NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 802
HOUSE BILL 685

AN ACT CONCERNING ELECTION OF THE BRUNSWICK COUNTY BOARD OF COMMISSIONERS AND THE BRUNSWICK COUNTY BOARD OF EDUCATION.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 444, Session Laws of 1977 as amended by Chapter 1150, Session Laws of 1979, (Second Session 1980) is amended by adding the following new sentence at the end: "The chairman shall not vote to create a tie vote."
Sec. 2. Section 1 of Chapter 44, Session Laws of 1977, is amended by deleting "six members", and inserting in lieu thereof the words "five members".
Sec. 3. Section 2 of Chapter 444, Session Laws of 1977, is rewritten to read:
"Sec. 2. In 1982, two commissioners shall be elected for two-year terms. In 1984, five commissioners shall be elected. The members from Districts 1, 2, and 3 shall be elected in 1984 and quadrennially thereafter for four-year terms. The members from District 4 and 5 shall be elected in 1984 for a two-year term, and in 1986 and quadrennially thereafter for four-year terms."
Sec. 4. Section 3 of Chapter 444, Session Laws of 1977, is rewritten to read:
"Sec. 3. On or before July 1, 1983, the Board of Commissioners of Brunswick County shall divide the county into five districts, each of which shall have one commissioner to be elected. Members shall reside in and represent the districts, but the qualified voters of the entire county shall nominate all candidates for and elect all members of the board. Each district shall be apportioned so the population of the districts are as nearly equal as practicable. After the five districts are established, they shall be numbered by lot to determine which districts shall be elected in 1984 for a two-year term and which for four years."
Sec. 5. The first sentence of Section 1 of Chapter 443, Session Laws of 1977 is rewritten to read:
"The Board of Education of Brunswick County shall consist of five members, to be elected as provided in Section 3 of this act."
Sec. 6. Section 2 of Chapter 443, Session Laws of 1977 is amended by deleting the word "township", and inserting in lieu thereof the word "district".
Sec. 7. Section 3 of Chapter 443, Session Laws of 1977 is rewritten to read:
"Sec. 3. In the election of 1982, three members shall be elected for two-year terms. In the election of 1984, five members shall be elected. The members from Districts 1, 2, and 3 shall be elected in 1984 and quadrennially thereafter for four-year terms. The

members from Districts 4 and 5 shall be elected in 1984 for a two-year term, and in 1986 and quadrennially thereafter for four-year terms."

        Sec. 8. Chapter 443, Session Laws of 1977 is amended by adding a new section to read:

"Sec. 3.1. The districts for election to the Board of Education shall be the same as established for the Brunswick County Board of Commissioners."

        Sec. 9. Section 1 of Chapter 443, Session Laws of 1977 is further amended by deleting the second and third sentences and inserting in lieu thereof the following:

"The election shall be held on a partisan basis."

        Sec. 10. The third sentence of Section 2 of Chapter 443, Session Laws of 1977 is repealed.

        Sec. 11. (a) Section 1 of this act shall become effective immediately after the next vote on which the chairman votes to create a tie vote, but this act shall not affect that vote. Section 2 of this act shall become effective on the first Monday in December of 1984. Sections 3 and 4 of this act are effective upon ratification.

        (b)   Sections 7, 9 and 10 of this act shall become effective beginning with the 1982 election. Sections 5, 6 and 8 shall become effective beginning with the 1984 election.

        Sec. 12. Not later than October 1, 1981, the Board of Commissioners of Brunswick County may, by resolution, redefine the boundaries of electoral districts established by Section 3 of Chapter 444, Session Laws of 1977, which currently provide for one commissioner per township, so that the population of each district is as nearly equal as practicable. If a resolution is adopted in accordance with this section, then notwithstanding Section 11 of this act, Sections 1, 2, 3, 4, 5, 7 and 11 of this act shall have no force or effect, and instead Sections 13, 14, 15, 16 and 17 shall become immediately effective. Also, if such resolution is adopted in accordance with this section, then Sections 6, 8, 9, and 10 shall become effective beginning with the 1982 election. A copy of such resolution shall be filed with the Secretary of State.

        Sec. 13. Section 4 of Chapter 444, Session Laws of 1977 is amended by adding the following new language at the end:

"The chairman shall not vote to create a tie vote. The chairman of the board of commissioners may not resign as chairman without also resigning as a member of the board of commissioners unless the resignation as chairman is accepted by a unanimous vote of the remaining members of the board of commissioners."

        Sec. 14. Section 4 of Chapter 443, Session Laws of 1977 is amended by adding the following new language at the end:

"The chairman of the board of education may not resign as chairman without also resigning as a member of the board of education unless the resignation as chairman is accepted by a unanimous vote of the remaining members of the board of education."

        Sec. 15. Section 3 of Chapter 444, Session Laws of 1977 is amended by deleting "township" or "townships", each time they appear and inserting in lieu thereof "district", or "districts".

        Sec. 16. If the board of county commissioners reapportions the residence districts in accordance with Section 12, and as a result of that action and the automatic

reapportioning of the board of education provided by Section 8 of this act, a member of either board no longer resides in his district solely because of the reapportionment, the member may still serve the remainder of the term.

   Sec. 17. If the board of commissioners adopts a resolution as provided in Section 12 of this act, then Sections 13, 14, 15 and 16 of this act shall become effective. Otherwise, those sections have no effect.

   Sec. 18. Nothing in this act shall affect the boundaries of any taxing district. This act shall not apply to or have any effect now or in the future on the tax district established for the construction, establishment and maintenance of Smithville Township's J. Arthur Dosher Memorial Hospital.

   Sec. 19. Sections 11, 12, 17 and 18 of this act are effective upon ratification. Sections 1 through 10, 13, 14, 15 and 16 are effective as provided in Sections 11, 12 and 17.

   In the General Assembly read three times and ratified, this the 3rd day of July, 1981.