

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 288
HOUSE BILL 670

AN ACT TO PROVIDE FOR THE ELECTION OF THE ANSON COUNTY BOARD OF EDUCATION FROM SEVEN SINGLE-MEMBER DISTRICTS, WITH TWO AT-LARGE, AND TO MODIFY THE RULE FOR DETERMINING THE WINNER OF THE AT-LARGE PRIMARIES.

The General Assembly of North Carolina enacts:

Section 1. For the purpose of nominating and electing members of the county board of education, Anson County is divided into seven districts, each of which shall nominate and elect one member. The districts shall be the same as those for election of the Anson County Board of Commissioners as provided by Section 2 of Chapter 281, Session Laws of 1987. In addition, two members shall be nominated and elected at-large.

Sec. 2. The qualified voters of each district established by this act shall nominate candidates and elect a member who resides in that district for the seat apportioned to that district. The qualified voters of Anson County shall nominate candidates and elect members who reside in Anson County for the seats apportioned to the county at-large.

Sec. 3. (a) In 1990 and quadrennially thereafter, members shall be elected from Districts 1, 2, 3 and 5 for four-year terms, and one member shall be elected at-large for a four-year term.

(b) In 1992 and quadrennially thereafter, members shall be elected from Districts 4, 6 and 7 for four-year terms, and one member shall be elected at-large for a four-year term.

Sec. 4. (a) For the purpose of determining the manner of filling vacancies on the Anson County Board of Education:

- (1) Linda Jones or her successor, whose term expires on the first Monday in December of 1992, shall be a member at-large;
- (2) Lee Roy Lookabill, Jr., whose term expires on the first Monday in December of 1990, shall be a member at-large;
- (3) Richard Johnson, whose term expires on the first Monday in December of 1990 shall represent District 1;
- (4) Charles Riddle, whose term expires on the first Monday in December of 1990 shall represent District 2;
- (5) Clayton Bennett, Jr., whose term expires on the first Monday in December of 1990 shall represent District 3;

- (6) Richard Allen, whose term expires on the first Monday in December of 1992 shall represent District 4;
- (7) John Capell, whose term expires on the first Monday in December of 1990 shall represent District 5;
- (8) Nat White, Jr., whose term expires on the first Monday in December of 1992 shall represent District 6; and
- (9) Melvin Bell, whose term expires on the first Monday in December of 1992 shall represent District 7.

(b) When a vacancy occurs on any district seat, the person appointed to fill the vacancy must be a resident of that district.

Sec. 5. (a) Notwithstanding G.S. 163-111, the results of primary elections for at-large seats on the Anson County Board of Education shall be determined as provided by this section.

(b) Nominations in primary elections shall be determined by a substantial plurality of the votes cast. A substantial plurality within the meaning of this section shall be determined as follows: If a nominee for a single office is to be selected, and there is more than one person seeking nomination, the substantial plurality shall be ascertained by multiplying the total vote cast for all aspirants by forty percent (40%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirant who obtains a substantial plurality shall be declared the nominee.

(c) If no aspirant receives a substantial plurality of the votes cast, the aspirant receiving the highest number of votes shall be declared nominated by the Anson County Board of Elections unless the aspirant receiving the second highest number of votes shall request a second primary in accordance with the provisions of G.S. 163-111(c). In the second primary only the two aspirants who received the highest and next highest number of votes shall be voted for.

(d) In the event one candidate receives the highest number of votes cast in a first primary, but short of a substantial plurality, and two or more of the other candidates receive the second highest number of votes cast in an equal number, the Anson County Board of Elections shall declare the candidate having the highest vote to be the party nominee, unless all but one of the tied candidates give written notice of withdrawal to the proper board of elections within three days after the result of the first primary has been officially declared. If all but one of the tied candidates withdraw within the prescribed three-day period, and the remaining candidate demands a second primary in accordance with the provisions of G.S. 163-111(c), a second primary shall be held between the candidate who received the highest vote and the remaining candidate who received the second highest vote.

Sec. 6. The provisions of Chapter 261, Session Laws of 1967, as amended, which were in effect at the time of ratification of this act, and which do not conflict with this act, are not affected by this act.

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 12th day of June, 1989.