

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 195
HOUSE BILL 595

AN ACT CONCERNING THE MANNER OF ELECTION OF THE BOARD OF
COMMISSIONERS OF LEE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-60(4) is repealed.

Sec. 2. G.S. 153A-61 is repealed.

Sec. 3. G.S. 153A-64 reads as rewritten:

"§ 153A-64. Filing results of election copy of resolution.

If the ~~proposition-resolution~~ is approved under G.S. ~~153A-61, 153A-60~~, a certified true copy of the resolution and a copy of the abstract of the election shall be filed with the Secretary of State, Supreme Court Library, and with the Legislative Library."

Sec. 4. G.S. 153A-58(3) reads as rewritten:

"§ 153A-58. Optional structures.

A county may alter the structure of its board of commissioners by adopting one or any combination of the options prescribed by this section.

- (1) Number of members of the board of commissioners: The board may consist of any number of members not less than three, except as limited by subdivision (2)d of this section.
- (2) Terms of office of members of the board of commissioners:
 - a. Members shall be elected for two-year terms of office.
 - b. Members shall be elected for four-year terms of office.
 - c. Members shall be elected for overlapping four-year terms of office.
 - d. The board shall consist of an odd number of members, who are elected for a combination of four- and two-year terms of office, so that a majority of members is elected each two years. This option may be used only if all members of the board are nominated and elected by the voters of the entire county, and only if the chairman of the board is elected by and from the members of the board.
- (3) Mode of election of the board of commissioners:
 - a. The qualified voters of the entire county shall nominate all candidates for and elect all members of the board.

For options b, c, and d, the county shall be divided into electoral districts, and board members shall be apportioned to the districts so that the quotients obtained by dividing the

population of each district by the number of commissioners apportioned to the district are as nearly equal as practicable.

- b. The qualified voters of each district shall nominate candidates and elect members who reside in the district for seats apportioned to that district; and the qualified voters of the entire county shall nominate candidates and elect members apportioned to the county at large, if any.
- c. The qualified voters of each district shall nominate candidates who reside in the district for seats apportioned to that district, and the qualified voters of the entire county shall nominate candidates for seats apportioned to the county at large, if any; and the qualified voters of the entire county shall elect all the members of the board.
- d. Members shall reside in and represent the districts according to the apportionment plan adopted, but the qualified voters of the entire county shall nominate all candidates for and elect all members of the board.

If any of options b, c, or d is adopted, the board shall divide the county into the requisite number of electoral districts according to the apportionment plan adopted, and shall cause a delineation of the districts so laid out to be drawn up and filed as required by G.S. 153A-20. ~~No more than half the board may be apportioned to the county at large.~~

- (4) Selection of chairman of the board of commissioners:
 - a. The board shall elect a chairman from among its membership to serve a one-year term, as provided by G.S. 153A-39.
 - b. The chairmanship shall be a separate office. The qualified voters of the entire county nominate candidates for and elect the chairman for a two- or four-year term.
- (5) Manner of determining results of the primary:
 - a. As provided by G.S. 163-111.
 - b. When more than one person is seeking election to a single office, the candidate who receives the highest number of votes shall be declared the nominee. When more persons are seeking nomination to two or more offices (constituting a group) than there are offices to be filled, those candidates receiving the highest number of votes, equal in number to the number of offices to be filled, shall be declared the nominee. If two or more candidates receiving the highest number of votes necessary to be nominated each receive the same number of votes, the proper party executive committee shall, from among those candidates receiving the same number of votes, select the party nominee in accordance with G.S. 163-114.

- c. As provided by G.S. 163-111, except that some percentage established by the resolution but less than a majority shall be sufficient to be nominated without another candidate having the right to call for a second primary.
- (6) Manner of voting in the primary: Each voter may not vote for more than a certain number of candidates in the primary, which total is less than the number of seats to be nominated.
- (7) Manner of voting in the general election: Each voter may not vote for more than a certain number of candidates in the general election, which total is less than the number of seats to be elected."

Sec. 5. Before adopting any resolution under Part 4 of Article 4 of Chapter 153A of the General Statutes, a county board of commissioners shall hold a public hearing on that resolution, and shall publish notice of the hearing at least 10 days before it is held.

Sec. 6. This act applies to Lee County only.

Sec. 7. This act is effective upon ratification, but only applies to resolutions approved on or before August 1, 1990.

In the General Assembly read three times and ratified this the 1st day of June, 1989.