

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 719
Committee Substitute Favorable 4/20/11
Senate Judiciary II Committee Substitute Adopted 7/27/11
Fourth Edition Engrossed 7/28/11

Short Title: Omnibus Local Election Laws.

(Local)

Sponsors:

Referred to:

April 7, 2011

A BILL TO BE ENTITLED

AN ACT TO REDISTRIBUTE THE DISTRICT SEATS ON THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY, TO MAKE ELECTIONS FOR THE LENOIR COUNTY BOARD OF EDUCATION NONPARTISAN, TO RESTRUCTURE THE BOARD OF COMMISSIONERS OF GUILFORD COUNTY, AND TO LIMIT ALTERATION OF THE BUNCOMBE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Board of Commissioners of Mecklenburg County shall be comprised of nine elected commissioners. Notwithstanding Chapter 167 of the Session Laws of 1993, three commissioners shall be elected at large, and six commissioners shall be elected to the six district seats on the Board of Commissioners of Mecklenburg County in 2012 and biennially thereafter in the following manner:

District 1: Mecklenburg County: VTD: 127, VTD: 128, VTD: 133, VTD: 134, VTD: 142, VTD: 143, VTD: 145, VTD: 150, VTD: 151, VTD: 202, VTD: 206, VTD: 207, VTD: 208, VTD: 209, VTD: 211, VTD: 223.1, VTD: 238.1, VTD: 239, VTD: 240, VTD: 241, VTD: 242.

District 2: Mecklenburg County: VTD: 012, VTD: 016, VTD: 022, VTD: 023, VTD: 024, VTD: 025, VTD: 031, VTD: 039, VTD: 040, VTD: 041, VTD: 052, VTD: 053, VTD: 054, VTD: 077, VTD: 078.1, VTD: 079, VTD: 080, VTD: 081, VTD: 089, VTD: 098, VTD: 138, VTD: 147, VTD: 200, VTD: 210, VTD: 222, VTD: 224, VTD: 228, VTD: 230, VTD: 243.

District 3: Mecklenburg County: VTD: 003, VTD: 004, VTD: 014, VTD: 026, VTD: 027, VTD: 028, VTD: 042, VTD: 043, VTD: 055, VTD: 056, VTD: 060, VTD: 082, VTD: 104, VTD: 105, VTD: 107.1, VTD: 123, VTD: 126, VTD: 132, VTD: 135, VTD: 141, VTD: 146, VTD: 149, VTD: 204.1, VTD: 205, VTD: 212, VTD: 213, VTD: 214, VTD: 237.

District 4: Mecklenburg County: VTD: 002, VTD: 005, VTD: 006, VTD: 009, VTD: 010, VTD: 011, VTD: 013, VTD: 015, VTD: 017, VTD: 021, VTD: 029, VTD: 030, VTD: 033, VTD: 034, VTD: 044, VTD: 045, VTD: 046, VTD: 061, VTD: 062, VTD: 063, VTD: 064, VTD: 083, VTD: 084, VTD: 094, VTD: 095, VTD: 099, VTD: 102, VTD: 108, VTD: 109, VTD: 115, VTD: 116, VTD: 117, VTD: 124, VTD: 125, VTD: 130, VTD: 201, VTD: 203.

District 5: Mecklenburg County: VTD: 001, VTD: 007, VTD: 008, VTD: 018, VTD: 019, VTD: 020, VTD: 032, VTD: 035, VTD: 036, VTD: 037, VTD: 038, VTD: 047, VTD: 048, VTD: 049, VTD: 050, VTD: 051, VTD: 057, VTD: 058, VTD: 059, VTD: 065, VTD: 066, VTD: 067, VTD: 068, VTD: 069, VTD: 070, VTD: 071, VTD: 072, VTD: 073, VTD: 074,



1 VTD: 075, VTD: 076, VTD: 085, VTD: 086, VTD: 087, VTD: 088, VTD: 092, VTD: 093,
2 VTD: 096, VTD: 097, VTD: 100, VTD: 101, VTD: 103, VTD: 106, VTD: 110, VTD: 111,
3 VTD: 114, VTD: 118, VTD: 119, VTD: 120, VTD: 131, VTD: 226.

4 **District 6:** Mecklenburg County: VTD: 090, VTD: 091, VTD: 112, VTD: 113, VTD: 121,
5 VTD: 122, VTD: 129, VTD: 136, VTD: 137, VTD: 139.1, VTD: 140, VTD: 144, VTD: 148,
6 VTD: 215, VTD: 216, VTD: 217, VTD: 218, VTD: 219, VTD: 220, VTD: 221, VTD: 225,
7 VTD: 227, VTD: 229, VTD: 231, VTD: 232, VTD: 233, VTD: 234, VTD: 235, VTD: 236.

8 The names and boundaries of the voting tabulation districts specified in this section are as
9 shown on the 2010 Census Redistricting TIGER/Line Shapefiles.

10 **SECTION 1.(b)** Notwithstanding Part 4 of Article 4 of Chapter 153A of the
11 General Statutes, the structure of the Mecklenburg County Board of Commissioners shall not
12 be altered under that Part prior to the return of the 2020 census. Nothing in this act limits the
13 authority of the Mecklenburg County Board of Commissioners to redefine the six electoral
14 district boundaries of that board after the 2020 census and subsequent censuses under
15 G.S. 153A-22.

16 **SECTION 2.(a)** Notwithstanding G.S. 115C-37(a) or the plan of consolidation and
17 merger of the Lenoir County and Kinston City school administrative units, the Lenoir County
18 Board of Education shall be elected on a nonpartisan basis at the time set by G.S. 163-1 for the
19 general election of all other county officers in even-numbered years. The election shall be
20 conducted on a nonpartisan plurality basis, with the results determined in accordance with
21 G.S. 163-292. Candidates shall file notice of candidacy not earlier than 12:00 noon on the first
22 Monday in July (except that if that day is a holiday, then not earlier than 12:00 noon on the next
23 day) and not later than 12:00 noon on the first Monday in August of the year of election. The
24 names of the candidates shall be printed on the ballot without reference to any party affiliations.
25 Vacancies in office shall be filled in accordance with G.S. 115C-37(f).

26 **SECTION 2.(b)** This section is effective January 1, 2012, and applies to elections
27 occurring on or after that date if, prior to January 1, 2012, the United States District Court for
28 the Eastern District of North Carolina has approved modification of the consent order in Lossie
29 Holmes, et al., v. Lenoir County Board of Education, et al. (No. 86-120-CIV-4) to allow
30 nonpartisan elections. If the United States District Court for the Eastern District of North
31 Carolina approves modification of the consent order in Lossie Holmes, et al., v. Lenoir County
32 Board of Education, et al. (No. 86-120-CIV-4) to allow nonpartisan elections after January 1,
33 2012, this section is effective immediately, and applies to elections occurring on or after
34 January 1 of the following year.

35 **SECTION 3.(a)** Chapter 136, Session Laws of 1991, as reenacted by Section 1 of
36 Chapter 521, Session Laws of 1993, is repealed.

37 **SECTION 3.(b)** Chapter 172, Session Laws of 2011, is repealed.

38 **SECTION 3.(c)** Effective on the first Monday of December 2012, the Board of
39 Commissioners of Guilford County shall consist of nine members. The members shall be
40 elected on a partisan basis at the time of the regular county primary and general elections. One
41 member shall be elected from each of eight single-member districts established under
42 subsection (f) of this section. One member shall be elected at large from within the entirety of
43 Guilford County.

44 **SECTION 3.(d)** In 2012 and quadrennially thereafter, members for Districts 4, 5,
45 7, and 8 shall be elected for four-year terms. In 2014 and quadrennially thereafter, members for
46 Districts 1, 2, 3, and 6 and the at-large member shall be elected for four-year terms.

47 **SECTION 3.(e)** The qualified voters of each district shall elect the member of the
48 board for that district. Candidates must reside in the district for which they seek to be elected.

49 **SECTION 3.(f)** The districts are as follows:

1 **District 1:** Guilford County: VTD: G54, VTD: G55, VTD: G57, VTD: G60, VTD: H03, VTD:
2 H05, VTD: H06, VTD: H07, VTD: H08, VTD: H09, VTD: H10, VTD: H11, VTD: H12,
3 VTD: H17, VTD: H18, VTD: H19A, VTD: JAM4, VTD: SUM1, VTD: SUM2.

4 **District 2:** Guilford County: VTD: G36, VTD: G37, VTD: G62, VTD: G64, VTD: G65, VTD:
5 H01, VTD: H02, VTD: H04, VTD: H13, VTD: H14, VTD: H16, VTD: H19B, VTD: H20A,
6 VTD: H20B, VTD: H22, VTD: JAM1, VTD: JAM2, VTD: JAM3, VTD: JAM5, VTD:
7 PG2, VTD: SCLAY, VTD: SUM3, VTD: SUM4.

8 **District 3:** Guilford County: VTD: FR3, VTD: FR5, VTD: G15, VTD: G16, VTD: G17, VTD:
9 G33, VTD: G34, VTD: G35, VTD: G39, VTD: G40A1, VTD: G41, VTD: G42, VTD: G45,
10 VTD: G48, VTD: OR1, VTD: OR2, VTD: SF3, VTD: SF4, VTD: STOK.

11 **District 4:** Guilford County: VTD: CG3A, VTD: CG3B, VTD: FEN2, VTD: G24, VTD: G25,
12 VTD: G28, VTD: G29, VTD: GIB, VTD: GR, VTD: JEF1, VTD: JEF2, VTD: JEF4, VTD:
13 MON1, VTD: MON3, VTD: NCLAY1, VTD: NCLAY2, VTD: NMAD, VTD: NWASH,
14 VTD: RC1, VTD: RC2, VTD: SMAD, VTD: SWASH.

15 **District 5:** Guilford County: VTD: CG1, VTD: CG2, VTD: G11, VTD: G12, VTD: G13, VTD:
16 G14, VTD: G18, VTD: G19, VTD: G20, VTD: G21, VTD: G22, VTD: G23, VTD: G27,
17 VTD: G30, VTD: G31, VTD: G32, VTD: G40A2, VTD: G40B, VTD: G44, VTD: NCGR1,
18 VTD: NCGR2, VTD: SF1, VTD: SF2.

19 **District 6:** Guilford County: VTD: FR1, VTD: FR2, VTD: FR4, VTD: G38, VTD: G43, VTD:
20 G66, VTD: H15, VTD: H21, VTD: H23, VTD: H24, VTD: H25, VTD: H26, VTD: H27,
21 VTD: HP, VTD: NDRI, VTD: SDRI.

22 **District 7:** Guilford County: VTD: FEN1, VTD: G03, VTD: G05, VTD: G06, VTD: G08,
23 VTD: G09, VTD: G10, VTD: G26, VTD: G53, VTD: G71, VTD: G72, VTD: G74, VTD:
24 G75, VTD: JEF3, VTD: MON2, VTD: PG1.

25 **District 8:** Guilford County: VTD: G01, VTD: G02, VTD: G04, VTD: G07, VTD: G46, VTD:
26 G47, VTD: G49, VTD: G50, VTD: G51, VTD: G52, VTD: G56, VTD: G58, VTD: G59,
27 VTD: G61, VTD: G63, VTD: G67, VTD: G68, VTD: G69, VTD: G70, VTD: G73.

28 The names and boundaries of the voting tabulation districts specified in this section are as
29 shown on the 2010 Census Redistricting TIGER/Line Shapefiles.

30 **SECTION 3.(g)** Following the return of the 2020 census, and each census
31 thereafter, the Guilford County Board of Commissioners may revise the election districts.

32 **SECTION 3.(h)** Notwithstanding Part 4 of Article 4 of Chapter 153A of the
33 General Statutes, the structure of the Guilford County Board of Commissioners shall not be
34 altered under that Part prior to July 1, 2017.

35 **SECTION 3.(i)** The Guilford County Commissioners shall submit the changes
36 required by this act to the U.S. Department of Justice pursuant to section 5 of the Voting Rights
37 Act of 1965.

38 **SECTION 4.** Section 1 of S.L. 2011-81 reads as rewritten:

39 **"SECTION 1.** Section 1 of Chapter 936, Session Laws of 1963, as amended by
40 referendum under G.S. 153A-58 to increase the size to four members plus the separately
41 elected chairman, as amended by Chapter 129 of the 1983 Session Laws to provide for a board
42 of five members which elects its own chairman, and as amended again by referendum in 1984
43 under G.S. 153A-58 to provide for four members plus the separately elected chairman, is
44 rewritten to read:

45 "Section 1.(a) The Board of Commissioners of Buncombe County shall consist of six
46 members plus the chairman.

47 (b) In 2012 and quadrennially thereafter, the chairman shall be elected separately by all
48 the qualified voters of Buncombe County.

49 (c) In 2012, two commissioners shall be elected from each of the three House of
50 Representatives Districts in Buncombe County. In each district the person receiving the highest
51 number of votes is elected to a four-year term, and the person receiving the second highest

1 number of votes is elected to a two-year term. In 2014 and biennially thereafter, one
2 commissioner shall be elected from each district for a four-year term. Each member shall reside
3 in and represent one of the districts, and only the qualified voters of that district are eligible to
4 vote for that district seat. The districts shall be numbered 1, 2, and 3 and shall correspond to the
5 numerical order of the three house districts.

6 (d) If after the 2020 or subsequent censuses Buncombe County is not entitled to exactly
7 three House of Representatives districts, the Board of Commissioners of Buncombe County
8 may redistrict the three county commissioner districts in accordance with G.S. 153A-22, but in
9 doing so shall only deviate from the boundaries of the three House of Representatives districts
10 to the extent necessary to account as appropriate either for (i) areas of Buncombe County not in
11 one of those three house districts or (ii) areas in another county or counties located in one or
12 more of the three house districts. Notwithstanding Part 4 of Article 4 of Chapter 153A of the
13 General Statutes, the structure of the Buncombe County Board of Commissioners shall not be
14 altered under that Part prior to the return of the 2020 census."

15 **SECTION 5.** If any provision of this act or its application is held invalid, the
16 invalidity does not affect other provisions or applications of this act that can be given effect
17 without the invalid provisions or application, and to this end the provisions of this act are
18 severable.

19 **SECTION 6.** Except as otherwise provided in this act, this act is effective when it
20 becomes law.