

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 88  
HOUSE BILL 192

AN ACT CODIFYING THE CHANGES IN THE METHOD OF ELECTING THE RICHMOND COUNTY BOARD OF COMMISSIONERS AND BOARD OF EDUCATION AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Following the 1990 election the Richmond County Board of Commissioners shall consist of seven members. All members shall be elected by all voters of the county, and candidates for all seats may reside anywhere in the county. Primaries and general elections shall be conducted according to general State law except as provided by Section 5 of Chapter 939 of the 1987 Session Laws as amended by Section 1.1 of this act. In each primary and election all candidates shall be listed together on a single ballot and each voter eligible to vote in that primary or election shall be entitled to vote for as many candidates as there are seats being filled.

Sec. 1.1. Section 5 of Chapter 939, Session Laws of 1987, reads as rewritten:

"Sec. 5. (a) Notwithstanding G.S. 163-111, nominations in primary elections for a county board of commissioners shall be determined as follows:

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

(b) This section applies to Pamlico ~~County~~ and Richmond Counties only."

Sec. 2. Five commissioners shall be elected in 1990. The four candidates receiving the most votes in the general election shall be elected for four-year terms, and the candidate receiving the fifth highest number of votes shall be elected for a two-year term. Three commissioners shall be elected in 1992 and every four years thereafter. Four commissioners shall be elected in 1994 and every four years thereafter.

Sec. 3. Incumbent members of the Board of Commissioners are entitled to serve the remainders of the terms for which they were elected in 1986 and 1988. If any of those commissioners or any future commissioner dies, resigns or otherwise leaves office before the expiration of the commissioner's term, the vacancy may be filled without regard to the residency of the departing commissioner or the person being appointed by the Board of Commissioners.

Sec. 4. Following the 1990 election the Richmond County Board of Education shall consist of seven members. All elections for the Board of Education shall be nonpartisan, plurality elections, and shall be held at the same time as primaries for county officers. All members shall be elected by all the voters of the county, and candidates for all seats may reside anywhere in the county. In each election all candidates shall be listed together on a single ballot and each voter shall be entitled to vote for as many candidates as there are seats being filled at that election. The candidates receiving the highest number of votes, equal in number to the number of seats being filled, shall be declared elected without any run-offs.

Sec. 5. Four members of the Board of Education shall be elected in 1990 and every four years thereafter. Three members shall be elected in 1992 and every four years thereafter.

Sec. 6. Incumbent members of the Board of Education are entitled to serve the remainders of the terms for which they were elected in 1986 and 1988. If any of those incumbents or any future Board member dies, resigns or otherwise leaves office before the expiration of the member's term, the vacancy may be filled without regard to the residency of the departing member or the person being appointed by the Board of Education.

Sec. 7. This act is intended to codify without change the election plans ordered for the Richmond County Board of Commissioners and Board of Education by the United States District Court for the Middle District of North Carolina on December 9, 1988, in the cases of National Association for the Advancement of Colored People, et al., v. Richmond County Board of Education, et al. (No. C-87-483-R) and National Association for the Advancement of Colored People, et al., v. Richmond County Board of Commissioners, et al. (No. C-87-484-R).

Sec. 8. The following local acts concerning the election of the Richmond County Board of Commissioners and Board of Education are repealed: Chapters 57 and 128, Session Laws of 1983, and Chapter 536, Session Laws of 1977. The repeal of these local acts is not intended to restore the election provisions of earlier local acts which were amended or repealed by the acts now being repealed.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 5th day of May, 1989.