

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 104
HOUSE BILL 789

AN ACT EXPANDING THE PERQUIMANS COUNTY BOARD OF COMMISSIONERS FROM FIVE TO SEVEN MEMBERS, ELIMINATING THE USE OF RESIDENCY DISTRICTS FOR COMMISSIONER ELECTIONS, AND SPECIFYING THAT THE MAJORITY-VOTE REQUIREMENT DOES NOT APPLY TO PRIMARIES FOR COMMISSIONER.

The General Assembly of North Carolina enacts:

Section 1. The Perquimans County Board of Commissioners shall be increased from five to seven members. All seven commissioners 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 2 of this act. In each primary all candidates for that party's nominations shall be listed together on a single ballot, and each voter eligible to vote in that primary shall be entitled to vote for as many candidates as there are positions to be filled. Likewise, in the general 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 positions to be filled.

Sec. 2. 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 Perquimans County only."

Sec. 3. Within 30 days of preclearance of this act pursuant to Section 5 of the Voting Rights Act of 1965 as amended, the present members of the Board of Commissioners shall appoint two new commissioners to fill the vacancies created by the

increase in the size of the board. The two new commissioners appointed to those vacancies shall be representative of the black citizens of Perquimans County. One of the two new commissioners shall be appointed for a term to expire on the first Monday of December of 1990, and the other for a term to expire on the first Monday in December of 1992.

Sec. 4. Three commissioners shall be elected in 1990 and every four years thereafter, and four commissioners shall be elected in 1992 and every four years thereafter.

Sec. 5. The incumbent members of the Board of Commissioners are entitled to serve the remainder 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 his term, the vacancy may be filled without regard to the township residency of the departing commissioner or the person being appointed.

Sec. 6. After the new commissioners elected in 1992 take office, the Board of Commissioners shall review the election experience under this act, including whether the election system enacted here has provided an equal opportunity for black voters to elect candidates of their choice, and determine whether any further changes are needed to provide fair representation for all citizens of the county.

Sec. 7. The following local acts concerning the election of the Perquimans County Board of Commissioners are repealed: Chapter 137, Public-Local Acts of 1939; Chapter 1109, Session Laws of 1959; and Chapter 348, Session Laws of 1963.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 16th day of May, 1989.