



MEMORANDUM

To: Mayor and City Councilors
From: Rich Olson, City Manager
Date: March 11, 2015
Re: Consideration – Adoption of Resolution Calling for a Special Election

BACKGROUND:

On March 10, 2015, the City received notice from the Pasquotank County Board of Elections (attached) that Councilman Montravias King changed his voter registration from Pasquotank County to Greene County. NCGS 160A-59 reads as follows:

§ 160A-59. Qualifications for elective office.

All city officers elected by the people shall possess the qualifications set out in Article VI of the Constitution. In addition, when the city is divided into electoral districts for the purpose of electing members of the council, council members shall reside in the district they represent. When any elected city officer ceases to meet all of the qualifications for holding office pursuant to the Constitution, or when a council member ceases to reside in an electoral district that he was elected to represent, the office is ipso facto vacant. (1973, c. 609.)

Due to Mr. King's actions, he has resigned from his Council seat.

Section 2.2 of the City Charter addresses when and how vacancies are to be filled. The City Council is required to meet within 10 days to adopt a resolution declaring the seat vacant. A Special Election must be held not less than 45 days or more than 60 days after the resolution has been executed. City staff has had discussions with the Supervisor of Elections and developed a timeline for a Special Election.

If the City Council adopts the resolution on Monday, March 16 declaring the seat vacant and calling for a Special Election, that election must be held between May 2 and May 16, 2015. State law requires that the election must be held on a Tuesday, leaving May 5 or May 12 as the days for a possible election.

City staff has conferred with the Board of Elections and they have provided the following dates:

Date of First Publication of Notice of Election	March 21, 2015
Date Filing Period for Candidacy Begins	March 23, 2015 at 8 a.m. (*)
Date Filing Period Closes	March 27, 2015 at 5 p.m. (*)
Date Absentee Ballots Mailed printed	As soon as the ballot is printed
Date Voter Registration Books Close	April 17, 2015
Date One-Stop Voting Begins	April 30, 2015
Election Day	May 12, 2015
Run-Off Election Day, if required	June 9, 2015

(*) *Subject to Board of Elections approval.*

City staff has incorporated these dates into the resolution. Because the City Charter is so restrictive, the City Council has little discretion with this timeline.

The estimated cost of a Special Election is \$9,000 and could possibly be more if a run-off election is necessary. The City Council will need to adopt a budget amendment at a later date.

STAFF RECOMMENDATION:

By motion, adopt the attached resolution calling for a Special Election to fill the vacated fourth ward seat of Councilman Montravias King.

RCO/vdw

Elizabeth A. Godfrey, Chairman
William T. Skinner, Secretary
James L. Ownley, Member



Kelli L. Price, Director
Rebecca Creech, Deputy
co.pasquotank.nc.us/elections.htm

1409 Parkview Drive
PO Box 1797, Elizabeth City, NC 27906

Phone (252) 335-1739
Fax (252) 331-2560

March 10, 2015

Mr. Richard Olson
City Manager
City of Elizabeth City
PO Box 347
Elizabeth City NC 27907

Dear Mr. Olson:

Per your request, our office is confirming that Montravias Dvarius King is no longer a registered voter in Pasquotank County. When a voter registers after being previously registered in another county, the NC State Board of Elections system automatically removes any previous registration for the reason "Moved Within State". Mr. King was removed as a Pasquotank County voter on February 19, 2015 for this reason.

Sincerely,

A handwritten signature in cursive script that reads "Kelli L. Price".

Kelli L. Price

**RESOLUTION
CALLING FOR A SPECIAL ELECTION
TO FILL A VACANT SEAT IN THE FOURTH WARD
OF THE CITY OF ELIZABETH CITY**

WHEREAS, 4th Ward Councilperson Montravias D. King has changed his voter registration from Pasquotank County to Greene County; and

WHEREAS, NCGS §160A-59 requires that a Councilperson must reside in the Ward he was elected to represent; and

WHEREAS, NCGS §160A-59 states that if a Councilmember ceases to reside in an electoral district that he was elected to represent, the office is ipso facto vacant; and

WHEREAS, the City of Elizabeth City Charter requires that the City Council, within ten days of the event creating the vacancy, shall meet, and by Resolution, shall fix the date on which election to fill the vacancy shall be held; and

WHEREAS, NCGS 163-287 outlines the procedure for calling for a Special Election and directs the City Council to adopt a Resolution specifying the details of the election; and, to forthwith deliver the Resolution to the Pasquotank County Board of Elections to conduct the Special Election; and

WHEREAS, 4th Ward Councilperson Montravias King was elected in 2013 and has more than six months remaining on his term, thus allowing the special election to be held at a time other than a regular election as per GS 163-287(e); and

WHEREAS, NCGS 163-287 also requires that legal notice of the Special Election shall be published by the Pasquotank County Board of Elections no less than 45 days prior to the Special Election; and

WHEREAS, the City Council of the City of Elizabeth City deems that the Special Election shall as set out below, with the following timeline. The filing fee for this special election shall be \$10.00, the same as the regular filing fee for a Council Seat.

Date of First Publication of Notice of Election	March 21, 2015
Date Filing Period for Candidacy Begins	March 23, 2015 at 8 a.m. (*)
Date Filing Period Closes	March 27, 2015 at 5 p.m. (*)
Date Absentee Ballots Mailed	As soon as the ballot is printed
Date Voter Registration Books Close	April 17, 2015
Date One-Stop Voting Begins	April 30, 2015
Election Day	May 12, 2015
Run-Off Election Day, if required	June 9, 2015

(*) *Subject to Board of Elections approval.*

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Elizabeth City that the Pasquotank County Board of Elections is directed to hold a Special Election to elect a Councilperson to serve in the Fourth Ward of the City of Elizabeth City as provided herein.

ADOPTED, this the 16th day of March 2015.

Joseph W. Peel
Mayor

Vivian D. White, CMC/NCCMC
City Clerk