

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**H**

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**HOUSE BILL 1589  
Committee Substitute Favorable 6/3/04**

Short Title: Montgomery Commissioner Elections.

(Local)

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Sponsors:

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Referred to:

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May 20, 2004

A BILL TO BE ENTITLED

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

6 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

- 14           (1) When more than one person is seeking election to a single office, the  
15 candidate who receives the highest number of votes shall be declared  
16 the nominee.
- 17           (2) When more persons are seeking nomination to two or more offices  
18 (constituting a group) than there are offices to be filled, those  
19 candidates receiving the highest number of votes, equal in number to  
20 the number of offices to be filled, shall be declared the nominee.
- 21           (3) If two or more candidates receiving the highest number of votes  
22 necessary to be nominated each receive the same number of votes, the  
23 proper party executive committee shall, from among those candidates  
24 receiving the same number of votes, select the party nominee in  
25 accordance with G.S. 163-114.

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

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

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

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