

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 192

Short Title: Richmond Election Changes.

(Local)

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Sponsors: Representative Dawkins.

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Referred to: Judiciary.

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February 13, 1989

A BILL TO BE ENTITLED

1 AN ACT CODIFYING THE CHANGES IN THE METHOD OF ELECTING THE  
2 RICHMOND COUNTY BOARD OF COMMISSIONERS AND BOARD OF  
3 EDUCATION AS ORDERED BY THE UNITED STATES DISTRICT COURT  
4 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. Following the 1990 election the Richmond County Board of  
8 Commissioners shall consist of seven members. All members shall be elected by all  
9 voters of the county, and candidates for all seats may reside anywhere in the county.  
10 Primaries and general elections shall be conducted according to general State law except  
11 as provided by Section 5 of Chapter 939 of the 1987 Session Laws as amended by  
12 Section 1.1 of this act. In each primary and election all candidates shall be listed  
13 together on a single ballot and each voter eligible to vote in that primary or election  
14 shall be entitled to vote for as many candidates as there are seats being filled.

15 Sec. 1.1. Section 5 of Chapter 939, Session Laws of 1987, reads as rewritten:

16 "Sec. 5. (a) Notwithstanding G.S. 163-111, nominations in primary elections  
17 for a county board of commissioners shall be determined as follows:

18 (1) When more than one person is seeking election to a single office, the  
19 candidate who receives the highest number of votes shall be declared  
20 the nominee.

21 (2) When more persons are seeking nomination to two or more offices  
22 (constituting a group) than there are offices to be filled, those  
23 candidates receiving the highest number of votes, equal in number to  
24 the number of offices to be filled, shall be declared the nominee.

1 (3) If two or more candidates receiving the highest number of votes  
2 necessary to be nominated each receive the same number of votes, the  
3 proper party executive committee shall, from among those candidates  
4 receiving the same number of votes, select the party nominee in  
5 accordance with G.S. 163-114.

6 (b) This section applies to Pamlico County and Richmond Counties only."

7 Sec. 2. Five commissioners shall be elected in 1990. The four candidates  
8 receiving the most votes in the general election shall be elected for four-year terms, and  
9 the candidate receiving the fifth highest number of votes shall be elected for a two-year  
10 term. Three commissioners shall be elected in 1992 and every four years thereafter.  
11 Four commissioners shall be elected in 1994 and every four years thereafter.

12 Sec. 3. Incumbent members of the Board of Commissioners are entitled to  
13 serve the remainders of the terms for which they were elected in 1986 and 1988. If any  
14 of those commissioners dies, resigns or otherwise leaves office before the expiration of  
15 his term, the vacancy may be filled without regard to the residency of the departing  
16 commissioner or the person being appointed.

17 Sec. 4. Following the 1990 election the Richmond County Board of  
18 Education shall consist of seven members. All elections for the Board of Education  
19 shall be nonpartisan, plurality elections, and shall be held at the same time as primaries  
20 for county officers. All members shall be elected by all the voters of the county, and  
21 candidates for all seats may reside anywhere in the county. In each election all  
22 candidates shall be listed together on a single ballot and each voter shall be entitled to  
23 vote for as many candidates as there are seats being filled at that election. The  
24 candidates receiving the highest number of votes, equal in number to the number of  
25 seats being filled, shall be declared elected without any run-offs.

26 Sec. 5. Four members of the Board of Education shall be elected in 1990 and  
27 every four years thereafter. Three members shall be elected in 1992 and every four  
28 years thereafter.

29 Sec. 6. Incumbent members of the Board of Education are entitled to serve  
30 the remainders of the terms for which they were elected in 1986 and 1988. If any of  
31 those incumbents dies, resigns or otherwise leaves office before the expiration of his  
32 term, the vacancy may be filled without regard to the residency of the departing member  
33 or the person being appointed.

34 Sec. 7. This act is intended to codify without change the election plans  
35 ordered for the Richmond County Board of Commissioners and Board of Education by  
36 the United States District Court for the Middle District of North Carolina on December  
37 9, 1988, in the cases of National Association for the Advancement of Colored People, et  
38 al., v. Richmond County Board of Education, et al. (No. C-87-483-R) and National  
39 Association for the Advancement of Colored People, et al., v. Richmond County Board  
40 of Commissioners, et al. (No. C-87-484-R).

41 Sec. 8. The following local acts concerning the election of the Richmond  
42 County Board of Commissioners and Board of Education are repealed: Chapters 57 and  
43 128, Session Laws of 1983, and Chapter 536, Session Laws of 1977. The repeal of

1 these local acts is not intended to restore the election provisions of earlier local acts  
2 which were amended or repealed by the acts now being repealed.

3           Sec. 9. This act is effective upon ratification.