

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 892

Committee Substitute Favorable 4/23/97

Senate State Government, Local Government, and Personnel Committee Substitute
Adopted 6/25/97

Short Title: Beaufort Initiatives.

(Local)

Sponsors:

Referred to:

April 7, 1997

A BILL TO BE ENTITLED

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

1 may not propose changes in the alternative, or more than one integrated set of alterations.
2 Upon receipt of a valid initiative petition, the county board of elections shall call a special
3 election on the question of adopting the alterations proposed therein and shall give public
4 notice thereof in accordance with G.S. 163-287. The date of the special election shall be
5 the date of the next countywide election, whether primary, general, or special, held more
6 than 90 days after receipt of the petition. If a majority of the votes cast in the special
7 election shall be in favor of the proposed changes, the resolution is adopted. Alterations
8 adopted under this section shall continue in force for at least two years after the
9 beginning of the term of office of the officers elected under the new manner of election.
10 No initiative petition may be filed (i) within one year and six months following the
11 effective date of a resolution adopting alterations pursuant to this Part, nor (ii) within one
12 year and six months following the date of any election on alterations that were defeated
13 by the voters.

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

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

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

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

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

26 "[] FOR [] AGAINST

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

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

32 "**§ 115C-37.2. Alteration by voter initiative.**

33 (a) The people may initiate a referendum on proposed alterations to the manner of
34 election of the board of education, with the same options available as under G.S. 160A-
35 101(4), (5), (6), and (7) as are authorized for cities. For purposes of this section,
36 references in G.S. 160A-101 to 'council' and 'city' are deemed to refer to 'board of
37 education' and 'school administrative unit', respectively. An initiative petition shall bear
38 the signatures and resident addresses of a number of qualified voters of the school
39 administrative unit equal to at least fifteen percent (15%) of the whole number of voters
40 who are registered to vote in the school administrative unit according to the most recent
41 figures certified by the State Board of Elections or 5,000, whichever is less. The petition
42 shall, with reference to the pertinent provisions of G.S. 160A-101, contain the precise
43 text of the resolution necessary to implement the proposed changes. The petition may not

1 propose changes in the alternative, or more than one integrated set of alterations. Upon
2 receipt of a valid initiative petition, the county board of elections shall call a special
3 election on the question of adopting the alterations proposed therein, and the board of
4 elections shall give public notice thereof in accordance with G.S. 163-287. The date of
5 the special election shall be the date of the next countywide election, whether primary,
6 general, or special, held more than 90 days after receipt of the petition. If a majority of
7 the votes cast in the special election shall be in favor of the proposed changes, the
8 resolution is adopted. Alterations adopted under this section shall continue in force for at
9 least two years after the beginning of the term of office of the officers elected under the
10 new manner of election. No initiative petition may be filed within one year and six
11 months following the date of any election on alterations that were defeated by the voters.

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

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

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

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

20 (b) This section becomes effective only if approved by the qualified voters of the
21 Beaufort County School Administrative Unit in a referendum. Notwithstanding G.S.
22 120-30.9G, the Attorney General shall make any submissions under this section. The
23 referendum shall be conducted by the Beaufort County Board of Elections on November
24 3, 1998. The question on the ballot shall be:

25 **"[] FOR [] AGAINST**

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

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