

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 549
SENATE BILL 348

AN ACT TO PERMIT VOTERS TO REPORT CHANGES OF ADDRESS WITHIN
THE COUNTY BY POSTCARD, AND CONCERNING THE ELECTION OF THE
MARTIN COUNTY BOARD OF EDUCATION AND OTHER ELECTION
MATTERS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-72.2(b) reads as rewritten:

"(b) In lieu thereof, the voter may in person, or by ~~returnable~~ first class mail, file a written report with the county board of elections, signed in his own hand, setting forth:

- (1) His full name,
- (2) His former residence address,
- (3) His new residence address, and
- (4) The date he moved to the new address.

The voter shall sign his name himself and shall not cause or allow his signature to be signed by any other person unless he is unable to sign his name himself."

Sec. 1.1. Beginning with the 1988 regularly scheduled election for county boards of education, the Martin County Board of Education shall be elected from the seven districts described in Section 4 of this act. Only voters who reside in a district may vote in the election for that district.

Sec. 2. In 1988 and every four years thereafter elections shall be held to elect one member each from Districts 3, 5 and 7. In 1988 an election also shall be held in District 6 to elect one member for a term to expire in 1990. In 1990 and every four years thereafter elections shall be held to elect one member each from Districts 1, 2, 4 and 6.

Sec. 3. The seven current members of the Board may serve the remainder of their terms, three of which are due to expire in 1988 and four of which are due to expire in 1990. Following the 1988 election, the Board members whose terms do not expire until 1990 shall be assigned to seats for the districts in which they reside as follows: District 1 – Warren Ward; District 2 – Denyse Smith; District 4 – Taylor Slade. In addition, current member David Whitley, who was elected from the county at-large for a term to expire in 1990, shall be entitled to continue to serve the remainder of his term as an at-large member.

If Mr. Whitley or either of the two incumbents who reside in District 6, Wayne Peel and Edward D. Price, vacates his office at any time before the members elected in 1988 take office, a replacement shall be appointed from a district in which no incumbent resides, and that replacement shall represent that district until the members

elected in 1988 take office. If Mr. Whitley's office becomes vacant after the members elected in 1988 take office, no replacement shall be chosen.

Unless the one at-large position is vacated, after the 1988 election the Board will consist of eight members, seven representing districts and one representing the county at-large. The Board shall be reduced from eight to seven members as soon as the at-large position becomes vacant or the term of the incumbent expires in 1990.

Sec. 4. The seven election districts are as follows:

District 1. All of Goose Nest and Hamilton townships.

District 2. That portion of Robersonville Township west of a line running roughly north to south from the boundary between Hamilton and Robersonville townships as follows: South on State Road 1306 to the intersection with Highway 903, north on 903 to the intersection with State Road 1400, southwest on 1400 to the Robersonville town limits, following the town limits around the eastern side of the town to the intersection with Highway 903 south of town, south on 903 to the intersection with State Road 1148, east on 1148 to the intersection with State Road 1145, east on 1145 to the intersection with the boundary dividing Robersonville and Cross Roads townships, south along that boundary to the county line.

District 3. The portion of Robersonville Township not in District 2 plus all of Cross Roads and Bear Grass townships.

District 4. All of Poplar Point Township, the portion of Williamston Township outside the City of Williamston and north of State Road 1142 (1980 census enumeration District 34), and portion of the City of Williamston north of District 5.

District 5. The portion of the City of Williamston within the following boundary running clockwise from the intersection of Haughton Street with the city limits on the north side of the city: South on Haughton Street to the intersection with Church Street, east on Church to the intersection with School Drive, north on School to the intersection with Hallifax Street, east on Hallifax to the intersection with Henderson Street, north on Henderson to the intersection with Franklin Street, east from Franklin along the creek to the city limits and the Roanoke River, south on the River to Highway 17, west on 17 to the intersection with Main Street, north and west on Main to the intersection with Haughton Street, south on Haughton to the intersection with Washington Street, south and west on Washington to the intersection with the Atlantic Coast Line Railroad tracks, south on the tracks to the city limits, following the city limits around the western side of the city back to the intersection with Haughton Street north of the city.

District 6. The portions of Williamston Township and the City of Williamston not in District 4 or 5, plus all of Griffins Township.

District 7. All of Williams and Jamesville Townships.

Sec. 5. Vacancies on the Board shall be filled in the manner provided by State law. The person appointed to fill a vacancy must reside in the same district as the member whose seat is being vacated, except as provided in Section 3 of this act.

Sec. 6. Chapter 380 of the 1971 Session Laws and Chapter 42 of the 1975 Session Laws are repealed.

Sec. 6.1. G.S. 163-213.4 as rewritten by Chapter 81, Session Laws of 1987 is amended by deleting "second Tuesday in December" and substituting "first Tuesday in January".

Sec. 6.2. G.S. 163-213.6 is amended by deleting ", upon his written request, to be filed with the Board within 15 days of the notice to him by the Board,".

Sec. 6.3. Notwithstanding G.S. 163-294.2 or G.S. 163-291, notices of candidacy for the 1987 municipal elections in the City of Albemarle and the City of Asheboro shall be filed no earlier than noon on July 31, 1987 and no later than noon on August 21, 1987.

Sec. 6.4. Section 3 of the Charter of the Town of Enfield, as enacted by Chapter 970 of the Session Laws of 1967, is rewritten to read:

"Sec. 3. Powers of Town Vested in Mayor and Commissioners; Mayor to Vote in Case of Tie; Mayor Pro Tem; Vacancies. (a) All powers conferred upon the Town of Enfield and the administration of the government thereof shall be exercised by and vested in a principal executive officer styled the Mayor, and five commissioners, who shall serve in a legislative capacity and who are designated the Board of Town Commissioners. All elections shall be nonpartisan with winners determined by a plurality.

(b) For purposes of Town elections, the Town is divided into two districts. District A consists of the area east of the Seaboard Coast Line Railroad tracks (all currently in Precinct No. 2) and District B consists of the area west of the railroad tracks (currently in Precincts No. 1 and 3).

(c) In 1987 the following commissioners shall be elected:

- (1) Two commissioners shall be elected to represent District A. Only voters residing in District A shall be eligible to vote for these seats. All candidates for these two seats shall be listed together on the ballot. The candidate receiving the most votes shall be elected for a four-year term. The candidate receiving the next highest number of votes shall be elected for a two-year term.
- (2) One commissioner shall be elected by all the voters of the town for a four-year term.

(d) In 1989 and subsequent years, elections for commissioners shall be conducted as follows:

- (1) Two commissioners shall be elected to represent District A. One shall be elected in 1989 and every four years thereafter. The other shall be elected in 1991 and every four years thereafter. Only voters residing in District A shall be eligible to vote for these seats.
- (2) Two commissioners shall be elected in 1989 to represent District B. Only voters residing in District B shall be eligible to vote for these seats. All candidates for these two seats shall be listed together on the ballot. The candidate receiving the most votes shall be elected for a four-year term. The candidate receiving the next highest number of votes shall be elected for a two-year term. Their successors shall be elected for four-year terms.

(3) One commissioner shall be elected by all voters of the town. That commissioner shall be elected in 1991 and every four years thereafter.

(e) Commissioners presently on the Board shall be entitled to serve the remainder of their terms.

(f) In 1987 an election shall be held as previously scheduled to elect a person to serve the last two years of the unexpired term of mayor. Subsequent elections for mayor shall be held in 1989 and every four years thereafter. All voters in the town shall be eligible to vote for mayor.

(g) The mayor shall be ex officio chairman of the Board of Town Commissioners and shall have a right to vote in all cases where there is a tie vote of the Board. The Board shall elect from its members a mayor pro tem who shall perform the duties of the office of mayor if for any reason the mayor is absent or unable to perform those duties. If there is a vacancy in the office of mayor, the mayor pro tem shall hold the office of mayor until the next regularly scheduled election for Town officers, at which time a new mayor shall be elected to serve the remainder of the unexpired term.

(h) Whenever a vacancy occurs in the Board of Town Commissioners, the remaining members of the Board shall appoint a person to fill the vacancy for the remainder of the unexpired term. The person appointed to fill a vacancy from District A or B must reside in the same district as the departing member.

(i) A majority of the Board shall constitute a quorum at any meeting."

Sec. 6.5. If Section 6.4 of this act is not precleared pursuant to Section 5 of the Voting Rights Act at least one week before filing is scheduled to open for the 1987 election, the Halifax County Board of Elections shall adopt a new filing period, of the same duration, to commence at a time set by that Board after notification of preclearance.

Sec. 6.6. G.S. 7A-41(d)(54), as enacted by Chapter 509, Session Laws of 1987, is amended by deleting "twenty-seventh-C" and substituting "twenty-sixth-C".

Sec. 6.7. If the provisions of Chapter 193, Session Laws of 1987, are not precleared pursuant to Section 5 of the Voting Rights Act by the time of opening of filing for the Pitt County Board of Education for the 1987 election, the Pitt County Board of Elections shall adopt a new filing period, of the same duration, to commence at a time set by that Board after notification of preclearance.

—MOORE PRECINCT BOUNDARIES

Sec. 6.8. Section 2 of Chapter 225, Session Laws of 1983, as amended by Chapter 827, Session Laws of 1985, is amended by adding immediately after "Randolph," the word "Moore,".

—GRANDFATHER VILLAGE ELECTION NOTICE

Sec. 6.9. Section 2 of Chapter 419, Session Laws of 1987, is amended by adding a new subsection to read:

"(c) Notwithstanding Chapter 163 of the General Statutes, public notice of the election shall be given no later than 10 days prior to the close of registration before said election, or as soon thereafter as practicable."

—DURHAM CANDIDATE FILING

Sec. 6.10. For the 1987 municipal election, notwithstanding the first sentence of G.S. 163-294.2(b), persons who are registered voters in Durham County who reside within an area not within the corporate limits of the City of Durham on the date of closing of filing under G.S. 163-294.2(c), where that area will be within the corporate limits no later than September 30, 1987, may file notices of candidacy for the Durham city election. The remainder of G.S. 163-294.2(b) shall continue to apply.

Sec. 6.11. In handling notices of candidacy for the 1987 Durham city election, the ward boundaries adopted by the City Council shall be used.

Sec. 6.12. The State Board of Elections shall, upon written request, authorize counties to utilize paper ballots in multi-candidate contests where the optical scan ballot counters are not programmable to count such ballots in accordance with law.

Sec. 6.13. In the event that any portion of this act is held to be unenforceable, that shall not affect the remainder of this act.

Sec. 7. This act is effective upon ratification, except that Section 1 shall become effective September 1, 1987.

In the General Assembly read three times and ratified this the 3rd day of July, 1987.