

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 71
HOUSE BILL 408

AN ACT AMENDING THE CHARTER OF THE TOWN OF BENSON TO CODIFY THE NEW METHOD OF ELECTING TOWN COMMISSIONERS ORDERED BY THE UNITED STATES DISTRICT COURT TO COMPLY WITH THE FEDERAL VOTING RIGHTS ACTS.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of Chapter 623 of the Session Laws of 1971, being the Charter of the Town of Benson, is amended by rewriting Section 3.1 of the Charter to read:

"Sec. 3.1. **Composition of the Board of Commissioners.** Beginning with the 1989 municipal election, the Board of Commissioners shall consist of six members to be elected in the manner provided in Article IV."

Sec. 2. Section 1 of Chapter 623 is further amended by adding the following to the end of subsection (b) of Section 3.3 of the Charter:

"In addition, no person shall be eligible to be a candidate for, or to be elected or serve as, a Commissioner for District 1, 2 or 3, unless he is a resident and qualified voter of that particular district."

Sec. 3. Section 1 of Chapter 623 is further amended by adding the following to the end of subsection (c) of Section 3.3 of the Charter:

"The person appointed to fill a vacancy in the office of Commissioner for District 1, 2 or 3 must reside in the district for which appointed."

Sec. 4. Section 1 of Chapter 623 is further amended by rewriting Sections 4.1 and 4.2 of the Charter to read as follows:

"Sec. 4.1. **Regular Municipal Elections.** Municipal elections shall be nonpartisan plurality elections and shall be held in odd-numbered years at the time set by State law. In the 1989 election four Commissioners shall be elected. A Commissioner for District 1 shall be elected for a term of two years by the voters of District 1 only. Three other Commissioners shall be elected by the voters of the entire town for terms of four years each. In the 1991 election and every four years thereafter three Commissioners shall be elected, one each for Districts 1, 2 and 3. Only the voters residing in a district may vote for the Commissioner for that district. In the 1993 election and every four years thereafter three Commissioners shall be elected by the voters of the entire town.

Sec. 4.2. **Voting.** In each election each voter shall be entitled to vote for one candidate for Mayor. In each election in which Commissioners for Districts 1, 2 and 3 are being chosen, each voter shall be entitled to vote for one candidate for commissioner for the district in which the voter resides. In each election in which the three

commissioners to be elected by the entire town are being chosen, the names of all candidates for those offices shall be placed on a single ballot and each voter shall be entitled to vote for one candidate only."

Sec. 5. Section 1 of Chapter 623 is further amended by adding a new Section 4.6 to the Charter as follows:

"Sec. 4.6. **Descriptions of Districts.** The Districts for the election of Commissioners are:

District 1.—The eastern side of town included within the following line beginning at the intersection of Market Street with the southern town limits and running clockwise to the same point as follows: North on Market Street to Brocklyn Street, east on Brocklyn to the western side of Interstate 95, north along the western side of Interstate 95 one block to Harnett Street, west on Harnett one block to George Street, north on George (or the line George would follow if extended north at that point) one block to Parrish Street, west on Parrish to Dunn Street, north on Dunn three blocks to Hill Street, east on Hill to Catherine Street, north on Catherine to Morris Avenue, east on Morris to Hall Street, north on Hall two blocks to Branch Street, west on Branch to Johnson Street, north on Johnson to U.S. Highway 301, east on 301 to the town limits, then south and clockwise along the town limits to the starting point.

District 2.—The middle portion of the town included between the western boundary of District 1 and the following line running south to north from its beginning at the intersection of Ryals Street and Mann Street at the southern town limits: North on Ryals Street four blocks to Harnett Street, east on Harnett to Farmer Road, north on Farmer two blocks to Main Street, east on Main one block to Wall Street, north on Wall one block to Church Street, east on Church one block to the railroad tracks, north on the railroad tracks to the town limits at U.S. Highway 301.

District 3.—The western side of the town including all of the town west of the line described above as the boundary for District 2."

Sec. 6. Following the 1989 municipal election, incumbent Commissioner Nathan B. Blackmon is designated as the Commissioner for District 2 and incumbent commissioner J.W. Parrish, Jr. is designated as the Commissioner for District 3. Each shall serve in that capacity until his term expires in 1991. If either should die, resign or otherwise leave office before the expiration of his term, the person appointed to fill the vacancy must reside in the same district as the vacating Commissioner.

Sec. 7. This act is intended to codify without change the election plan ordered by the United States District court for the Eastern District of North Carolina on November 22, 1988, in **Johnson v. Town of Benson**, No. 88-240-CIV-5.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 25th day of April, 1989.