

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2004-59
HOUSE BILL 1589**

AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. The Montgomery County Board of Commissioners shall be elected according to the method established by the United States District Court for the Middle District of North Carolina in the Consent Decree entered on January 23, 1990, and the Supplemental Order entered on July 2, 2003, in Montgomery County Branch of the NAACP, et al., v. Montgomery County, et al. C-90-27-R, as now codified in this act. This act is intended to satisfy the requirement of paragraph 13 of the Supplemental Order that the Board of Commissioners seek codification of the election method.

SECTION 2. The Board of Commissioners shall consist of five members, elected in partisan elections at the time provided by State law.

SECTION 3. One commissioner each shall be elected from Districts 1, 2, and 3 by the voters of that district only, and two commissioners shall be elected from the county at large.

SECTION 4. Districts 1, 2, and 3 shall be comprised of the areas shown on the map entitled "3-District Plan H" attached to the July 2, 2003, Supplemental Order and on file with the Montgomery County Board of Commissioners and Board of Elections.

SECTION 5. To be eligible to be a candidate for or to serve as a commissioner from District 1, 2, or 3 a person must reside in that district. Candidates for, and persons serving as, at-large commissioners may reside anywhere in the county.

SECTION 6. As provided in July 2, 2003, Supplemental Order, William Maness currently is serving as the commissioner for District 1, Sally Morris as the commissioner for District 2, George Knight as the commissioner for District 3, and Dolon Corbett and R.C. Bostic as the at-large commissioners.

SECTION 7. In the 2004 election, commissioners shall be elected from Districts 1 and 2 to serve four-year terms.

SECTION 8. In the 2006 election, a commissioner shall be elected from District 3 to serve a two-year term.

SECTION 9. Two at-large commissioners shall be elected in 2006 to serve four-year terms. In both the party primaries and the general election, all candidates for the two seats shall be listed together on the ballot and each voter shall be entitled to vote for up to two candidates.

SECTION 10. Subsequent elections for Districts 1, 2, and 3 shall be held in 2008 and every four years thereafter. Subsequent elections for the two at-large positions shall be held in 2010 and every four years thereafter.

SECTION 11. Notwithstanding G.S. 163-111, nominations in primary elections for the county board of commissioners shall be determined as follows:

- (1) 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.

- (2) 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.
- (3) 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.

SECTION 12. The three election districts may be redrawn as required by federal and State law following each decennial federal census.

SECTION 13. Except as provided in this act, elections for the Board of Commissioners shall be conducted according to general State law.

SECTION 14. The July 2, 2003, Supplemental Order provides that Montgomery County Branch of the NAACP, et al., v. Montgomery County, et al., shall be dismissed on July 2, 2008, if no additional motions have been filed by that time and no party has sought to reopen the case. Accordingly, after July 2, 2008, unless a subsequent order has been entered by the court, the method of electing the Board of Commissioners shall be as described in this act but may be subsequently altered pursuant to general State law and in compliance with the federal Voting Rights Act.

SECTION 15. Section 11 of this act becomes effective January 1, 2006. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 7th day of July, 2004.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives