

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 966
HOUSE BILL 2313

AN ACT SETTING FORTH THE METHOD OF ELECTING THE DUPLIN COUNTY BOARD OF COMMISSIONERS AND BOARD OF EDUCATION AS ORDERED BY THE UNITED STATES DISTRICT COURT IN FEBRUARY 1988.

Whereas, on February 4, 1988, with the consent of the parties an order was entered by the United States District Court for the Eastern District of North Carolina in the case of National Association for the Advancement of Colored People, Inc., **et al.** v. Duplin County, **et al.** (No. 88-5-CIV-7); and

Whereas, the order prescribed a new method of electing the Duplin County Board of Commissioners and Board of Education to resolve the plaintiffs' claim under Section 2 of the federal Voting Rights Act; and

Whereas, it is convenient for reference and for future alterations to have the method of election ordered by the court embodied in legislation; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Except as provided in Section 4 of this act following the 1988 elections the Duplin County Board of Commissioners and Board of Education shall each consist of six members elected in partisan elections from the six districts described in Section 8. Only voters who reside in a district may vote in the party primaries and general elections for that district.

Sec. 2. In 1988 four members shall be elected to the Board of Commissioners, one each from Districts I, IV, V and VI. Each member shall be elected for a term to expire in 1992.

Sec. 3. Following the 1988 election incumbent commissioners Vance Alphin and Willis Sholar, each of whose term does not expire until 1990, shall be designated as the members representing the districts in which they reside, which are Districts II and III, respectively. If either of those members leaves office before the expiration of his term, the person appointed to replace him must reside in the same district.

Sec. 4. Following the 1988 election, incumbent commissioner Dovie L. Penney, whose term does not expire until 1990, shall be designated as an at-large member, giving the Board of Commissioners a temporary, seventh member. When Ms. Penney leaves office, through the expiration of her term, resignation or otherwise, no replacement will be selected and the board will then consist of six members only.

Sec. 5. In 1990 and every four years thereafter, one commissioner each shall be elected from Districts II and III. In 1992 and every four years thereafter, one commissioner each shall be elected from Districts I, IV, V and VI.

Sec. 6. In 1988 and every four years thereafter, three members shall be elected to the Board of Education, one each from Districts I, V and VI. The three other members of the Board of Education shall be elected in 1990 and every four years thereafter. In those years one member each shall be elected from Districts II, III and IV.

Sec. 7. Following the 1988 election the three incumbent members of the Board of Education whose terms do not expire until 1990 shall be designated as the members representing the districts in which they currently reside. Those members and their districts are Steve C. Grady, District II; Carl D. Pate, Sr., District III; and William Richards, District IV. If any of those members leaves office before the end of his term, the person appointed to replace him must reside in the same district.

Sec. 8. The election districts for the Duplin County Board of Commissioners and Board of Education are as follows:

District I - The area within the following boundary running counterclockwise from the intersection of Highway 403 with the Sampson County line: East on Highway 403 to the Faison town limits, southeast along the town limits to the intersection with Highway 117, south on 117 to State Road 1342, southwest on State 1342 (including the residences on both sides of the road) to State Road 1340, south on 1340 (including the residences on both sides of the road) to State Road 1341, southeast on 1341 (including the residences on both sides of the road) to the Warsaw town limits, continuing in a straight line southeast within Warsaw to the intersection with the Seaboard Coast Line railroad tracks, east on the railroad tracks to Front Street, south on Front to College Street, east on College to Pine Crest Drive, southeast on Pine Crest to the town limits, east and north along the town limits to the intersection at the eastern town limit with State Road 1300, east on 1300 to State Road 1375, south on 1375 to Highways 50 and 24, east on 50/24 to the Kenansville town limits, north along the Kenansville town limits to a point directly west of and opposite Allen Street (now Cooper Street), from that point east to Allen (Cooper) Street, east on Allen (Cooper) to Stokes Street, south on Stokes to the intersection with Seminary Street, then along a straight line from the intersection of Stokes and Seminary south to the intersection of Mallard Street and Main Street, across that intersection and then along a straight line directly south from the intersection of Mallard and Main streets to the town limits, east and North along the town limits to the intersection at the eastern town limits with Highway 24, east on 24 to the Northeast Cape Fear River, north along the river (the township line dividing Kenansville and Smith Townships) to Goshen Swamp, then west along Goshen Swamp to the Sampson County line (Goshen Swamp being the township line dividing Kenansville and Glisson Townships and dividing Faison and Wolfscrape Townships up to a point just south of State Road 1357), then south along the county line to the starting point at Highway 403.

District II - The area within the following boundary running counterclockwise from the intersection of Goshen Swamp with the Sampson County line: Southeast along Goshen Swamp to Northeast Cape Fear River, south along the

river to Highway 24, east on 24 to the Beulaville city limits, north and east along the city limits to the intersection of Highway 241 with the northern city limits, north on 241 to Limestone Creek, northeast along the creek and the township line between Smith and Limestone Townships to the Jones County line, then north and west along the county line back to the starting point.

District III - The area included within the following boundary running counterclockwise from the intersection of the Limestone Township line with the Jones County line: Southwest along the township line dividing Smith and Limestone Townships to Limestone Creek, southwest along the creek to Highway 241, south on 241 to the Beulaville town limits, west and south along the town limits to the intersection at the western town limits with Highway 24, east on Highway 24 (Main Street) to Jackson Street, south on Jackson to Cavanaugh Street, then directly east from Cavanaugh for 125 yards, south from that point to Turner Road (excluding Mercer Court apartments from this district), east on Turner to Old Chinquapin Road, south on Old Chinquapin Road to the town limits, west along the town limits to Highway 41, south on Highway 41 (including the residences on both sides of the highway in this district) to the intersection with State Road 1967, south on Highway 41 from that point to the intersection with Highway 111 (formerly State Road 1001), southeast along a straight line from that intersection to Cypress Creek just west of where the creek crosses State Road 1816, southwest along Cypress Creek to the point where it crosses Highway 50 and west with the creek from that point to State Road 1970, north on 1970 to the intersection with Highway 50, then counterclockwise in the shape of a rectangle around Chinquapin (to include all of Chinquapin in this district) to a point on Highways 50 and 41 west of Chinquapin, west from that point to State Road 1964, north on 1964 to the intersection with State Road 1800, then north and west from that intersection along a line curving north of Hallsville (to include all of Hallsville in this district) to a point west of Hallsville on the township line dividing Kenansville and Limestone Townships, south along that township line to the intersection of Highway 50 and State Road 1961, south on Highway 50 to State Road 1953, southwest on 1953 to the Greenevers town limits, southwest along the southern boundary of the Greenevers town limits to State Road 1949, south on 1949 to State Road 1953, south on 1953 to State Road 1947, southeast on 1947 to the intersection with Highway 41, west on Highway 41 to Island Creek, south along the creek to the Northeast Cape Fear River, south along the Northeast Cape Fear River to the county line, then east and north along the county line back to the starting point.

District IV - The area within the following boundary running counterclockwise from the intersection of Highway 117 with the northern town limits of Magnolia: West, south and east along the Magnolia town limits to the point where Highway 117 intersects with the southern town limits of Magnolia, south on 117 to First Street in Rose Hill, west on First Street to the Seaboard Coast Line railroad track, south along the railroad track to the southern town limits of Rose Hill, east along the town limits to the intersection with Highway 117, south on 117 to the town limits of Teachey, then east, south and west along the Teachey town limits (excluding all of Teachey from this district) to the intersection of Highway 117 with the southern town limits of

Teachey, south on 117 to the Wallace town limits, then west, south and east along the Wallace town limits (including all of Wallace in this district) to the intersection of Highway 117 with the southern town limits of Wallace, south on 117 to Rockfish Creek (which is the county line), east along Rockfish Creek to the Northeast Cape Fear River, north along the Northeast Cape Fear River to Island Creek (the boundary for District III), northwest along the creek to the point where it crosses Highway 41, east on Highway 41 to State Road 1947, north on 1947 to the intersection with State Road 1946, southwest along a straight line running from that intersection to the intersection of State Roads 1944 and 1945, west from that intersection along State Road 1944 to Highway 11, west on Highway 11 to State Road 1150, west on 1150 to the line where Interstate Highway 40 is to be constructed, north along the Interstate 40 construction line to the point where it crosses State Road 1162, west on 1162 to State Road 1935, north on 1935 to State Road 1148, east on 1148 to State Road 1933, north on 1933 to State Road 1102, west on 1102 to State Road 1932, north on 1932 to State Road 1996, northwest on 1996 to State Road 1141, northwest on 1141 to State Road 1915, northwest on 1915 to State Road 1911, then east, north and northwest on 1911 to a point midway between State Roads 1161 and 1912, then along a straight line from that point northwest to the southeast corner of the Magnolia town limits, then north and west along the town limits to the starting point where Highway 117 intersects with the northern town limits.

District V - The area within the following boundary running counterclockwise from the intersection of College Street and South Pine Street in Warsaw: South on South Pine (U.S. 117) to the Warsaw city limits, south on 117 to the Magnolia town limits, east and south along the town limits to the southeastern corner of the town limits, then southeast along a straight line to a point on State Road 1911 midway between State Roads 1161 and 1912, south on 1911 to State Road 1915, southeast on 1915 to State Road 1141, southeast on 1141 to State Road 1996, southeast on 1996 to State Road 1932, south on 1932 to State Road 1102, east on 1102 to State Road 1933, south on 1933 to State Road 1148, west on 1148 to State Road 1935, south on 1935 to State Road 1162, east on 1162 to the construction line for Interstate 40, south along the I-40 construction line to State Road 1150, east on 1150 to Highway 11, northeast on 11 to State Road 1944, east on 1944 to its intersection with State Road 1945, then northeast along a straight line from the intersection of 1944 and 1945 to the intersection of State Roads 1946 and 1947, northwest on 1947 to State Road 1948, northeast on 1948 to State Road 1953, northeast on 1953 to State Road 1949, east and north on 1949 to the Greenevers town limits, east along the southern town limits of Greenevers to State Road 1953, northeast on 1953 to Highway 50, northwest on 50 to the intersection with State Road 1961, northeast along the township line dividing Kenansville and Limestone Townships to a point midway between Persimmons Branch and State Road 1982, east from that point above Hallsville (excluding all of Hallsville from this district) and curving across State Road 1961 to the intersection of State Roads 1800 and 1964, south on 1964 to Highway 50, east on 50 about 2/10 mile to a point just west of Chinquapin, then north, east, south and west along a rectangle around Chinquapin (excluding all of Chinquapin from this district) to the intersection of

Highway 50 and State Road 1970, south on 1970 to Cypress Creek, southeast along the creek to Highway 50 just west of Maready, then further along the creek northwest to a point just west of State Road 1816, then northwest in a straight line from that point to the intersection of Highway 41 and 111 (formerly State Road 1001), north on 41 to State Road 1967, then north on 41 (excluding the residences on both sides of 41 from this district) to the Beulaville town limits, east along the town limits to Old Chinquapin Road, north on Old Chinquapin Road to Turner Road, west on Turner to a point 125 yards from Highway 41, north from that point along a straight line parallel to 41 to a point opposite Cavanaugh Street (including in this district the Mercer Court apartments), west to the intersection of Cavanaugh and Jackson Street, north on Jackson to Highway 24 (Main Street), west on 24 to the Kenansville city limits, south and west along the city limits to a point directly south of the intersection of Mallard Street and Main Street, directly north on a straight line to the intersection of Mallard and Main, then along a straight line from that intersection to the intersection of Seminary Street and Stokes Street, northwest on Stokes to Allen (Cooper) Street, west on Allen (Cooper) to the town limits (Mill Branch), south along the town limits to Highway 24, west on 24 to State Road 1375, north and west on 1375 to State Road 1300, west on 1300 to the Warsaw city limits, then south and west along the town limits to Pine Crest Drive, northwest on Pine Crest to College Street, west on College to the starting point at South Pine Street.

District VI - The area within the following boundary running counterclockwise from the intersection of Highway 403 with the Sampson County line. South and east along the county line to Highway 117 south of Wallace, north on 117 to the Wallace city limits, then west, north and east along the Wallace city limits to Highway 117 north of Wallace (excluding all of the town of Wallace from this district), north on 117 to the Teachey town limits, then east, north and west along the town limits to 117 (including all of Teachey in this district), north on 117 to the Rose Hill city limits, west along the city limits to the Seaboard Coast Line railroad tracks, north along the railroad tracks to First Street, east on First to Highway 117, north on 117 to the Magnolia town limits, then west, north and east along the town limits to Highway 117 (excluding all of Magnolia from this district), north on 117 to the Warsaw city limits and into Warsaw where 117 becomes Pine Street, north on Pine to College Street, west on College to Front Street, north on Front to the Seaboard Coast Line railroad tracks, west along the railroad tracks to the city limits, northwest from that point along State Road 1341 (excluding residences on both sides of the road from this district) to State Road 1340, northwest on 1340 (excluding residences on both sides of the road from this district) to State Road 1342, northeast on 1342 (excluding residences on both sides of the road from this district) to Highway 117, north on 117 to the Faison town limits, then west and north along the town limits to Highway 403, west on 403 to the starting point at the Sampson County line.

When the description of a district states that residences on both sides of a highway are to be included in a district, the residences on the side of the highway away from the main body of the district that are considered within the district are those homes which are on lots bordering the highway or are on lots directly connected to the

highway by a driveway or similar roadway and are located within two hundred yards of the highway.

The district boundaries above are the same as those ordered by the court. The descriptions have been rewritten, however, to provide additional detail and to correct several minor errors in directions.

Sec. 9. The Duplin County Board of Commissions and Board of Education remain subject to the other portions of the court order, which includes provisions requiring reconsideration of the district lines after the 1990 census.

Sec. 10. This act is effective on ratification.

In the General Assembly read three times and ratified this the 24th day of June, 1988.