

**BUNCOMBE COUNTY BOARD OF ELECTIONS**  
**AGENDA for October 22, 2019**  
**5:30 p.m.**

- I. Call to Order
- II. Welcome of Visitors
- III. Approval of Minutes
- IV. Consideration of Absentees
- V. Correspondence from County Attorney/Asheville Primary
- VI. General Office Update
- VII. Other Business
- VIII. Executive Session

OCTOBER 22 2019

NAME

CONTACT

Aiden Carson

aidencarson@att.net

Jerry Green

October 29, 2019

Patrick Hearon

phcarson@charter.net

Annie Butner

annbutner@pac1.com

Janet Burhoe-Jones

burhoej@gmail.com

Fremont O'Connell

BCBOP@Burcombegop.com

George + Elaine Elam

406-261-5593

NOV 5 2019

George Elam

406 261 5593

Aiden Carson

828 254 5222

# Buncombe County Board of Elections

Meeting Minutes

October 22, 2019

## Opening

The scheduled meeting of the Buncombe County Board of Elections was called to order at 5:33 pm on October 22, 2019 at 77 McDowell Street, Asheville, NC 28801.

## Present

Board Members-

Jake Quinn, Chairman  
Elizabeth Newman, Secretary  
Linda Block  
Stephen G. Duncan  
Jay Watson

BOE Staff-

Trena Velez, Director  
John Noce  
Jennifer Sparks

Visitors-

(See attached)

## Item Two - Welcome Visitors

## Item Three – Minutes – Kevin Roberts

- Secretary Newman motioned to approve the minutes from October 15, 2019. Member Duncan seconded and the Board approved unanimously.

## Item Four - Consideration of Absentee Ballots – John Noce

- Staff member Noce presented a summary of the absentee process and reviewed the steps required to complete the approval process.
- Staff member Noce presented two (2) civilian ballots.
  - Staff member Noce noted the requirement for two signatures or a notary.
  - The Board reviewed and signed the two (2) civilian absentee ballots.
- Staff member Noce presented one (1) overseas ballot.
  - Staff member Noce noted the requirement for a signed affirmation form.
  - The Board signed the early voting/absentee pollbook.
  - The Board signed the original and duplicate ballot poly-bags.
  - The Board signed the results and audit log.
- Member Block moved to approve the two (2) civilian ballots presented. Secretary Newman seconded and the Board approved unanimously.
- Member Watson moved to approve the (1) overseas ballot presented. Secretary Newman seconded and the Board approved unanimously.

- Member Block moved to accept the four (4) Absentee One-Stop ballots presented. Secretary Newman seconded and the Board approved unanimously.

**Item Five - Correspondence from County Attorney/Asheville Primary – Director Velez**

- Chairman Quinn stated that the county attorney responded to correspondence regarding the possibility of an Asheville Primary. There was discussion among all board members whether the City of Asheville’s proposed change in charter would supersede HB 813. The change in charter included a reversion to at large voting and a primary.

**Item Six - General Office Update – Director Velez**

- The staff will be testing ExpressVote this week.
- Training for the Election Day workers will be Wednesday.
- The staff will be testing a new app on the iPhone to monitor voting location progress and accommodate supply requests to reduce calls to the office and increase speed of service.
- Discussions with County Manager are underway concerning county employees working at Election Day precincts.

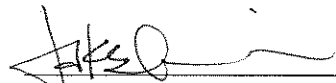
**Item Seven - Executive Session – Board**

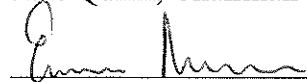
- Chairman Quinn made a motion to enter into executive session in order to discuss personnel matters. Member Watson seconded and the Board approved unanimously.
  - Entered into executive session at 6:30 pm.
- Resumed open session at 6:49 pm.

The meeting adjourned at 6:50 pm. The next meeting will be at 5:30 pm on October 29, 2019, at 77 McDowell Street, Asheville, NC 28801.

Minutes submitted by: Kevin J. Roberts

Approved by:

  
\_\_\_\_\_  
Jake Quinn, Chairman

  
\_\_\_\_\_  
Elizabeth Newman, Secretary

  
\_\_\_\_\_  
Jay Watson, Member

  
\_\_\_\_\_  
Stephen G. Duncan, Member

  
\_\_\_\_\_  
Linda Block, Member

BUNCOMBE COUNTY BOARD OF ELECTIONS

EXECUTED ABSENTEE BALLOTS - PRECINCT SEQ.

ELECTION DATE = "11/05/2019"

ABSENTEE TYPE = "OVR"

BOARD MEETING DT (yyyy-mm-dd) = "2019-10-22 05:30PM"

- 1: VAD.ballot\_return\_lbl = "OK" AND
- 2: VAD.ballot\_approval\_dt <= "" AND
- 3: VAD.ballot\_return\_dt\_str <= "" AND
- 4: VAD.is\_bllt\_rtn\_before\_elect\_dt = 1

PCT	VTD	MUNI	NAME	RR	VRN	APPLICATION NUM	BALLOT NUM	BALLOT STYLE	BOARD MTG DATE	RETURN DATE
67.1	67.1	WVLE	MATTINGLY, LYNN PARKER		000000410613	OVR-128	000-134	M008	10/22/2019	10/21/2019

ELECTION DATE: 11/05/2019

Election Total: 1

GRAND TOTAL: 1

*EW*  
*gaw*

*[Handwritten Signature]*  
*[Handwritten Signature]*

BUNCOMBE COUNTY BOARD OF ELECTIONS

EXECUTED ABSENTEE BALLOTS - PRECINCT SEQ.

ELECTION DATE = "11/05/2019"

ABSENTEE TYPE = "CIV"

BOARD MEETING DT (yyyy-mm-dd) = "2019-10-22 05:30PM"

- 1: VAD.ballot\_return\_lbl = "OK" AND
- 2: VAD.ballot\_approval\_dt <> "" AND
- 3: VAD.ballot\_return\_dt\_str <> "" AND
- 4: VAD.is\_bill\_rtn\_before\_elect\_dt = 1

PCT	VTD	MUNI	NAME	RR	VRN	APPLICATION NUM	BALLOT NUM	BALLOT STYLE	BOARD MTG DATE	RETURN DATE
59.1	59.1	WVLE	CAPPS, BETTY JEANETTE			CIV-7	00000299772	M007	10/22/2019	10/21/2019
70.1	70.1	WFIN	SAILER, KYRA DOUGLAS	Y		CIV-6	00000457298	M012	10/22/2019	10/18/2019

Election Total: 2

GRAND TOTAL: 2

*Signature*

*Signature*  
Linda Park

**BUNCOMBE COUNTY BOARD OF ELECTIONS**  
**POLLBOOK OF ABSENTEE VOTERS - NAME SEQ.**

ELECTION DATE = "11/05/2019"

BOARD MEETING DT (yyyy/mm/dd) = "2019-10-22 05:30PM"

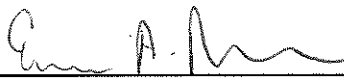

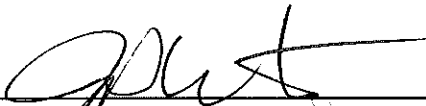


ABSENTEE TYPE = "OS"

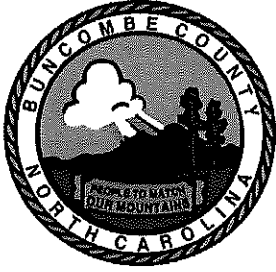
REGISTRANT NAME	BALLOT NO.	REGISTRANT NAME	BALLOT NO.
BUBENIK, CHRISTOPHER TODD	OS-ESOS-102-1		
METTLE, KENT SCOTT	OS-ESOS-101-1		
MULCAHY, TRAVIS JEROME	OS-ESOS-100-1		
YOUNG, JASON ANDREW	OS-ESOS-101-2		

BUBENIK, CHRISTOPHER TODD - YOUNG, JASON ANDREW

GRAND TOTAL: 4

These absentee ballots were counted by the following board members and assistants.



## Buncombe County Legal Department

---

Michael C. Frue  
Senior Staff Attorney

J. Brandon Freeman  
Staff Attorney

October 17, 2019

To: Jake Quinn, Chair, Board of Elections  
cc: Trena Parker Valez, Director, Election Services  
Avril Pinder, County Manager  
From: Michael C. Frue  
Re: City of Asheville  
City authority to schedule council primary elections in even-numbered years conducted in accordance with the general laws governing primaries and election for county officers

Mr. Quinn -

As discussed, you asked for my opinion regarding the proposed changes to the City Charter as set forth in a City Staff Report dated September 10, 2019.

On June 29, 2018, the General Assembly passed SL 2018-123. This Bill amended the City Charter, Sec. 6., Composition; qualifications and terms of members. A copy is attached. Under Sec. 6.(a) 2018-123 struck language from the previous City Charter providing for at-large elections and now provides for nonpartisan elections in even-numbered years with results to be determined using the nonpartisan plurality method in accordance with GS §163A-1616. The mayor and one member are to be elected at-large and five members to be elected from their respective districts. Said §163A-1616 is titled "Determination of election results in cities using the plurality method" and its use is appropriate with a practice of City elections in accordance with GS §163A-1585(1) for timing of municipal primaries and elections.

Under the previous City Charter, as applicable to elections per Ordinance No. 2385, adopted June 24, 1997, a mayor and six council members were to be nominated and elected from the city at-large and established a staggered election cycle. This resulted in a practice of City elections in accordance with GS §163A-1585(3) for timing of municipal primaries and elections where the election is nonpartisan and the nonpartisan primary method of elections is used. GS §163A-1618 is used in determining election results in cities using nonpartisan primaries.

The City of Asheville is currently considering Charter modifications for the following purposes, (as stated in a City Staff Report dated September 10, 2019):



- A. To provide for at-large elections for the members of the City of Asheville Council.
- B. To provide that Asheville City council elections be conducted by the nonpartisan primary and election method.

A copy of this staff report is also attached which includes drafts of proposed Resolutions and Ordinances amending the City Charter.

My review of this matter is limited to review of the following:

- Limited review of Chapter 163, Elections and Election Law, of the General Statutes
- GS §163A-700 under Art. 15, [now §163-1 under Art. 1], Time of Primaries and Elections
- GS §163A-741 under Art. 16, [now §163-22 under Art. 3], Powers and Duties of State Board
- GS §163A-769 under Art. 16, [now §163-33 under Art. 4], Powers and Duties of county boards of elections
- GS §163A-1585 under Art. 27, [now §163-279 under Art. 23], Municipal Elections
- GS §163A-1616 under Art. 27, [now §163-292 under Art. 24], Determination of election results in cities using the plurality method
- GS §163A-1618 under Art. 27, [now §163-294 under Art. 24], Determination of election results in cities using nonpartisan primaries
- GS 160A-101 and -102, Modification of Form of Government, Option Forms and Amendment by Ordinance
- City Staff Report dated September 10, 2019 and then-current drafts of Resolutions and Ordinances as described above
- Discussions with Trena Parker Valez, Jake Quinn, and Katelyn Love, General Counsel to State Board of Elections.

Please note that by SL 2018-146 the Revisor of Statutes was directed, among other things, to re-codify Chapter 163A back into Chapter 163. The statutory references at the beginning of this memorandum come from the Staff Report. I find no change to the pertinent statutory language in the conversion from GS Chapter 163A to GS Chapter 163.

As a threshold question, it appears that the City has authority under GS 160A-101 and -102 to modify and amend its Charter which may include amendment to mode of election of its council.

As described in the Staff Report, the City is proposing to consider two possible Charter amendments. One option changes the mode of election to "a mayor and six council members, all nominated and elected from the city at large in the manner hereinafter provided." Emphasis added. This change fits in with the authority provided for procedure and conduct of Municipal Elections. See GS §163-279 and GS §163-292.

The other changes proposed by this Charter amendment are directed at eliminating the nominations and elections from the five districts. I was not asked to review this proposed change.

The second alternative of proposed Charter amendment also changes the mode of election to "a mayor and six council members, all nominated and elected from the city at large in the manner hereinafter provided." Additionally, this proposal indicates that "Results shall be determined using the nonpartisan primary and election method in accordance with GS §163A-1618 [sic - now §294]. The primary and election shall be held and conducted in accordance with the general laws governing primaries and election for county officers." Emphasis added to reflect proposed changes to SL 2018-123.

These proposed changes in this second alternative appear as a mix of authorities from Chapter 163, Subchapter IX, Municipal Elections and Chapter 163, Subchapter I Time of Primaries and Elections. The statutes governing primaries and election for county officers as referenced begins in Subchapter I with GS §163-1 and provides for the general elections occurring in even-numbered years. (Generally, it appears that municipal elections are set to occur in odd-numbered years beginning in 1973. See GS 163-279.) This proposed approach in the draft Charter amendment to follow the laws governing elections for county officials would resolve the timing issues of holding a municipal primary in even-numbered years due to absentee ballot regulations.

However, I find no clear statutory authority to accommodate this second alternative Charter amendment. At the same time, there is no statutory limitation that prohibits this method of election.

I have attached an email from Katelyn Love in a communication with the City Attorney which addresses some concerns with ballot timing in even-numbered years for a municipal election. Attached to that email were examples of statutes in support of the City's position. These examples are local bills specific to a municipality and board of education specifically authorizing elections in the manner provided for county offices. So, this course of conduct for using the general laws governing primaries and election for county officers in municipal elections is not without precedent.

In the normal course of its duties county boards of election are required to exercise all powers granted to such boards by Chapter 163 and "they shall perform all the duties imposed upon them by law." See GS 163-33. The United States District Court for the Middle District of North Carolina addressed the authority of county boards of election in a suit alleging the election method for Superior Court Judges as discriminatory against plaintiffs on the basis of party affiliation. The Court dismissed the action against the county boards of election finding that

"[t]he county boards have no authority to act in a manner inconsistent with the statute governing the election of superior court judges. They are merely acting in a ministerial capacity and can only carry out duties as detailed by statute and the State Board." Republican Party of North Carolina v. Martin, 682 F. Supp. 834 (1988).

The Buncombe County Board of Elections will have to evaluate any change to the City Charter for its council elections "as detailed by statute." As indicated in the referenced email from Katelyn Love, the State Board has not taken a position on this issue.

Should the City pass an Ordinance changing its Charter then I suggest you immediately contact the State Board requesting guidance on the issue in accordance with GS §163-22.

Thank you.

Michael C. Frue  
Buncombe County  
Senior Staff Attorney  
200 College Street, Ste 400  
Asheville, NC 28801  
p. 828-250-4121  
c. 828-231-1572

**Council Meeting Date:** September 10, 2019

**Subject:** Charter Amendments regarding City Council Election Format

**Staff Resource(s):** Brad Branham, City Attorney

**Action Requested:** Adoption of two resolutions of intent to consider ordinance amendments to the City of Asheville Charter and setting public hearings on September 24, 2019, for the following purposes:

- A. To provide for at-large elections for the members of the City of Asheville City Council.
- B. To provide that Asheville City Council elections be conducted by the nonpartisan primary and election method.

**Background:**

- On June 29th, 2018, the N.C. State legislature ratified SB 813 which altered the form of Asheville City Council elections.
- The new local act moved City Council elections from odd to even years, removed primary elections, and established five election districts.
- Under the current law, the City Council will be made up of seven council members, including the Mayor. Five members will be elected from and by their respective districts, while one member and the Mayor will be elected at-large.
- The two proposed charter amendments would reinstate primary elections to be held in March, and return all Council positions to at-large elections.

**Council Goal(s):**

- An Equitable and Diverse Community
- A Connected and Engaged Community

**Committee(s):**

- Governance Committee - July 29 (Converted to Full Council Worksession)

**Pro(s):**

- Returns City Council elections to a form as close as possible to what existed prior to enactment of SB 813.

**Con(s):**

- A Charter amendment can be further amended by State action
- May result in diminished goodwill and additional provocation from the General Assembly

**Fiscal Impact:**

- None at this time.

**Suggested Motions:**

- Motion to adopt a resolution of intent to consider an ordinance amending the City of Asheville Charter to provide for at-large elections for the members of the City of Asheville City Council and setting a public hearing on September 24, 2019, on the proposed charter amendment.
- Motion to adopt a resolution of intent to consider an ordinance amending the City of Asheville Charter to provide that Asheville City Council elections be conducted by the nonpartisan primary and election method and setting a public hearing on September 24, 2019, on the proposed charter amendment.

**Attachment(s)**

- Resolutions (2)
- Proposed Charter Amendments Ordinances (2)

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

SESSION LAW 2018-123  
SENATE BILL 813

AN ACT TO REVISE THE CHARTER FOR THE CITY OF ASHEVILLE TO PROVIDE FOR THE ELECTION OF CITY COUNCIL MEMBERS FROM DISTRICTS AND TO PROVIDE FOR THE CREATION OF THOSE DISTRICTS AND TO PROVIDE FOR EVEN-YEAR MUNICIPAL ELECTIONS.

The General Assembly of North Carolina enacts:

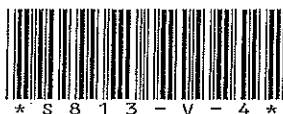
**SECTION 1.**(a) Section 6 of the Charter of the City of Asheville, being Chapter 121 of the Private Laws of 1931, as amended by Ordinance No. 1501 of the City of Asheville, adopted March 19, 1985, and Ordinance No. 2385, adopted June 24, 1997, reads as rewritten:

**"Sec. 6. Composition; qualifications and terms of members.**

(a) Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six councilmembers, all nominated and elected ~~from the city at large~~ in the manner hereinafter provided. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. Elections for mayor and councilmembers shall be held on a nonpartisan basis in even-numbered years on the Tuesday after the first Monday in November, beginning in 2020 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the City shall be entitled to vote on such ballots. Results shall be determined using the nonpartisan plurality method in accordance with G.S. 163A-1616. Except as otherwise provided herein, the election shall be conducted according to the provisions of Subchapter III of Chapter 163A of the General Statutes then governing elections. The county board of elections under the direction of the Bipartisan State Board of Elections and Ethics Enforcement shall make necessary provisions for elections for mayor and councilmembers.

(b) The term of the mayor and councilmembers shall begin at the first regular meeting of the city council ~~next following their election as set forth hereinafter~~ in December of even-numbered years. The term of office of the mayor and six councilmembers shall be four years, and shall be so staggered that the terms of office of three councilmembers shall expire every two years. ~~Said staggered terms shall begin following~~ In the election of 1997, 2020, with those three persons elected to council who receive the highest number of votes of the entire council from District 1, District 2, and from the City at-large to will serve four year terms to expire in 2001, 2024. In the election of 2022, the and the other three persons elected to council from District 3, District 4, and District 5 will to serve two four year terms to expire in 1999, 2026. Commencing with the ~~1999-2020~~ 2020 election, all terms of office for council members shall be four years.

(c) One council member shall be nominated and elected from the City at-large. Five council members shall reside in and be elected from five separate districts, as set forth in this section. If this section does not specifically assign any area within the City to a district, and the area is entirely surrounded by a single district, the area shall be deemed to have been assigned to that district. If this section does not specifically assign any area within the City to a district, and the area is contiguous to one or more districts, the area shall be deemed to have been assigned to



that district which contains the least population according to the most recent federal decennial census. If this section specifically assigns to a district any area that is not in the corporate limits of the City, that area outside the corporate limits is not added to the corporate limits and no voter that resides in that area outside the corporate limits may vote in the City election. The names and boundaries of voting tabulation districts, tracts, block groups, and blocks specified in this section are as shown on the 2010 Census Redistricting TIGER/Line Shapefiles. If any voting tabulation district boundary is changed, that change shall not change the boundary of a district, which shall remain the same as it is depicted by the 2010 Census Redistricting TIGER/Line Shapefiles.

(d) The districts are as follows:

**District 1:** Buncombe County: VTD 105.1: Block(s) 0210014005001, 0210014005005, 0210014005006, 0210014005007, 0210014005010, 0210014005013, 0210014005021, 0210014005022; VTD 106.1: Block(s) 0210011001021, 0210011001022, 0210011001024, 0210011001025, 0210011001026, 0210011001032, 0210011001033, 0210011001034, 0210012001001, 0210012001003, 0210012001004, 0210012001005, 0210012001006, 0210012001007, 0210012001008, 0210012001009, 0210012001010, 0210012001011, 0210012001012, 0210012001013, 0210012001014, 0210012001015, 0210012001016, 0210012001017, 0210012001018, 0210012001019, 0210012001020, 0210012001021, 0210012001022, 0210012002000, 0210012002001, 0210012002002, 0210012002003, 0210012002004, 0210012002005, 0210012002006, 0210012002007, 0210012002008, 0210012002009, 0210012002010, 0210012002015, 0210012002016, 0210012003000, 0210012003001, 0210012003002, 0210012003003, 0210012003008, 0210012003009, 0210013001000, 0210013001007, 0210013002002, 0210013002003, 0210013002004, 0210013002012, 0210013002013, 0210013002014, 0210013002015, 0210013002016, 0210013002017, 0210013002018, 0210013002019, 0210013002020, 0210013002021, 0210013002022, 0210013002023, 0210013002024, 0210013002026, 0210013002027, 0210013002028, 0210013002029, 0210013002030, 0210013002031, 0210013002032, 0210013002033, 0210013002034, 0210013002037, 0210013002038, 0210013002039, 0210013002040, 0210014005002, 0210014005023, 0210014005024, 0210014005025, 0210025063001, 0210025063006, 0210026052055, 0210026052057; VTD 13.1: Block(s) 0210010001007, 0210010002002, 0210010002003, 0210010002004, 0210010002005, 0210010002006, 0210010002007, 0210010002012, 0210010002013, 0210010002014, 0210010002017, 0210010002018, 0210010002019, 0210010002020, 0210010002021, 0210010002022, 0210010002023, 0210010002024, 0210010002025, 0210010002026, 0210010002027, 0210010002028, 0210010002029, 0210010002030, 0210010002031, 0210011002000, 0210011002003, 0210011002024, 0210011002025, 0210011002026, 0210011002027, 0210011003000, 0210011003001, 0210011003002, 0210011003003, 0210011003004, 0210011003005, 0210011003006, 0210011003007, 0210011003008, 0210011003009, 0210011003010, 0210011003011, 0210011003012, 0210011003013, 0210011003014, 0210011003015, 0210011003016, 0210011003017, 0210011003018, 0210011003019, 0210011003020, 0210011003021, 0210011003022, 0210011003023, 0210011003024, 0210011003025, 0210011003026, 0210011003027, 0210011003029, 0210011003030, 0210023024000, 0210023024001, 0210023024002; VTD 15.1, VTD 24.1: Block(s) 0210012005002, 0210012005003, 0210012005007, 0210012005008, 0210012005009, 0210012005010, 0210012005011, 0210012005012, 0210012005013, 0210012005014, 0210012005015, 0210012005016, 0210012005017, 0210012005018, 0210012005019, 0210012005020, 0210012005021, 0210012005022, 0210012005023, 0210012005024, 0210012005025, 0210012005026, 0210012005027, 0210012005028, 0210012005030, 0210012005031, 0210012005032, 0210012005033, 0210012005034, 0210012005036, 0210012005044, 0210012005045, 0210012005046, 0210012005047, 0210012005048, 0210012005049, 0210012005054, 0210013001021, 0210013001022, 0210013001024, 0210013001025, 0210013001026, 0210013001027, 0210013001030,

0210013001033, 0210013001038, 0210013001044, 0210023021000, 0210023021002,  
0210023021003, 0210023021004, 0210023021005, 0210023021006, 0210023021007,  
0210023021008, 0210023021009, 0210023021010, 0210023021016, 0210023021017,  
0210023021036, 0210023021037, 0210023024009, 0210023024010, 0210023024011,  
0210023024017, 0210023024018, 0210023024019, 0210023024020, 0210023024021,  
0210023024043, 0210023024044, 0210023024045, 0210023024046, 0210023024047,  
0210023024048, 0210023024049, 0210023024050, 0210023024051, 0210023024052,  
0210023024056, 0210023024058, 0210023024060, 0210025051018, 0210025051019,  
0210025052002, 0210025052003, 0210025052015, 0210025052016, 0210025052017,  
0210025052049, 0210025052050, 0210025052051, 0210025052052, 0210025052053,  
0210025052054, 0210025052055, 0210025052067, 0210025061014, 0210025061015,  
0210025061016, 0210025061017, 0210025061018, 0210025061019, 0210025061020,  
0210025061021, 0210025061022, 0210025061023, 0210025061024, 0210025061025,  
0210025061026, 0210025061027, 0210025061030, 0210025061032, 0210025061033,  
0210025061035, 0210025061036, 0210025061037, 0210025061038, 0210025061039,  
0210025061041, 0210025061042, 0210025061043; VTD 26.1, VTD 44.1: Block(s)  
0210012005000, 0210012005037, 0210012005038, 0210012005042, 0210012005043,  
0210023021001, 0210023021011, 0210023021012, 0210023021020, 0210023021021,  
0210023021022, 0210023021023, 0210023021024, 0210023021025, 0210023021026,  
0210023021027, 0210023021030, 0210023021031, 0210023021032, 0210023021035,  
0210023022000, 0210023022002, 0210023022003, 0210023022005, 0210023022006,  
0210023022007, 0210023022008, 0210023022010, 0210023022042, 0210023023000,  
0210023023003, 0210023023004, 0210023023043, 0210023023046, 0210023024007,  
0210023024053, 0210023024061, 0210023024062, 0210023024064, 0210023024067,  
0210023024069, 0210023024070, 0210023024071, 0210023024072, 0210023024090,  
0210023024091, 0210023024094, 0210023024096, 0210023024109, 0210023024110,  
0210023024113, 0210025061029; VTD 45.1: Block(s) 0210013001031, 0210013001032,  
0210025061008, 0210025061009, 0210025061010, 0210025061040; VTD 46.1: Block(s)  
0210023024073, 0210023024074, 0210023024089, 0210023024093, 0210023024095,  
0210023024099; VTD 68.1: Block(s) 0210026052056.

**District 2: Buncombe County: VTD 01.1, VTD 02.1, VTD 10.1, VTD 101.1: Block(s)**

0210021011018; VTD 105.1: Block(s) 0210012001000, 0210012001002, 0210013002000,  
0210013002001, 0210014003006, 0210014003017, 0210014003023, 0210014003024,  
0210014004011, 0210014004017, 0210014004020, 0210014004021, 0210014004023,  
0210014004024, 0210014005008, 0210014005009, 0210014005011, 0210014005014,  
0210014005018, 0210014005020, 0210014005027, 0210014005028; VTD 11.1, VTD 12.1,  
VTD 14.2: Block(s) 0210002001019, 0210002001020, 0210002001035, 0210003001031,  
0210003001032, 0210009002023, 0210010001000, 0210010001001, 0210010001002,  
0210010001003, 0210010001004, 0210010001005, 0210010001006, 0210010001008,  
0210010001009, 0210010001042, 0210011001000, 0210011001001, 0210011001002,  
0210011001003, 0210011001004, 0210011001005, 0210011001006, 0210011001007,  
0210011001008, 0210011001009, 0210011001010, 0210011001011, 0210011001012,  
0210011001013, 0210011001014, 0210011001015, 0210011001016, 0210011001017,  
0210011001018, 0210011001019, 0210011001020, 0210011001023, 0210011001027,  
0210011001028, 0210011001029, 0210011001030, 0210011001031, 0210011001035,  
0210011001036, 0210011001037, 0210011001038, 0210011001039, 0210014001002,  
0210014001003, 0210014001009, 0210014001012, 0210014001014, 0210014001016,  
0210014001017, 0210014001018, 0210014001019, 0210014001020, 0210014001021,  
0210014001022, 0210014001023, 0210014001024, 0210014001025, 0210014001026,  
0210014001027, 0210014001028, 0210014001029, 0210014001030, 0210014001031,  
0210014001032, 0210014001033, 0210014001034, 0210014001035, 0210014001036,

0210014002000, 0210014002001, 0210014002002, 0210014002003, 0210014002004,  
0210014002005, 0210014002006, 0210014002007, 0210014002008, 0210014003011,  
0210014003014, 0210014003025, 0210014003026, 0210014003027, 0210014003030,  
0210014003031, 0210014003032; VTD 70.1: Block(s) 0210003001022, 0210003001023,  
0210004001044, 0210015001044, 0210015001045.

**District 3: Buncombe County: VTD 03.1, VTD 04.1, VTD 05.1: Block(s) 0210016001000,**  
0210016001001, 0210016001002, 0210016001003, 0210016001004, 0210016001005,  
0210016001006, 0210016001007, 0210016001008, 0210016001009, 0210016001010,  
0210016001011, 0210016001012, 0210016001013, 0210016001014, 0210016001015,  
0210016001016, 0210016001017, 0210016001018, 0210016001019, 0210016001020,  
0210016001021, 0210016001022, 0210016001023, 0210016001024, 0210016001025,  
0210016001026, 0210016001027, 0210016001028, 0210016001029, 0210016001030,  
0210016001031, 0210016001032, 0210016001033, 0210016001034, 0210016001035,  
0210016001036, 0210016001037, 0210016001040, 0210016001041, 0210016001042,  
0210016001043, 0210016001044, 0210016001045, 0210016001047, 0210016001048,  
0210016001049, 0210016001050, 0210016002000, 0210016002001, 0210016002002,  
0210016002003, 0210016002005, 0210016002007, 0210016002010, 0210016002011,  
0210016002012, 0210016002015, 0210016002016, 0210016002017, 0210016002018,  
0210016002019, 0210016002020, 0210016002023, 0210016002024, 0210016002025,  
0210016002026, 0210016002027, 0210016002028, 0210016002029, 0210016002030,  
0210016002031, 0210016002032, 0210016002033, 0210016002035, 0210016002036,  
0210016003057, 0210016003061, 0210016003064, 0210016003067, 0210016003078,  
0210016003080, 0210016003081, 0210016003083, 0210016003087, 0210016003092,  
0210016003093, 0210016003104, 0210016003108, 0210016003109, 0210016003110; VTD  
103.1: Block(s) 0210018011000, 0210018011002, 0210018011030, 0210018011031,  
0210018011032, 0210018011033, 0210018011034, 0210018011035, 0210018011036,  
0210018011037, 0210018011038, 0210018011039, 0210018011040; VTD 104.1: Block(s)  
0210005001000, 0210005001001, 0210005001002, 0210005001003, 0210005001004,  
0210005001005, 0210005001006, 0210005001015, 0210005001016, 0210005001019,  
0210005001020, 0210005001021, 0210005003000, 0210005003001, 0210005003002,  
0210005003003, 0210005003005, 0210005003009, 0210005003010, 0210005003011,  
0210017001003, 0210017001007, 0210017001036, 0210017001037, 0210017001038,  
0210017001039, 0210017001040, 0210017001041, 0210017001042, 0210017001043,  
0210017001044, 0210017001045, 0210017001046, 0210017002008, 0210017002009,  
0210017002010, 0210017002011, 0210017002012, 0210017002013, 0210017002014,  
0210017002015, 0210017002016, 0210017002017, 0210017002018, 0210017002019,  
0210017002020, 0210017002021, 0210017002022, 0210017002023, 0210017002024,  
0210017002025, 0210017002026, 0210017002027, 0210017002028, 0210017002031,  
0210017002032, 0210017002033; VTD 17.1, VTD 20.1, VTD 28.1, VTD 70.1: Block(s)  
0210004001001, 0210004001003, 0210004001004, 0210004001006, 0210004001007,  
0210004001008, 0210004001009, 0210004001013, 0210004001019, 0210004001020,  
0210004001031, 0210004001037, 0210004001038, 0210004001039, 0210016002006,  
0210016002013, 0210016002037, 0210016002039, 0210016003068, 0210016003069; VTD  
71.1: Block(s) 0210016003001, 0210016003002, 0210016003012, 0210016003015,  
0210016003049, 0210016003050, 0210016003051, 0210016003053, 0210016003055,  
0210016003056, 0210016003058, 0210016003059, 0210016003060, 0210016003062,  
0210016003063, 0210016003065, 0210016003071, 0210016003072, 0210016003073,  
0210016003075, 0210016003082, 0210016003107, 0210016003111.

**District 4: Buncombe County: VTD 06.1, VTD 07.1, VTD 09.1, VTD 100.1: Block(s)**  
0210020003000, 0210020003001, 0210020003002, 0210020003003, 0210020003004,  
0210020003005, 0210020003006, 0210020003007, 0210020003008, 0210020003009,



0210020003010, 0210020003011, 0210020003012, 0210020003013, 0210020003014,  
0210020003015, 0210020003016, 0210020003017, 0210020003018, 0210020003019,  
0210020003020, 0210020003021, 0210020003022, 0210020003023, 0210020003024,  
0210020003025, 0210020003026, 0210020003027, 0210020003028, 0210020003029,  
0210020003030, 0210020003031, 0210020003032, 0210020003033, 0210020003034,  
0210020003035, 0210020003036, 0210020003037, 0210020003038, 0210020003039,  
0210020003042, 0210020003049, 0210020004001, 0210020004002, 0210020004003,  
0210020004010, 0210020004011, 0210020004012, 0210020004013, 0210020004014,  
0210020004015, 0210020004016, 0210021011000, 0210021011001, 0210021011002,  
0210021011006, 0210021011007, 0210021011008, 0210021011009, 0210021011032,  
0210021011033, 0210021011047; VTD 103.1: Block(s) 0210018011007, 0210018012003,  
0210018012004, 0210018012005, 0210018012006, 0210018012007, 0210018012008,  
0210018012009, 0210018012010, 0210018012011, 0210018012012, 0210018012013,  
0210018012014, 0210018012015, 0210018012016, 0210018012017, 0210018012018,  
0210018012019, 0210018012020, 0210018012021, 0210018012022, 0210018012023,  
0210018012024, 0210018012026, 0210018012027, 0210018012028, 0210018012029,  
0210018021003, 0210018021004, 0210018021005, 0210018021006, 0210018021007,  
0210018021008, 0210018021009, 0210018021010, 0210018021011, 0210018021012,  
0210018021013, 0210018021014, 0210018021015, 0210018021016, 0210018021017,  
0210018021018, 0210018021019, 0210018022006, 0210018022007, 0210018022008,  
0210018022009, 0210018022011, 0210018022013, 0210018022014, 0210018022015,  
0210018022017, 0210018023004, 0210018023008, 0210018023011; VTD 25.1: Block(s)  
0210018022012, 0210018022016, 0210018023001, 0210018023002, 0210018023003,  
0210018023005, 0210018023006, 0210018023007, 0210018023009, 0210018023010,  
0210018023012, 0210018023013, 0210018023014, 0210018023015, 0210018023016,  
0210018023017, 0210018023018, 0210018023020, 0210018023021, 0210018023022,  
0210018023023, 0210018023024, 0210018023025, 0210018023026, 0210018023027,  
0210019001000, 0210019001001, 0210019001002, 0210019001003, 0210019001004,  
0210019001005, 0210019001006, 0210019001007, 0210019001008, 0210019001009,  
0210019001010, 0210019001011, 0210019001012, 0210019001013, 0210019001032,  
0210019002029, 0210030011014, 0210030011019, 0210030011048, 0210030011049,  
0210030011050, 0210030011052, 0210030011053, 0210030011054, 0210030011055,  
0210030011056, 0210030011057, 0210030011058, 0210030011059, 0210030011067,  
0210030014009, 0210030014026, 0210030014027, 0210030014028; VTD 60.2: Block(s)  
0210032033009; VTD 62.1: Block(s) 0210018023028, 0210018023029, 0210018023031,  
0210018023032, 0210030014022, 0210030014023, 0210030014024; VTD 64.1: Block(s)  
0210030011015, 0210030011060.

**District 5: Buncombe County: VTD 100.1: Block(s) 0210020003040, 0210020003041,**  
0210020003043, 0210020003044, 0210020003045, 0210020003046, 0210020003047,  
0210020003048, 0210020004000, 0210020004004, 0210020004005, 0210020004006,  
0210020004007, 0210020004008, 0210020004009, 0210020004017, 0210020004018,  
0210020004019, 0210020004020, 0210020004021, 0210020004022, 0210020004023,  
0210020004024, 0210020004025, 0210021021001, 0210021021007, 0210021021011,  
0210021021012, 0210021021013, 0210021021015, 0210021021016, 0210021021019,  
0210021021024, 0210021021025, 0210021021026, 0210021021027, 0210021021028,  
0210021021029, 0210021021030, 0210021021031, 0210021021034, 0210021021035,  
0210021021036, 0210021021037, 0210021022000, 0210021022001, 0210021022002,  
0210021022003, 0210021022004, 0210021022005, 0210021022006, 0210021022007,  
0210021022008, 0210021022009, 0210021022010, 0210021022011, 0210021022012,  
0210021022013, 0210021022014, 0210021022015, 0210021022016, 0210021022017,  
0210021022018, 0210021022019, 0210021022020, 0210021022021, 0210021022022,

0210021022023, 0210021022024, 0210021022025, 0210021022026, 0210021022027,  
0210021022028, 0210021022029, 0210021022030, 0210021022031, 0210021022032,  
0210021022033, 0210021022034, 0210021022035, 0210021022036, 0210021022037,  
0210021022038, 0210021022039, 0210021022040, 0210021022041, 0210021022043,  
0210021022045, 0210021022046, 0210021022053, 0210021022054, 0210021022055; VTD  
101.1: Block(s) 0210022031000, 0210022031001, 0210022031006, 0210022031019,  
0210022031020, 0210022031021, 0210022031022, 0210022031023, 0210022031024,  
0210022031025, 0210022031026, 0210022031027, 0210022031028, 0210022031029,  
0210022031030, 0210022031031, 0210022031032, 0210022031033, 0210022031034,  
0210022031035, 0210022031036, 0210022031037, 0210022031038, 0210022031040,  
0210022031042, 0210022032001, 0210022032002, 0210022032024, 0210022032025,  
0210022032026, 0210022032027, 0210022032029, 0210022032034, 0210022032037,  
0210022032038, 0210022032039, 0210022032040, 0210022032041, 0210022032042,  
0210022032043, 0210022032045, 0210022032046, 0210022032047, 0210022032049,  
0210022032050, 0210022032052, 0210022032053, 0210022032054, 0210022032057,  
0210022032059, 0210022032061, 0210022032062, 0210022032064, 0210022032073,  
0210022032074, 0210022032075, 0210022032076, 0210022032077, 0210022032078,  
0210022032079, 0210022032081, 0210022032083, 0210022033000, 0210022033010,  
0210022041006, 0210022041008, 0210022041009, 0210022041010, 0210022041012,  
0210022041013, 0210022041015, 0210022041018, 0210022041019, 0210022041022,  
0210022041023, 0210022041030, 0210022041031, 0210022041032, 0210022041033,  
0210022041034, 0210022041035, 0210022041036, 0210022041037, 0210022041038,  
0210022041039, 0210022041040, 0210022041041, 0210022041042, 0210022041043,  
0210022041044, 0210022041045, 0210022041046, 0210022041047, 0210022041048,  
0210022041049, 0210022041050, 0210022041051, 0210022041052, 0210022041053,  
0210022041054, 0210022041055, 0210022041056, 0210022041057, 0210022042011,  
0210022042012, 0210022042013, 0210022042014, 0210022042017, 0210022042018,  
0210022042019, 0210022042020, 0210022042023, 0210022042024, 0210022042025,  
0210022042028, 0210022043002, 0210022043003, 0210022043004, 0210022043005,  
0210022043006, 0210022043007, 0210022043011, 0210022043012, 0210022043013,  
0210022043016, 0210022043018, 0210022043019, 0210022043020, 0210022043021,  
0210022043022, 0210022043034, 0210022043035, 0210022043036, 0210022043037,  
0210022043038, 0210022043039, 0210022044000, 0210022044001, 0210022044002,  
0210022044003, 0210022044004, 0210022044005, 0210022044006, 0210022044007,  
0210022044008, 0210022044009, 0210022044010, 0210022044011, 0210022044012,  
0210022044013, 0210022044014, 0210022044015, 0210022044017; VTD 102.1: Block(s)  
0210022051007, 0210022051008, 0210022052044, 0210022052045, 0210022053000,  
0210022053001, 0210022053002, 0210022053003, 0210022053004, 0210022053005,  
0210022053006, 0210022053007, 0210022053008, 0210022053009, 0210022053010,  
0210022053011, 0210022053012, 0210022053013, 0210022053014, 0210022053015,  
0210022053016, 0210022053020, 0210022053021, 0210022053022, 0210022053023,  
0210022061008, 0210022061014, 0210022061015, 0210022061016, 0210022061017,  
0210022061018, 0210022061019, 0210022061020, 0210022061021, 0210022062009,  
0210022062010, 0210022062011, 0210022062012, 0210022062013, 0210022062014,  
0210022062015, 0210022062019, 0210022062020, 0210022062021, 0210022062022,  
0210022062023; VTD 19.1, VTD 30.1: Block(s) 0210023012007, 0210023013004; VTD  
55.1: Block(s) 0210022051006; Henderson County: VTD FL: Block(s) 0899306002039,  
0899306002040.

(e) The person elected as mayor at the 1997-2017 election shall serve a four-five year term of office commencing in 1997-2017 and expiring in 2001-2022. Thereafter, Beginning with

the 2022 election, all terms of office for the mayor shall be four years. The mayor shall be nominated and elected from the City at-large.

(f) A mayor or member of council ceasing to possess any of the qualifications specified in this section shall immediately forfeit office."

**SECTION 1.(b)** Chapter 165 of the 1969 Session Laws is repealed.

**SECTION 1.(c)** Nothing in this act shall affect the authority of the City of Asheville to annex any property pursuant to Article 4A of Chapter 160A of the General Statutes and any local act of the General Assembly. Annexed property shall be assigned in accordance with Section 6(c) of the Charter of the City of Asheville.

**SECTION 1.(d)** The Legislative Services Officer shall certify a true copy of the block assignment file associated with any mapping software used to generate the language in subsection (a) of this section. The certified true copy of the block assignment file shall be delivered by the Legislative Services Officer to the Clerk of the City of Asheville.

**SECTION 1.(e)** No regular election shall be conducted in the City of Asheville in 2019. The terms of the council members elected in 2015 are extended until 2020, and the terms of the mayor and council members elected in 2017 are extended until 2022.

**SECTION 2.** This act is effective when it becomes law and applies to elections held on or after that date.

In the General Assembly read three times and ratified this the 29<sup>th</sup> day of June, 2018.

s/ Daniel J. Forest  
President of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF ASHEVILLE TO PROVIDE FOR AT-LARGE ELECTIONS FOR THE MEMBERS OF THE CITY OF ASHEVILLE CITY COUNCIL

---

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-101 and § 160A-102, the City Council of the City of Asheville ("the City Council") may adopt an ordinance to amend the Charter of the City of Asheville to implement any of the optional forms of government set out in N.C. Gen. Stat. § 160A-101; and

WHEREAS, on September 10, 2019, the Asheville City Council adopted Resolution No. \_\_\_\_, expressing its intent to consider an ordinance amending the Charter of the City of Asheville to provide that all City Council candidates be nominated and elected by all qualified voters of the City as authorized by N.C. Gen. Stat. § 160A-101(6)(a) and setting a public hearing on the proposed charter amendment; and

WHEREAS, on September 24, 2019, the Asheville City Council held a public hearing to consider the proposed charter amendment, as set forth in the Resolution of Intent;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Pursuant to N.C. Gen. Stat. §§ 160A-101 and 160A-102, the Charter of the City of Asheville is hereby amended to implement the amendments proposed in Resolution No. \_\_\_\_\_, as follows:

1. Article II, Section 6(a) of the Charter of the City of Asheville is repealed in its entirety, and is replaced by the following provision:

"Section 6(a) Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six council members, all nominated and elected from the city at large in the manner hereinafter provided. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. Elections for mayor and councilmembers shall be held on a nonpartisan basis in even-numbered years on the Tuesday after the first Monday in November, beginning in 2020 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the City shall be entitled to vote on such ballots. Results shall be determined using the nonpartisan plurality method in accordance with G.S. 163A-1616. Except as otherwise provided herein, the election shall be conducted according to the provisions of Subchapter III of Chapter 163A of the General Statutes then governing elections. The county board of elections under the direction of the Bipartisan State Board of Elections and Ethics Enforcement shall make necessary provisions for elections for mayor and councilmembers."

2. Section 6(b) of the Charter of the City of Asheville is repealed in its entirety, and is replaced by the following provision:

"Section 6 (b) The term of the mayor and councilmembers shall begin at the first regular meeting of the city council in December of even-numbered years. The term of office of the mayor and six council members shall be four years, and shall be so staggered that the terms of office of three council members shall expire every two years. In the election of 2020, those three persons elected to council will serve four year terms to expire in 2024. In the election of 2022, the three persons elected to council will serve four year terms to expire in 2026. Commencing with the 2020 election, all terms of office for council members shall be four years."

3. Section 6(c) of the Charter of the City of Asheville is repealed in its entirety.

4. Section 6(d) of the Charter of the City of Asheville is repealed in its entirety.

Section 2. The City Clerk shall cause a notice to be duly published, stating that an ordinance amending the Charter to change the mode of election of the City Council has been adopted.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances, charter provisions or resolutions, or parts of ordinances, charter provisions or resolutions in conflict herewith are repealed to the extent of such conflict.

Read, approved and adopted this \_\_\_\_\_ day of October, 2019.

City Clerk

Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF ASHEVILLE TO PROVIDE THAT CITY OF ASHEVILLE CITY COUNCIL ELECTIONS WILL BE CONDUCTED BY THE NONPARTISAN PRIMARY AND ELECTION METHOD

---

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-101 and § 160A-102, the City Council of the City of Asheville ("the City Council") may adopt an ordinance to amend the Charter of the City of Asheville to implement any of the optional forms of government set out in N.C. Gen. Stat. § 160A-101; and

WHEREAS, on September 10, 2019, the City Council adopted Resolution No. \_\_, expressing its intent to consider an ordinance amending the Charter of the City of Asheville to provide that the results of elections for the City Council be determined by the nonpartisan primary and election method and setting a public hearing on the proposed charter amendment; and

WHEREAS, on September 24, 2019, the City Council held a public hearing to consider the proposed charter amendment, as set forth in the Resolution of Intent; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Pursuant to N.C. Gen. Stat. §§ 160A-101 and 160A-102, the Charter of the City of Asheville is hereby amended to implement the amendments proposed in Resolution No. \_\_\_\_, as follows:

1. Article II, Section 6(a) of the Charter of the City of Asheville is repealed in its entirety, and will be replaced by the following provision:

"(a) Except as otherwise herein provided in this Charter, all powers of the city shall be vested in a council of a mayor and six council members, all nominated and elected from the city at large in the manner hereinafter provided. The mayor and members of the council, and all other officers, elected under the provisions of this Charter, shall at the time of their election be qualified electors of the City of Asheville. Elections for mayor and councilmembers shall be held on a nonpartisan basis in even-numbered years on the Tuesday after the first Monday in November, beginning in 2020 and biennially thereafter. The names of the candidates shall be printed on the ballots without reference to any party affiliation, and any qualified voter residing in the City shall be entitled to vote on such ballots. Results shall be determined using the nonpartisan primary and election method in accordance with G.S. 163A-1618. The primary and election shall be held and conducted in accordance with the general laws governing primaries and election for county officers. Except as otherwise provided herein, the election shall be conducted according to the provisions of Subchapter III of Chapter 163A of the General Statutes then governing elections. The county board of elections under the direction of the Bipartisan State Board of Elections and Ethics Enforcement shall make necessary provisions for elections for mayor and councilmembers."

Section 2. The City Clerk shall cause a notice to be duly published, stating that an ordinance amending the Charter to change the mode of election of the City Council has been adopted.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances, charter amendments or resolution, or parts of ordinances, charter provisions or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Read, approved and adopted this \_\_\_\_ day of October, 2019.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

RESOLUTION NO. 19-\_\_\_\_

RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR AT-LARGE ELECTIONS FOR THE MEMBERS OF THE CITY OF ASHEVILLE CITY COUNCIL AND SETTING A PUBLIC HEARING ON THE PROPOSED CHARTER AMENDMENTS

---

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-101 and § 160A-102, the City Council of the City of Asheville ("the City Council") may adopt an ordinance to amend the Charter of the City of Asheville to implement any of the optional forms of government set out in N.C. Gen. Stat. § 160A-101; and

WHEREAS, N.C. Gen. Stat. § 160A-101(6)(a) provides that, with respect to the mode of election of the Council, all candidates for the City Council be nominated and elected by all the qualified voters of the City; and

WHEREAS, the City Council is currently composed of six members and a mayor, with five members nominated and elected from single-member electoral districts, and one member and the Mayor nominated and elected from the City at-large; and

WHEREAS, the City Council intends to consider an ordinance amending the City Charter to provide that all City Council candidates be nominated and elected by all qualified voters of the city; and

WHEREAS, N.C. Gen. Stat. § 160A-102 requires that proposed Charter amendments first be considered during a public hearing, and that due notice thereof be published not less than ten (10) days prior to the date fixed for the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby intends to consider an ordinance amending the Charter of the City of Asheville to provide that all City Council candidates be nominated and elected by all qualified voters of the City as authorized by N.C. Gen. Stat. § 160A-101(6)(a).

2. A public hearing on the proposed Charter amendments is hereby called during the regular meeting of the City Council on the 24th day of September, 2019, beginning at 5:00 p.m. in the Council Chamber on the second floor of the City Hall Building of the City of Asheville.

3. Following the public hearing on the proposed ordinance, the City Council shall consider passage of the ordinance.

4. The City Clerk is hereby directed to publish a notice of said public hearing at least once, not less than 10 days prior to the date fixed for the public hearing, which notice shall contain a summary of the proposed Charter amendments.

Read, approved and adopted this the 10th day of September, 2019

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney



RESOLUTION NO. 19-\_\_\_\_

RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE THAT ASHEVILLE CITY COUNCIL ELECTIONS BE CONDUCTED BY THE NONPARTISAN PRIMARY AND ELECTION METHOD AND SETTING A PUBLIC HEARING ON THE PROPOSED CHARTER AMENDMENTS

---

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-101 and § 160A-102, the City Council of the City of Asheville ("the City Council") may adopt an ordinance to amend the Charter of the City of Asheville to implement any of the optional forms of government set out in N.C. Gen. Stat. § 160A-101; and

WHEREAS, N.C. Gen. Stat. § 160A-101(7) provides that, with respect to the conduct of elections of the City Council, such elections may be conducted by the nonpartisan primary and election method in accordance with N.C. Gen. Stat. § 163A-1618 ; and

WHEREAS, the Asheville City Council election is currently conducted by the nonpartisan plurality method, with all City Council members and the Mayor elected pursuant to N.C. Gen. Stat. § 163A-1616; and

WHEREAS, the the City Council intends to consider an ordinance amending the City Charter to provide that all City Council candidates be nominated and elected by the nonpartisan primary and election method pursuant to N.C. Gen. Stat. § 163A-1618; and

WHEREAS, N.C. Gen. Stat. § 160A-102 requires that proposed Charter amendments first be considered during a public hearing, and that due notice thereof be published not less than ten (10) days prior to the date fixed for the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council hereby intends to consider an ordinance amending the Charter of the City of Asheville to provide for nonpartisan primary elections for the members of the Asheville City Council as authorized by N.C. Gen. Stat. § 160A-101(7)d.
2. A public hearing on the proposed Charter amendments is hereby called during the regular meeting of the City Council on the 24th day of September 2019, beginning at 5:00 p.m. in the Council Chamber on the second floor of the City Hall Building of the City of Asheville.
3. Following the public hearing on the proposed ordinance, the City Council shall consider passage of the ordinance.
4. The City Clerk is hereby directed to publish a notice of said public hearing at least once, not less than 10 days prior to the date fixed for the public hearing, which notice shall contain a summary of the proposed Charter amendments.

Read, approved and adopted this the 10th day of September, 2019.

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney