 105-465]. The same rule applies to elections to repeal the county sales tax [G.S. 105-473(a)].

Notice: The elections board must give notice at least 20 days before registration closes for the election [G.S. 105-465]. The same rule applies to elections to repeal the county sales tax [G.S. 105-473(a)].

Wording of the ballot: The wording of the ballot for an election on adopting a 1 per cent county sales tax is set out in G.S. 105-465. For an election to repeal the 1 per cent county sales tax, the wording is in G.S. 105-473(a). For adoption of a $\frac{1}{2}$ per cent additional tax, the wording is stated in G.S. 105-484(a). For repeal of the $\frac{1}{2}$ per cent additional tax, the wording is in G.S. 105-484(b).

Subsequent elections: An election on adopting the 1 per cent county sale tax or an additional $\frac{1}{2}$ per cent tax may not be held within one year of the last election on the same issue [G.S. 105-465]. An election on repealing a 1 per cent county sales tax or on repealing a $\frac{1}{2}$ per cent additional tax may not be held within one year of the last election on the same issue [G.S. 105-473(a)].

Public Schools

Election of School Board Members

Kind of election authorized [G.S. 115C-35]: Election of members of county boards of education.

Statutes: G.S. 115C-35 and G.S. 115C-36.

Boards governed by local acts: The statutes cited above state the procedure for electing county school boards. Many county boards of education, however, are subject to local acts of the General Assembly that establish structures and methods of election different from those provided in the General Statutes. All city school boards are governed by such acts. When such a local act exists, that law—rather than the law cited here—governs the election of the school board. The board of elections is required to file with the State Board of Elections a statement specifying the size and method of electing the county school board [G.S. 115C-37(b)].

Registration: No separate registration is required.

Size of and terms for the board: A county school board consists of five members who serve terms of four years [G.S. 115C-35(a)]. The terms are staggered [G.S. 115C-37(a)].

Method of election: County school board members are elected at large [G.S. 115C-35(a)] in a nonpartisan election [G.S. 115C-37(a)].

Date of the election [G.S. 115C-37(a)]: The election is held at the same time as the first primary for state and county officers in even-numbered years.

Who is eligible to vote [G.S. 115C-35(a)]: If there are other school administrative units within the county, only those county voters who reside in the county school district are eligible to vote for the county board. But if the county school board is responsible for appointing members of a city school board, voters who reside in the city school district may vote for the county school board.

Levying or Abolishing a School Tax Supplement

Kinds of elections authorized:

- (1) Levying a special tax within a school administrative unit, district, or school area for the purpose of supplementing funds from the state and the county [G.S. 115C-501(a)].
- (2) Increasing the rate of a supplemental tax already being levied [G.S. 115C-501(b)].
- (3) Abolishing a supplemental tax [G.S. 115C-501(e)].

Statutes: G.S. 115C-501 through -511.

Registration [G.S. 115C-507]: No new registration is required. If the area in which the election is to be held is not already a separate election district, the county elections board may activate voters for this election by either of the methods provided in G.S. 163-288.2 for activating voters for a new city.

Calling the election [G.S. 115C-506]: On petition by the school board (see below), the board of county commissioners calls the election and sets the date. The school board that requests the election may withdraw its request at any time before voter registration closes, and the election will not be held.

Requests for the election: The affected school board may petition the county commissioners for an election, either on the school board's initiative or in response to a petition from the district school committee, if the school board has created such a committee [G.S. 115C-503]. In a multi-district area the petition to the school board may come from a majority of the school committees, if there are such committees [G.S. 115C-503]. The school board then decides whether to request the county commissioners to call the election [G.S. 115C-505]. But if the petition to the school board is to abolish an existing special school tax and the petition is signed by a majority of the voters in the unit, district, or area in which the tax is levied, the school board must ask the commissioners to call the election [G.S. 115C-505]. For almost 40 counties named in the statute, only 25 per cent of the voters need sign the petition for that rule to apply [G.S. 115C-505]. The school board must also call for the election if the area consists of more than one district and the school committeemen for a majority of the districts petition the election [G.S. 115C-505]. The board is not obliged to grant the petition if the tax district is in debt

or if the last election on the issue was held within a year [G.S. 115C-505].

Contents of the petition [G.S. 115C-504]: The petition to the school board must include the purpose of the election, a legal description (metes and bounds or otherwise) of the area in which the election is to be held, and the maximum tax rate that may be levied.

Notice [G.S. 115C-507]: The notice is the same required in G.S. 163-33(8) for other elections and must also include a legal description of the area in which the election is to be held and the maximum tax rate that may be levied.

Wording of the ballot [G.S. 115C-507]: The ballot must include the words "FOR local tax" and "AGAINST local tax."

Costs of the election [G.S. 115C-507]: Expenses are to be paid by the affected school board.

Subsequent elections: An election to establish a supplemental tax may not be called and held within six months of an election in the same unit, district, or area in which that proposition failed [G.S. 115C-502(b)]. An election to abolish a tax may not be held within one year of the last election on that issue [G.S. 115C-505].

Challenges [G.S. 115C-507]: Any challenge to the election must be made within 30 days after the board of elections certifies the results.

Enlarging a City School Administrative Unit and Levying a Supplemental Tax in the New Area

Kind of election authorized [G.S. 115C-501(c)]: Whether a district or area of a county school administrative unit should become part of an adjoining city administrative unit and be subject to the supplemental school tax applicable in that city unit.

Statutes: G.S. 115C-501 through -511.

Registration [G.S. 115C-507]: No new registration is required. If the area in which the election is to be held is not already a separate election district, the county board of elections may activate voters for this election by either of the methods in G.S. 163-288.2 for activating voters in a new city.

Calling the election [G.S. 115C-506]: On petition of the affected school boards (see below), the board of county commissioners calls the election and sets the date. The school board that requests the election may withdraw its request at any time before voter registration closes, and the election will not be held.

Requests for the election: The affected school boards may petition the county commissioners for an election, either on the school boards' own initiative or in response to petitions [G.S. 115C-503]. The request must come from both the county and city school boards that will be affected [G.S. 115C-505]. The petitions to the school boards may come from the school committee of a district or from a majority of the committees in a multi-district area (if such committees have been established by the school board), or from a majority of the voters who have resided for the previous year in the area [G.S. 115C-503]. The school boards then decide whether to request the county commissioners to call the election [G.S. 115C-505].

Contents of the petition [G.S. 115C-504]: The petition must include the purpose of the election; a legal description (metes and bounds or otherwise) of the area in which the election is to be held; and a statement that if the election proposition passes, the area will be consolidated with the city administrative unit on the next July 1 and will then become subject to the same school tax levied in the city administrative unit, including any tax levied to pay school bonds unless other provisions for payment have been made.

Notice [G.S. 115C-507]: The notice is to include the same information as is stated in the petition (see above).

Wording of the ballot: Set out in G.S. 115C-507.

Costs of the election [G.S. 115C-507]: The expenses of the election are to be paid by the city administrative unit to which the area is to be added.

Subsequent elections: [G.S. 115C-502(b)]. If the proposition fails, another election on the same issue may not be held within that area within six months.

Challenges [G.S. 115C-507]: Any challenge to the election must be made within 30 days after the board of elections certifies the results.

Other School Tax Elections

The statutes also provide for the following kinds of school tax elections that are not discussed here:

- (1) Whether to equalize standards for schools within an area that is enclosed in a common boundary line and is part of a county school administrative unit by imposing a supplemental tax for that area and repealing any existing special taxes within the area [G.S. 115C-501(d)].
- (2) Whether to impose a countywide supplemental tax when all city school administrative units in a county are consolidated with the county administrative unit [G.S. 115C-501(g)].
- (3) Whether to add to a school district an area or district in an adjoining county and impose in the added area or district the supplemental tax already imposed in the district being joined [G.S. 115C-501(h)].
- (4) Whether to incorporate a district created from portions of two or more adjoining counties [G.S. 115C-510].
- (5) Whether to impose a special tax in a district created from portions of two or more adjoining counties [G.S. 115C-510].

Sanitary Districts

Election of Sanitary District Board Members

Kinds of elections authorized:

- (1) Election of sanitary district board members [G.S. 130A-50].
- (2) Removal of a sanitary district board [G.S. 130A-66].

Statutes: G.S. 130A-47 through -68.

Registration: No separate registration is required.

Establishment of a sanitary district board: On petition of "resident freeholders" (resident property holders, as defined in G.S. 130A-48) and after holding a hearing and conferring with the board of county commissioners, the Commission for Health Services may establish a sanitary district [G.S. 130A-48 and -49]. The board of county commissioners for the county in which the district is located decides whether the board is to have three or five members, whether terms are to be two or four years, and whether the terms are to be staggered [G.S. 130A-50(b)]. If the district is to lie in more than one county, the decisions are made jointly by the several boards of county commissioners [G.S. 130A-50(a)]. The board(s) of county commissioners appoint the initial members of the sanitary district board to serve until the election [G.S. 130A-50(a)].

Election conducted by the county elections board: An election of sanitary district board members is conducted by the county board of elections [G.S. 130A-50(c)]. If the district is to be in more than one county, the election is conducted by the elections board of the county in which the largest portion of the district lies, with the "assistance and full cooperation" of the other county board [G.S. 130A-50(c)]. The board of county commissioners is to notify the elections board of all decisions concerning membership of the sanitary district board [G.S. 130A-50(b)].

Method and timing of the election [G.S. 130A-50(c)]: The election is conducted by the nonpartisan plurality method used for municipal elections [see G.S. 163-292] at the same time as such municipal elections—that is, in November of odd-numbered years [see G.S. 163-279].

Special qualifications for board members: Sanitary district board members must reside in the sanitary district [G.S. 130A-50(b)].

Removal election [G.S. 130A-66]: A board, or boards, of county commissioners must order an election on removing a sanitary district board member if petitioned by 25 per cent of the voters in the district. The petition is submitted to the county commissioners, who must pass a resolution requesting the county board of elections to hold the removal election. If more than one board member is subject to the election, their names must be on separate ballots. If a majority votes for removing a member, that person is removed and the county commissioners fill the vacancy. Expenses for a removal election are paid from sanitary district funds.

Certification of results: The county elections board must *certify* the results of an election of sanitary district board members to the clerk of superior court [G.S. 130A-50(d)]. A separate statute requires the elections board to “file copies” of all sanitary district election returns, including removal elections returns, with the boards of county commissioners and clerks of superior court for the counties in which the district is located and with the sanitary district board [G.S. 130A-68].

Extension of a Sanitary District

Kind of election authorized: Extension of a sanitary district [G.S. 130A-69].

Statute: G.S. 130A-69.

Registration: Registration in the area proposed to be added to the sanitary district is by the procedure provided in G.S. 163-288.2 for an area proposed for incorporation as a city [G.S. 130A-69(c)].

Calling the election: If 15 per cent of the “resident freeholders” [see the definition in G.S. 130A-48] in an area contiguous with an existing sanitary district petition the district board for inclusion in the district, a hearing on that issue is held jointly by the sanitary district board and the Commission for Health Services [G.S. 130A-69(a)].

If the Commission approves the annexation, it notifies the board of county commissioners, who must order the election within the area proposed for annexation [G.S. 130A-69(a)]. If, at or before the hearing, 15 per cent of the resident freeholders in the existing district petition the sanitary district board to be allowed to vote in the election, the district board certifies that petition to the county commissioners, who must order that the election also be held in the existing district [G.S. 130A-69(b)].

District in more than one county: When the existing sanitary district—or the district as it is to be expanded—lies in more than one county, the requests must go to each board of county commissioners, and each board must order the election [G.S. 130A-69(a)]. The election is to be conducted in each county by that county’s board of elections [G.S. 130A-69(c)].

When an election is unnecessary: No election is required if the petition is submitted by 51 per cent or more of the “resident freeholders” [G.S. 130A-69(f)] or 100 per cent of the owners of real property [G.S. 130A-69(g)], within the area proposed for annexation.

Timing of the election: The annexation election is to be held “as soon as possible” after the county commissioners order it [G.S. 130A-69(c)].

Notice: The notice is to be given as provided in G.S. 163-33(8) for other elections but also is to include statements that (a) the proposed boundary lines may be examined (presumably on maps) in the sanitary district board office; and (b) the new territory will be subject to all of the district’s debts if a majority favor annexation [G.S. 130A-69(d)]. If the election is to be held in both the area proposed for annexation and the existing district, the same notice may be used for both [G.S. 130A-69(b)].

Wordings of the ballot: Set out in G.S. 130A-69(e).

Determining the results [G.S. 130A-69(b)]: A majority vote is required for annexation, whether the election is held only in the area to be annexed or both there and in the existing district.

Certification of results: The statute dealing specifically with this kind of election requires that the board of elections certify the results to the sanitary district board and board of county commissioners [G.S. 130A-69(e)]. A separate statute governing all sanitary district elections requires the elections board to “file copies” of the returns with both those boards and the clerk of superior court [G.S. 130A-68].

Costs of the election: The costs of the election are to be paid by the sanitary district [G.S. 130A-69(c)].

Election contest: No challenge may be made to the validity of the election more than 30 days after the results are certified [G.S. 130A-69(h)].

Withdrawal from a Sanitary District

Kind of election authorized: Withdrawal of a portion of a sanitary district from the district [G.S. 130A-71].

Statute: G.S. 130A-71.

Calling election: If 51 per cent or more of the "resident freeholders" [see the definition in G.S. 130A-48] of a portion of a sanitary district, with the sanitary district board's approval, petition the county commissioners for that portion of the district to be taken out of the district, the board of county commissioners may call an election of the entire district on that question. The statute requires that the district be one that has no outstanding indebtedness.

Procedure: The statute does not otherwise specify the procedure for the election.

Certification of results: The board of elections is required to "file copies" of all sanitary district election returns with the board of county commissioners, the sanitary district board, and the clerk of superior court [G.S. 130A-68].

Sanitary District Mergers

Kinds of elections authorized:

- (1) Merger of a sanitary district with a contiguous city [G.S. 130A-80].

(2) Merger of two contiguous sanitary districts [G.S. 130A-83].

Statutes: See the statutes cited above.

Registration: No separate registration is required, but if the board of elections decides that a new registration is desirable, it may use either of the methods set out in G.S. 163-288.2 for registration in city incorporation elections [G.S. 130A-80(4) and -83(4)].

Calling the election: If a sanitary district and a contiguous city want to merge, the two governing bodies present resolutions to that effect to the board of county commissioners [G.S. 130A-80(1) and (2)]. If two contiguous sanitary districts want to merge, their boards adopt a plan of merger and present resolutions to the board of county commissioners [G.S. 130A-83(1) and (2)]. The election date is set by the units that want to merge, after consulting with the county elections board [G.S. 130A-80(2) and -83(2)]. The board of county commissioners makes the request for the election to the county elections board [G.S. 130A-80(3) and -83(3)]. The election is held in both units that want to merge—the sanitary district and the city [G.S. 130A-80(2) and (3)] or the two sanitary districts [G.S. 130A-83(2) and (3)].

Notice: The notice is the same as required by G.S. 163-33(8) for other elections [G.S. 130A-80(4) and -83(4)].

Wording of the ballot: The form of the ballot for merging a sanitary district and a city is set out in G.S. 130A-80(5). The form of the ballot for merging two sanitary districts is set out in G.S. 130A-83(5).

Determining the results: The voters of both units involved—either a sanitary district and a city or two sanitary districts—must approve the merger for it to take effect [G.S. 130A-80(6) and -83(6)].

Certification of results: The board of elections must “file copies” of all sanitary district election returns with the board of county commissioners, the sanitary district board, and the clerk of superior court [G.S. 130A-68]. Although the statute does not require it, it would seem appropriate for the board also to file the returns with the city governing body when the election involves a city.

Subsequent elections: If the voters reject the merger, another election on this issue may not be held for a year [G.S. 130A-80(6) and -83(6)].

Other Sanitary District Elections

The statutes also provide for the following kind of sanitary district elections that are not discussed here:

- (1) Simultaneous extension of the boundaries of a sanitary district and a city when the district is wholly within the city or has the same boundaries [G.S. 130A-70].
- (2) Incorporation of a city and simultaneous dissolution of a sanitary district, with transfer of the district's assets and liabilities to the city [G.S. 130A-81].
- (3) Dissolution of a sanitary district in a county with a population of 275,000 or more and assumption of the district's liabilities by the county [G.S. 130A-82].

Election of Soil and Water Conservation District Supervisors

Kind of election authorized [G.S. 139-6]: Election of three of the six members of a soil and water conservation district board of supervisors. (The other three members are appointed by the Soil and Water Conservation Commission under G.S. 139-7.)

Statute: G.S. 139-6.

Registration: No separate registration is required.

Schedule for elections: Election of supervisors in a new district is held at the next election of county officers after the Secretary of State issues the certificate of organization for the district. Thereafter, election of supervisors is at the same time as the general election for county officers. The elections are conducted by the county elections board under the procedures of Chapter 163 and are nonpartisan.

Candidate filing requirement: A candidate must file no later than noon on the first Friday in July before the election. A \$5 fee is due when the candidate files.

Voters: All qualified voters living within the district may vote.

Terms of office: In a newly created district, the two candidates who receive the highest number of votes serve four-year terms. The candidate who receives the next highest number of votes serves a two-year term. Thereafter all supervisors serve four-year terms.

Vacancies in office: If an incumbent's term ends and the voters fail to choose a successor, the Soil and Water Conservation Commission may appoint a successor from the same county under G.S. 139-7.

Date of taking office: New supervisors take office on the first Monday in December following the election.

Restructuring the Board of County Commissioners

Kind of elections authorized [G.S. 153A-58]: An election may be held on altering the structure of the board of county commissioners in respect to any of the following matters:

- (1) The number of members on the board.
- (2) The lengths of the terms of the members.
- (3) Whether members shall be elected at large, from districts, or by a combination of those methods.
- (4) Whether the chairman shall be elected separately or from and by the board.

Statutes: G.S. 153A-53 through -63.

Registration: No separate registration is required.

Calling the election: [G.S. 153A-60]: An election on altering the structure of the board of county commissioners is called by the commissioners by adoption of a resolution. The resolution must describe the change, state how the transition will be accomplished, define any proposed election districts, and call the election. The full resolution must be published by the board of commissioners. The resolution also must be filed in the county ordinance book [G.S. 153A-63].

Who conducts the election [G.S. 153A-60(4)]: The election is conducted by the county board of elections.

Date of election [G.S. 153A-60(4)]: The date of the election is set by the board of county commissioners in the resolution calling the election. The election may be at the same time as, but not within 60 days before or after, another election in the county.

Notice: The statutes do not specify any particular form of notice for the election, other than requiring the board of commissioners to publish the resolution calling the election (see above); therefore notice must be published by the board of elections in the same manner as for any other election.

Wording of the ballot: Set out in G.S. 153A-61.

Effective date of alteration: Any approved alteration in the structure of the board of commissioners governs the next primary and general election for the board and takes effect when the new commissioners take office following the election [G.S. 153A-62]. If the alteration changes the board's terms to a combination of two- and four-year terms, all members are elected at the next election, with a majority of members being elected for two-year terms and the others for four-year terms; the winning candidates with the highest number of votes serve four-year terms [G.S. 153A-59].

County Property Tax Levy

Kinds of elections authorized:

- (1) Levy of a property tax by the county for a particular purpose [G.S. 153A-149(d)].
- (2) Increasing the county's property tax rate limit [G.S. 153A-149(e)].

Statutes: G.S. 153A-146 through -149.

When an election is required: For some activities—courts, jails, schools, and public assistance, for example—the county may levy a property tax at any rate without voter approval. For certain other purposes—fire protection, health, libraries, for example—the county may levy without voter approval a property tax at a combined rate up to \$1.50 for each \$100 of assessed valuation of property being taxed. To levy a tax for those purposes at a higher rate, the county must call an election and receive voter approval. Finally, there are some activities for which the county may not use property tax proceeds at all unless such use is approved at an election. Examples of such activities are public transportation and public housing.

These matters are governed by Art. V, Sec. 2(5), of the North Carolina Constitution and by G.S. 153A-149.

Registration: No separate registration is required.

Calling the election: The county commissioners call the election on levying a property tax and set the date, which may be at the same time as any other election but may not be within 30 days before or 10 days after another election [G.S. 153A-149(d)]. An election on increasing the tax rate limit may be at the same time as any other election but may not be within 30 days before or after another election [G.S. 153A-149(e)].

Notice [G.S. 153A-149(d)]: Notice of the referendum is published by the clerk to the board of county commissioners. Notice must be published first at least fourteen days before registration closes and again at least seven days before the registration deadline. The notice is to state the date of the election, the purpose, and the last day for registration.

Wording of the ballot: The wording of the ballot for levying a property tax is set out in G.S. 153A-149(d). The wording of the ballot for increasing the tax rate limit is set out in G.S. 153A-149(e).

Certification of the results [G.S. 153A-149(d)]: The board of elections certifies the results to the county commissioners. The county commissioners then “certify and declare the result” and publish a statement of the result. A copy of that statement is filed in the clerk’s office and recorded in the minutes of the board of county commissioners.

Election contests [G.S. 153A-149(d)]: The validity of the election may not be challenged more than 30 days after the board of county commissioners publishes the results. The published notice of the results is to include a statement to that effect.

Local Government Bond Issuances

Kinds of elections authorized:

- (1) Issuance of bonds by a county, city, sanitary district, mosquito control district, hospital district, metropolitan sewerage district, metropolitan water district, or special airport district [G.S. 159-48 and 159-49].
- (2) Levying of tax by county or city to supplement the revenue of a revenue bond project [G.S. 159-97].

Statutes: G.S. 159-43 through 159-97.

When an election is required: Which kinds of bonds require voter approval and which do not is a complicated subject beyond the scope of this publication. The reader should see N.C. Const. Art. V, Sec. 4, and G.S. 159-49.

Registration: No separate registration is required.

Calling the election: The unit of local government that desires to issue bonds receives the Local Government Commission's approval, publishes notice of a public hearing, holds a hearing, and publishes a bond order stating its intention to issue bonds and whether issuance is subject to an election [G.S. 159-50 through -58]. Most bonds require voter approval, but some are subject to an election only if the voters petition for the election. Bonds may be issued for a few purposes without an election and are not subject to a petition [G.S. 159-54(7) and 159-60]. The unit's governing body determines the date and calls the referendum after consulting with the board of elections [G.S. 159-61(b)]. A bond referendum must be held within one year after the bond order is adopted, but it may not be held within 30 days before or 10 days after a statewide election or other election within the unit [G.S. 159-61(b)]. The election is conducted by the same board of elections that conducts other elections for the unit [G.S. 159-61(b)].

Special petition requirements: Some bonds are voted on only if voters petition for an election [G.S. 159-54(7) and -60]. Such an election is required if 10 per cent of the unit's registered voters petition for it [G.S. 159-60]. The petition must be submitted to the unit's clerk within 30 days after the clerk publishes the bond order; the peti-

tion must include each petitioner's signature and residence [G.S. 159-60]. The unit's clerk is to investigate the sufficiency of the petition, and its governing body is to make the final determination of the petition's sufficiency [G.S. 159-60].

Notice: The unit's clerk must publish notice of the election twice—fourteen days before and seven days before registration closes for the referendum; the notice must state the date of the referendum, the amount and purpose of the bonds, whether taxes will be levied to pay the indebtedness, and the date registration closes [G.S. 159-61(c)]. In practice, the bond attorney provides the form for the notice and requires certification of its publication. Note that G.S. 163-33(8) provides that for a bond referendum the board of elections need not publish notice in addition to that published by the clerk of the unit that is issuing the bonds.

Wording of the ballot: Set out in G.S. 159-61(d). For a referendum on a tax levy to supplement the revenue for a revenue bond project, the ballot wording is set out in G.S. 159-97(c). In practice, the bond attorney provides the form for the ballot and requires a certified sample ballot.

Certification of results: The board of elections canvasses the vote and certifies the results to the unit's governing board; then that body certifies and publishes the result [G.S. 159-61(e)]. In practice, the bond attorney provides the form for certification of results.

Election contests: The validity of a bond referendum may not be challenged more than 30 days after the governing body publishes the election results [G.S. 159-62].

City Charter Amendments

Kinds of elections authorized [G.S. 160A-101]: An election may be held on amendments to the city charter concerning:

- (1) The name of the city.
- (2) Whether the city is called a town, city, or village.
- (3) Whether the governing body is called a council, board of aldermen, or board of commissioners.
- (4) The length of terms of governing body members.
- (5) The number of members on the governing body.
- (6) Whether elections shall be at large, from districts, or based on some combination of those.
- (7) Whether elections are partisan and whether they include primaries and runoffs.
- (8) The method of selecting the mayor.
- (9) Whether the city will use the mayor-council or council-manager form of government.

Statutes: G.S. 160A-101 through -110; G.S. 163-287.

Registration: No separate registration is required.

Calling the election: An election on a proposed charter amendment may be called in three ways:

- (1) The city council may pass an ordinance amending its charter and make the ordinance subject to approval in an election. It must set the election for a date within 90 days after the ordinance is adopted [G.S. 160A-102].
- (2) If the council adopts an ordinance amending the charter but does *not* make the ordinance subject to an election, the council still *must* call an election if it receives a petition signed by at least 10 per cent of the city's registered voters or 5,000 voters, whichever is less. The election must be held between 60 and 120 days after the petition is received [G.S. 160A-103].
- (3) City residents may initiate the charter amendment by submitting to the city council a petition that describes the proposed amendment and is signed by at least 10 per cent of the voters registered for city elections or 5,000 voters, whichever is less. The council

then must call an election, which must be held between 60 and 120 days after the petition was received [G.S. 160A-104].

The procedure for the city council to call the election—by resolution directed to the board of elections—is the same as for all other city special elections (see the section titled Provisions Applicable to All Elections, pages 1-2).

Additional petition requirements: A petition submitted under G.S. 160A-103 to require a referendum on a charter-amending ordinance adopted by the city council must be filed with the city clerk within 30 days after the city publishes notice of the adoption of the ordinance [G.S. 160A-103]. When the people initiate the charter amendment themselves, under G.S. 160A-104, the petition must describe the proposed amendments “briefly but completely” but need not set out the text of the proposed amendments. The petition may not contain alternative proposals or more than one set of related amendments [G.S. 160A-104].

Date of the election: Within the time limits described above, the date of the election is set by the city council in the same manner as the date is set for all city special elections (see page 2 of this booklet). The election may be at the same time as a regular city election [G.S. 160A-109].

Notice: The notice is that required by G.S. 163-287 for all city special elections (see page 2).

Wording of the ballot: Set out in G.S. 160A-105. This proposition must be on a separate ballot from other matters voted on at the same time [G.S. 160A-105].

Duration of the charter amendments: Charter amendments may not be altered under the procedure stated here for at least two years after the officers elected under the amendments take office [G.S. 160A-107].

Effective date of the charter amendments: Any amendments affecting the election of city officers must take effect at least 90 days before the first election for officers under the amendments [G.S. 160A-109].

Limits on elections [G.S. 160A-104]: If citizens initiate a charter amendment under G.S. 160A-104, if the proposal is approved, and if the city council subsequently adopts an ordinance to implement that charter amendment, that ordinance is not subject to a referendum petition under G.S. 160A-103.

A petition of citizens to initiate a charter amendment may not be filed (1) between the time the city council publishes notice of its intention to amend the charter on the same subject under G.S. 160A-102 and the time the proposal is either rejected or accepted, or (2) within 18 months after the effective date of any ordinance amending the charter on the same subject, or (3) within 18 months after the voters defeat any proposed charter amendments on the same subject.

City Property Tax Levy

Kinds of elections authorized:

- (1) Levying property tax by the city for a particular purpose [G.S. 160A-209(e)].
- (2) Increasing the city's property tax rate limit [G.S. 160A-209(f)].

Statutes: G.S. 160A-206 through -209.

When an election is required: For a few activities—paying debt, meeting revenue deficits, controlling civil disorders—a city may levy a property tax at any rate without voter approval. For most other purposes—police and fire protection, hospitals, parks, and recreation, for example—the city may levy taxes at a combined rate of up to \$1.50 for each \$100 of assessed valuation of property being taxed, without voter approval. To levy taxes for those purposes at a higher rate, the city must call an election and receive voter approval. Finally, there are some activities for which the city may not use property tax proceeds at all unless such use is approved at an election. Examples of such activities are mass transit, public housing, and urban redevelopment.

These matters are governed by Art. V, Sec. 2(5) of the North Carolina Constitution and by G.S. 160A-209.

Registration: No separate registration is required.

Calling the election: The city council calls the election on levying the property tax and sets the date, which may be at the same time as any other city election but not within 30 days before or 10 days after any other city election or on the same day as any federal, state, or county election [G.S. 160A-209(e)]. The city council also calls the election on increasing the property tax rate limit and sets the date, which is subject to the same time limits except that it may not be held within 30 days, rather than 10 days, after another city election [G.S. 160A-209(f)].

Who conducts the election: The election is conducted by the same board of elections that conducts regular city elections [G.S. 160A-209(e) and (f)].

Notice [G.S. 160A-209(e)]: Notice is published by the board of elections and is the same as is specified in G.S. 163-287 for other special elections except that it is also to state when registration closes.

Wording of the ballot: The wording of the ballot for an election on levying property tax is set out in G.S. 160A-209(e). The wording of the ballot for an election on increasing the property tax rate limit is set out in G.S. 160A-209(f).

Certification of results [G.S. 160A-209(e)]: The board of elections certifies the results to the city council. The city council then must “certify and declare the result” and publish a statement of the result. A copy of that statement is filed in the clerk’s office and recorded in the council’s minutes.

Election contests [G.S. 160A-209(e)]: The validity of the election may not be challenged more than 30 days after the city council publishes the results. The published notice of the results is to include a statement to that effect.

Other Elections Governed by Statutes Outside Chapter 163

The elections listed below also are governed by statutes outside General Statutes Chapter 163. None of these laws is used very frequently—perhaps because what the statute authorizes now may be done without an election, or because all localities that might want to take advantage of the statute have already done so, or because the statute was passed to be used only in a few particular situations that have already passed. In any event, the statutes seem worthy of no more mention than being listed here with their citations.

Kind of Election	Statute
Establishment or expansion of AIR-PORT district.	G.S. 63-78 through -89.
Removal of county or city from coverage under MOUNTAIN RIDGE PROTECTION ACT of 1983.	G.S. 113A-214
Merger of SCHOOL units within the same county.	G.S. 115C-67.
Merger of SCHOOL units in adjoining counties.	G.S. 115C-68.
Levying tax to support COMMUNITY COLLEGE.	G.S. 115D-33 and -35.
Conversion of technical institute to COMMUNITY COLLEGE	G.S. 115D-36.
Creation of MOSQUITO control district.	G.S. 130A-353.
Levy or repeal of HOSPITAL district tax.	G.S. 131E-45 and -46.

Creation or expansion of SOIL AND WATER CONSERVATION district	G.S. 139-5
Abolition of SOIL AND WATER CONSERVATION district	G.S. 139-13.
Establishment of WATERSHED IMPROVEMENT district.	G.S. 139-16 through -38.
Election of board of trustees of WATERSHED IMPROVEMENT district	G.S. 139-21.
Issuance of bonds by WATERSHED IMPROVEMENT district	G.S. 139-28 and -29.
Use of tax funds for LOCAL DEVELOPMENT.	G.S. 158-2.
Levying property tax for INDUSTRIAL DEVELOPMENT.	G.S. 158-16 through -24.
Expansion of METROPOLITAN WATER district.	G.S. 162A-35.
Expansion of METROPOLITAN SEWERAGE district.	G.S. 162A-68.

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