

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 408

Short Title: Benson Election Changes.

(Local)

Sponsors: Representatives Creech; and Woodard.

Referred to: Government.

March 1, 1989

A BILL TO BE ENTITLED

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:

1 "Sec. 4.1. **Regular Municipal Elections.** Municipal elections shall be nonpartisan
2 plurality elections and shall be held in odd-numbered years at the time set by State law.
3 In the 1989 election four Commissioners shall be elected. A Commissioner for District
4 1 shall be elected for a term of two years by the voters of District 1 only. Three other
5 Commissioners shall be elected by the voters of the entire town for terms of four years
6 each. In the 1991 election and every four years thereafter three Commissioners shall be
7 elected, one each for Districts 1, 2 and 3. Only the voters residing in a district may vote
8 for the Commissioner for that district. In the 1993 election and every four years
9 thereafter three Commissioners shall be elected by the voters of the entire town.

10 Sec. 4.2. **Voting.** In each election each voter shall be entitled to vote for one
11 candidate for Mayor. In each election in which Commissioners for Districts 1, 2 and 3
12 are being chosen, each voter shall be entitled to vote for one candidate for commissioner
13 for the district in which the voter resides. In each election in which the three
14 commissioners to be elected by the entire town are being chosen, the names of all
15 candidates for those offices shall be placed on a single ballot and each voter shall be
16 entitled to vote for one candidate only."

17 Sec. 5. Section 1 of Chapter 623 is further amended by adding a new Section
18 4.6 to the Charter as follows:

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

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

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

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

41 Sec. 6. Following the 1989 municipal election, incumbent Commissioner
42 Nathan B. Blackmon is designated as the Commissioner for District 2 and incumbent
43 commissioner J.W. Parrish, Jr. is designated as the Commissioner for District 3. Each
44 shall serve in that capacity until his term expires in 1991. If either should die, resign or

1 otherwise leave office before the expiration of his term, the person appointed to fill the
2 vacancy must reside in the same district as the vacating Commissioner.

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

6 Sec. 8. This act is effective upon ratification.