

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 717
SENATE BILL 43

1 AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF ANY COUNTY TO
2 MODIFY THE COMPOSITION AND MODE OF ELECTION OF THE BOARD OF
3 COUNTY COMMISSIONERS.
4

5 The General Assembly of North Carolina do enact:
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7 **Section 1.** G.S. Sec. 153-16, 153-17, 153-18, and 153-19 are repealed and the
8 following sections inserted in lieu thereof:

9 "**Sec. 153-16. Modification of form of government.** (1) It is hereby declared to be the policy
10 of the General Assembly that the qualified voters of each county may alter the composition and
11 mode of election of the board of commissioners for their county within the options and
12 according to the procedures prescribed by this Article.

13 (2) The voters may alter the number of members of the board of commissioners to any
14 number not less than 3 nor more than 7. except that an even number may not be adopted if
15 option (d) of paragraph (3) is adopted.

16 (3) The voters may alter the terms of office of members of the board of commissioners
17 by adopting one of the following options:

- 18 (a) members of the board shall be elected for terms of two years;
19 (b) members of the board shall be elected for terms of four years;
20 (c) members of the board shall be elected for overlapping terms of four years;
21 (d) the board shall consist of three, five, or seven members serving a
22 combination of four- and two-year terms so that a majority of the board is
23 elected every two years.

24 If the board consists of three members and option (c) is adopted as hereinafter provided, at
25 the first election following such adoption the two members receiving the highest number of
26 votes shall be elected for a term of four years, and the member elected with the lowest number
27 of votes for a term of two years. Thereafter, all candidates shall be elected for terms of four
28 years. If the board consists of five or seven members and option (c) is adopted as hereinafter
29 provided, at the first election following such adoption three members of a five-member board
30 or four members of a seven-member board receiving the highest number of votes shall be
31 elected for terms of four years and the remaining members for terms of two years. Thereafter,
32 all candidates shall be elected for terms of four years. If the board consists of four or six
33 members, and option (c) is adopted as hereinafter provided, at the first election following such
34 adoption the two members of a four-member board and the three members of a six-member
35 board receiving the highest number of votes shall be elected for terms of four years, and the
36 remaining members shall be elected for terms of two years. Thereafter, all candidates shall be
37 elected for terms of four years.

38 If option (c) is adopted in conjunction with either option (b) or (c) of paragraph (4),
39 members of the board first elected under option (c) shall at their first meeting determine by lot
40 which of them will serve four-year terms, and the remainder shall serve two-year terms. The
41 number of four-year terms shall be one-half of the membership of a board with an even number
42 of members, and a simple majority of a board with an odd number of members. After the
43 expiration of these initial terms, all members shall be elected for terms of four years.

1 If option (d) is adopted with a three-member board, at the first election following such
2 adoption, the candidate receiving the highest number of votes shall be elected for a term of four
3 years, and the two candidates receiving the next highest number of votes shall be elected for
4 terms of two years. Thereafter, the candidate receiving the highest number of votes shall be
5 elected for a term of four years and the candidate receiving the next highest number of votes
6 shall be elected for a term of two years. If option (d) is adopted with a five-member board, at
7 the first election following such adoption the two members receiving the highest number of
8 votes shall be elected for a term of four years and the three members receiving the next highest
9 number of votes shall be elected for terms of two years. Thereafter, the two candidates
10 receiving the highest number of votes shall be elected for a term of four years, and the
11 candidate receiving the next highest number of votes shall be elected for a term of two years. If
12 option (d) is adopted with a seven-member board, at the first election following such adoption
13 the three candidates receiving the highest number of votes shall be elected for terms of four
14 years, and the four candidates receiving the next highest number of votes shall be elected for
15 terms of two years. Thereafter, the three candidates receiving the highest number of votes shall
16 be elected for terms of four years, and the candidate receiving the next highest number of votes
17 shall be elected for a term of two years.

18 (4) The voters may alter the mode of election of members of the board of
19 commissioners by adopting one of the following options:

- 20 (a) all candidates shall be nominated and elected by all the qualified voters of
21 the county;
- 22 (b) the county shall be divided into districts; commissioners shall be apportioned
23 to the districts so that each member represents the same number of persons
24 as near as may be, except for members apportioned to the county at large;
25 the qualified voters of each district shall nominate candidates for the seats
26 apportioned to that district; all the qualified voters of the county shall
27 nominate candidates for seats apportioned to the county at large, if any; and
28 all candidates shall be elected by all the qualified voters of the county;
- 29 (c) the county shall be divided into districts; commissioners shall be apportioned
30 to the districts so that each member represents the same number of persons
31 as near as may be, except for members apportioned to the county at large;
32 the qualified voters of each district shall nominate and elect candidates for
33 seats apportioned to that district; and all the qualified voters shall nominate
34 and elect candidates for seats apportioned to the county at large, if any;
- 35 (d) the county shall be divided into districts; commissioners shall be apportioned
36 to the districts so that each member represents the same number of persons
37 as near as may be, except for members apportioned to the county at large;
38 and candidates shall reside in and represent the districts according to the
39 apportionment plan adopted, but all candidates shall be nominated and
40 elected by all the qualified voters of the county.

41 Options (b) and (c) may not be adopted by a board which has adopted option (d) of
42 paragraph (3).

43 (5) the voters may alter the mode of selecting the chairman of the board of county
44 commissioners by adopting one of the following options:

- 45 (a) the board shall select a chairman from among its membership to serve at its
46 pleasure;
- 47 (b) chairmanship of the board of commissioners shall be a distinct and separate
48 office with candidates for that office nominated and elected by all of the
49 qualified voters of the county separate and apart from other members of the
50 board."

51 Option (b) may not be selected by a board which has adopted option (d) of paragraph (3).

1 "Sec. 153-17. **How change may be made.** (a) The board of commissioners of any county may
2 submit to the qualified voters thereof a resolution altering the composition or mode of election
3 of the board within any of the options set out in G.S. Sec. 153-16. If the resolution provides for
4 commissioner districts, it shall define the districts and apportion members among them. If the
5 resolution alters the number of members of a board then serving overlapping four-year terms
6 and makes no change in the term of office, it shall specify how many vacancies shall be filled
7 at each of the next two succeeding general elections and the length of term to be served by the
8 candidates first elected to fill those vacancies, in order that not more than one half of the
9 membership of a board with an even number of members, or not more than a simple majority of
10 a board with an odd number of members, shall be elected at the same general election. Such a
11 resolution shall be adopted not later than 30 days before the deadline for filing notice of
12 candidacy for county offices, and shall be published in full in some newspaper having a general
13 circulation in the county.

14 (b) A resolution adopted under this Section shall be submitted to the qualified voters of
15 the county at the next general election following adoption thereof. The ballot shall be in
16 substantially the following form:

- 17 FOR the resolution (briefly describe the change proposed).
- 18 AGAINST the resolution (briefly describe the change proposed).

19 If a majority of the ballots cast shall be in favor of the resolution, it shall take effect at the next
20 succeeding general election.

21 (c) The board of commissioners shall cause all resolutions adopted pursuant to this
22 Section to be recorded in an ordinance book which shall be separate and distinct from the
23 commissioners' minute book, which book shall be appropriately indexed. The clerk to the board
24 shall file a certified copy of all resolutions adopted pursuant to this Section in the office of the
25 Secretary of State within 30 days after approval by the voters."

26 **Sec. 2.** G.S. Sec. 153-24 and 153-25 are repealed.

27 **Sec. 3.** All public, local, and special acts relating to the election of boards of county
28 commissioners shall continue in full force and effect until altered in accordance with the
29 procedures prescribed by this Act.

30 **Sec. 4.** All laws and clauses of laws in conflict with this Act are repealed.

31 **Sec. 5.** This Act shall take effect on July 1, 1969.

32 In the General Assembly read three times and ratified, this the 6th day of June,
33 1969.