

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

**H**

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**HOUSE BILL 1589**

Short Title: Montgomery Commissioner Elections.

(Local)

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Sponsors: Representative Gibson.

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Referred to: Local Government I.

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May 20, 2004

A BILL TO BE ENTITLED

1 AN ACT CODIFYING THE METHOD OF ELECTING THE MONTGOMERY  
2 COUNTY BOARD OF COMMISSIONERS AS ORDERED BY THE UNITED  
3 STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH  
4 CAROLINA.

5 The General Assembly of North Carolina enacts:

6       **SECTION 1.** The Montgomery County Board of Commissioners shall be  
7 elected according to the method established by the United States District Court for the  
8 Middle District of North Carolina in the Consent Decree entered on January 23, 1990,  
9 and the Supplemental Order entered on July 2, 2003, in Montgomery County Branch of  
10 the NAACP, et al., v. Montgomery County, et al. C-90-27-R, as now codified in this  
11 act. This act is intended to satisfy the requirement of paragraph 13 of the Supplemental  
12 Order that the Board of Commissioners seek codification of the election method.

13       **SECTION 2.** The Board of Commissioners shall consist of five members,  
14 elected in partisan elections at the time provided by State law.

15       **SECTION 3.** One commissioner each shall be elected from Districts 1, 2,  
16 and 3 by the voters of the district only, and two commissioners shall be elected from the  
17 county at large.

18       **SECTION 4.** Districts 1, 2, and 3 shall be comprised of the areas shown on  
19 the map entitled "3-District Plan H" attached to the July 2, 2003, Supplemental Order  
20 and on file with the Montgomery County Board of Commissioners and Board of  
21 Elections.

22       **SECTION 5.** To be eligible to be a candidate for or to serve as a  
23 commissioner from District 1, 2, or 3 a person must reside in that district. Candidates  
24 for persons serving as at-large commissioners may reside anywhere in the county.

25       **SECTION 6.** As provided in July 2, 2003, Supplemental Order, William  
26 Maness currently is serving as the commissioner for District 1, Sally Morris as the  
27 commissioner for District 2, George Knight as the commissioner for District 3, and  
28 Dolon Corbett and R.C. Bostic as the at-large commissioners.  
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1           **SECTION 7.** In the 2004 election, commissioners shall be elected from  
2 Districts 1 and 2 to serve four-year terms.

3           **SECTION 8.** In the 2006 election, a commissioner shall be elected from  
4 District 3 to serve a two-year term.

5           **SECTION 9.** Two at-large commissioners shall be elected in 2006 to serve  
6 four-year terms. In both the party primaries and the general election, all candidates for  
7 the two seats shall be listed together on the ballot and each voter shall be entitled to vote  
8 for up to two candidates.

9           **SECTION 10.** Subsequent elections for Districts 1, 2, and 3 shall be held in  
10 2008 and every four years thereafter. Subsequent elections for the two at-large positions  
11 shall be held in 2010 and every four years thereafter.

12           **SECTION 11.** Beginning with the 2006 election, there shall not be a second  
13 primary for any seat on the board. Instead, the candidate or candidates receiving the  
14 most votes in the first primary shall be nominated.

15           **SECTION 12.** The three election districts may be redrawn as required by  
16 federal and State law following each decennial federal census.

17           **SECTION 13.** Except as provided in this act, elections for the Board of  
18 Commissioners shall be conducted according to general State law.

19           **SECTION 14.** The July 2, 2003, Supplemental Order provides that  
20 Montgomery County Branch of the NAACP, et al., v. Montgomery County, et al., shall  
21 be dismissed on July 2, 2008, if no additional motions have been filed by that time and  
22 no party has sought to reopen the case. Accordingly, after July 2, 2008, unless a  
23 subsequent order has been entered by the court, the method of electing the Board of  
24 Commissioners shall be as described in this act but may be subsequently altered  
25 pursuant to general State law and in compliance with the federal Voting Rights Act.

26           **SECTION 15.** This act is effective when it becomes law.