

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 595  
Committee Substitute Favorable 5/8/89

Short Title: Lee Commissioners Election.

(Local)

Sponsors:

Referred to:

March 15, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT CONCERNING THE MANNER OF ELECTION OF THE BOARD OF  
3 COMMISSIONERS OF LEE COUNTY.

4 The General Assembly of North Carolina enacts:

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 G.S. 153A-60(4) is repealed.

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 G.S. 153A-61 is repealed.

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

8 "**§ 153A-64. Filing results of election copy of resolution.**

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

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

13 "**§ 153A-58. Optional structures.**

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

16 (1) Number of members of the board of commissioners: The board may  
17 consist of any number of members not less than three, except as  
18 limited by subdivision (2)d of this section.

19 (2) Terms of office of members of the board of commissioners:  
20 a. Members shall be elected for two-year terms of office.  
21 b. Members shall be elected for four-year terms of office.  
22 c. Members shall be elected for overlapping four-year terms of  
23 office.

1 d. The board shall consist of an odd number of members, who are  
2 elected for a combination of four- and two-year terms of office,  
3 so that a majority of members is elected each two years. This  
4 option may be used only if all members of the board are  
5 nominated and elected by the voters of the entire county, and  
6 only if the chairman of the board is elected by and from the  
7 members of the board.

8 (3) Mode of election of the board of commissioners:

9 a. The qualified voters of the entire county shall nominate all  
10 candidates for and elect all members of the board.

11 For options b, c, and d, the county shall be divided into electoral  
12 districts, and board members shall be apportioned to the districts so  
13 that the quotients obtained by dividing the population of each district  
14 by the number of commissioners apportioned to the district are as  
15 nearly equal as practicable.

16 b. The qualified voters of each district shall nominate candidates  
17 and elect members who reside in the district for seats  
18 apportioned to that district; and the qualified voters of the entire  
19 county shall nominate candidates and elect members  
20 apportioned to the county at large, if any.

21 c. The qualified voters of each district shall nominate candidates  
22 who reside in the district for seats apportioned to that district,  
23 and the qualified voters of the entire county shall nominate  
24 candidates for seats apportioned to the county at large, if any;  
25 and the qualified voters of the entire county shall elect all the  
26 members of the board.

27 d. Members shall reside in and represent the districts according to  
28 the apportionment plan adopted, but the qualified voters of the  
29 entire county shall nominate all candidates for and elect all  
30 members of the board.

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

36 (4) Selection of chairman of the board of commissioners:

37 a. The board shall elect a chairman from among its membership to  
38 serve a one-year term, as provided by G.S. 153A-39.

39 b. The chairmanship shall be a separate office. The qualified  
40 voters of the entire county nominate candidates for and elect the  
41 chairman for a two- or four-year term.

42 (5) Manner of determining results of the primary:

43 a. As provided by G.S. 163-111.

1                   b.     When more than one person is seeking election to a single  
2                   office, the candidate who receives the highest number of votes  
3                   shall be declared the nominee. When more persons are seeking  
4                   nomination to two or more offices (constituting a group) than  
5                   there are offices to be filled, those candidates receiving the  
6                   highest number of votes, equal in number to the number of  
7                   offices to be filled, shall be declared the nominee. If two or  
8                   more candidates receiving the highest number of votes  
9                   necessary to be nominated each receive the same number of  
10                  votes, the proper party executive committee shall, from among  
11                  those candidates receiving the same number of votes, select the  
12                  party nominee in accordance with G.S. 163-114.

13                  c.     As provided by G.S. 163-111, except that some percentage  
14                  established by the resolution but less than a majority shall be  
15                  sufficient to be nominated without another candidate having the  
16                  right to call for a second primary.

17                  (6)    Manner of voting in the primary: Each voter may not vote for more  
18                  than a certain number of candidates in the primary, which total is less  
19                  than the number of seats to be nominated.

20                  (7)    Manner of voting in the general election: Each voter may not vote for  
21                  more than a certain number of candidates in the general election,  
22                  which total is less than the number of seats to be elected."

23                  Sec. 5. Before adopting any resolution under Part 4 of Article 4 of Chapter  
24 153A of the General Statutes, a county board of commissioners shall hold a public  
25 hearing on that resolution, and shall publish notice of the hearing at least 10 days before  
26 it is held.

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

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