

# BOC Election Methods Task Force - Public Input Sign-Up Sheet

August 2, 2018

If you wish to address the task force at this evening's meeting, please sign up below. You will be given three (3) minutes to speak but you are welcome to submit your comments in writing or online through August 10, 2018.

Name	Email Address or Phone Number	Preferred Method (*Optional)
✓ John Graybeal	graybeal@windspring.com	
✓ Mike Constantino	RATHERBFISHING41@GMAIL.COM	
✓ Larry Brooks	lbbearcreek@aol.com	
✓ George Lucier	glucier5@gmail.com	
✓ Jennie DeLoach	Jen_Girl@msn.com	
Randy Voller		
Delcenia Turner		

To: The Election Method Task Force and the Board of Commissioners

From: John Graybeal

August 1, 2018

Re: Chatham County Election System and Board of Commissioner Size

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**Conclusions/recommendations:**

1. The “residency district” voting system now used in Chatham County (district residency required with at large voting) should be retained. Chatham County should not adopt a “voting district,” i.e., pure district voting system.<sup>1</sup>
2. The number of members of the Board of Commissioners should be expanded if the current Board members believe they need help that cannot be provided by additional staff or otherwise. If they do not believe they need more members, they do not need to vote for a referendum.
3. If a referendum proposing a Board of seven with two at large members must be coupled with a change to pure district voting for five Board seats, then there should be no referendum.
4. Apparently it would be possible for the Board of Commissioners to be expanded to seven but using for all either the residency district system (i.e., all commissioners would live in a district but voting for all would be at large) or the “voting district” (pure district voting) system. As noted, Chatham should not adopt a pure district voting system. Use of a residency district system like we now have but with the Board expanded to seven and the County expanded to have seven districts, should be put up for referendum if the current Commissioners believe the Board should be expanded to seven.

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<sup>1</sup> Note the question raised below (p. 3) whether adoption of a pure district voting system would raise questions under the Voting Rights Act of 1965.

**A. As regards the number of Commissioners:**

The current Commissioners should decide whether their workload requires two more members.

The data shows that NC counties for the most part have board sizes ranging from 5 to 7. It is not clear that calculations showing how many commissioners per one-thousand citizens are helpful. Larger counties where the commissioners have larger constituencies may also have larger staffs to assist with the work. Such a numerical calculation would apparently show that Chatham doesn't need seven commissioners<sup>2</sup> but, if the current Board feels it needs more help, why not? (But see below.)

There may be an argument that a Board of 5 can function more easily than a Board of 7. At a Board meeting on October 17, 1994, attorney Michael Crowell stated that "a five member board is easier to get together for a meeting; large enough to cover the different areas of the county to have different points of view represented and small enough for commissioners to know each other and function well."<sup>3</sup> But, again, if the current Board thinks it needs more members to help, that should govern the decision.

There is also an argument that expanding the Board to seven could allow for four commissioners to be elected in presidential election years with three elected in non-presidential election years. The argument in part is that it makes sense for a majority of the Board to be elected during years when more people vote. But this objective could also be accomplished without expanding the Board size; merely having three commissioners elected in presidential years and two in non-presidential years.

Of course, there would be additional County expense if the Board were expanded to seven. The County Manager's office has estimated that commissioner compensation is approximately \$40,000 per year when salary, benefits, mileage, food on meeting days and other payments are considered.

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<sup>2</sup> Terry Schmidt, Commissioner meeting March 19, 2018.

<sup>3</sup> Board of Commissioner minutes, October 17, 1994.

**B. As regards district vs. at large voting:**

There are several points and considerations:

1. Chatham went from pure district voting to the present system of at large voting sometime before the election that occurred in November 1978.<sup>4</sup> This change was apparently accomplished by a local bill in the General Assembly. Many years later, a referendum on the November 2006 ballot proposing a return to pure district voting was defeated 55% - 45%.<sup>5</sup> Although we live in a growing, changing County, it is still not clear that this issue needs to be revisited every 10 years or so.

2. A very important fact is that the at large voting system has enabled five African-American citizens to serve as commissioners since 1978.<sup>6</sup> By comparison, it is unlikely that any of these African-American citizens would have been elected during that time had a district voting system been in place. Carl Thompson has said, "I can say unequivocally that without the county wide vote, I would never have been elected from this area." Other African-Americans have spoken to the same effect.<sup>7</sup> The obvious problem for African-American candidates is that the minority population is widely dispersed in the County.

There have apparently been lawsuits and other activities in other states requiring that local boards go from at large to district voting in order to promote minority representation on the boards. In Chatham, however, going to district voting would have the opposite effect. Indeed, if the effect of a change to district voting would be discriminatory, that could raise the question of whether it would create a violation of the Voting Rights Act of 1965. In advance of any return to pure district voting, consultation with an attorney competent in this legal area would be advisable.<sup>8</sup>

3. The most-frequently made argument for district voting is that it is "more democratic" because it gives citizens in the district "their own" commissioner, not one who has been elected at large "by others." Closely coupled to this broad theme, in a Chatham County context the corollary

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<sup>4</sup> Diana Hales; Carl Thompson.

<sup>5</sup> Diana Hales.

<sup>6</sup> Diana Hales.

<sup>7</sup> E.g., Margie Ellison, Board of Commissioner minutes, August 22, 2006.

<sup>8</sup> In this connection see comments about Voting Rights Act requirements made by Bob Joyce at the first committee meeting, May 24, 2018.

point is that the “west” is inadequately represented. The argument is also made that district voting encourages more candidates because it is less expensive to run a campaign in only one district.

There are several responses to these arguments:

(a) Most of the issues faced by commissioners are County-wide, not district issues. Arguably, candidates should campaign County-wide and become familiar with the issues facing the County, not just those of concern in their districts. Some have said that the commissioners “should represent all the people.” It is important for candidates from eastern districts to become familiar and deal with the concerns of citizens in western districts, and vice versa. At large voting, arguably, promotes that.

(b) For that matter, having in mind that commissioner work is demanding, will district-elected commissioners have the energy to master all the tough total-County issues that arise that have no particular impact in a particular district?

(c) As for representation of the “west,” Republicans Pam Stewart and Walter Petty were elected at large for districts 4 and 5, respectively, in 2010, and Walter Petty was re-elected at large from district 5 in 2014 and apparently will be re-elected again in 2018 since he has had and still has no opposition. Regardless of the identities of the district 4 and 5 commissioners, they must live in those districts in order to be elected.

(d) The “dal” or “residency district” system now in place in Chatham already represents a compromise between a complete at large system (“al”) and a pure district system (“d”). Forty-one NC counties now have all commissioners elected at large and 13 have pure district voting.<sup>9</sup> The current Chatham system has commissioners who campaign County-wide but who have a base in their district and can be looked to by citizens as representing that district.

(e) In fact, there is a substantial and widespread distribution of the commissioner districts in Chatham with the result that the commissioners live in substantially separated parts of the County. If a pure district system were adopted, there would be a legal requirement that the districts be

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<sup>9</sup> Research material supplied to the Committee.

substantially equal in population.<sup>10</sup> That might produce geographically large districts in the western part of the county with geographically smaller districts in the east. The result could be that the residences of commissioners would be less widely distributed geographically than they are now.

Orange County provides an instructive contrast. Prior to 2008, Orange County had five commissioners all of whom could live anywhere in the county and all were elected at large. By referendum in 2008, Orange required three commissioners to live in District 1 (southeastern part of the county) and two to live in district 2 (western and northern part of the county). The board was expanded to seven with the other two commissioners living anywhere. All seven were to be (and now are) elected at large (county-wide voting).<sup>11</sup> The result is that Orange County has done a much poorer job than Chatham in distributing its commissioner residences around the county since four of them now live either in Chapel Hill or Carrboro, two live in Hillsborough and one lives in Rougemont.<sup>12</sup>

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<sup>10</sup> Bob Joyce, Committee meeting of May 24, 2018. Joyce stated that such a requirement of roughly equal population for districts does not apply now since voting is at large, county-wide. A district voting system would also require that the districts be redrawn after each decennial census.

<sup>11</sup> Interview, Donna Baker, Clerk Orange County Board of Commissioners, July 25, 2018.

<sup>12</sup>

[http://www.co.orange.nc.us/departments/board\\_of\\_county\\_commissioners/index.php](http://www.co.orange.nc.us/departments/board_of_county_commissioners/index.php)

## Comments on BOC Election Method

George Lucier, August 2, 2018

My presentation consists of three recommendations:

- 1. Increase the number of Commissioners from 5 to 7.** Chatham County is undergoing significant changes and growth. By some measures we are the fastest growing county in North Carolina so it makes sense to increase the expertise on the BOC and to increase the representation of Chatham County citizens by having more BOC members. Many counties have 7 BOC members and many of those are not undergoing the pace of change that we are experiencing in Chatham.
- 2. Elect 4 BOC members by District only voting and 3 members by at large voting of the entire county.** Chatham County is a diverse county and the citizens want to know that they have representation in county government and some district voting will help accomplish that goal. However, it would be a mistake to have only district only voting for many reasons including the following: **We do not have district only schools** and schools comprise 38% of the county budget. **We do not have district only public safety responsibilities** and public safety departments comprise 19% of the county budget mostly in the sheriff's department. **We do not have district only public health programs** and public health comprises 4% of the county budget. **We do not have district only social services** and social services are 8% of the county budget. These are state requirements and not at the county's discretion. Moreover, we do not have district only recreational programs and many other county programs. In fact, I am not aware of any district only programs. **Therefore, we need at least three commissioners who represent the entire county and not just part of it.** The 5/2 option is too heavily weighted to district only voting for BOC members.
- 3. Delay implementation of changes to the BOC election method until after the 2020 census.** If the changes are made sooner, the districts will have to be revised after data from the 2020 census becomes available causing the county to redistrict twice over a short period of time.

My name is Jennie DeLoach. I have lived in County Commissioner District 1 since 1982.

I have learned a lot coming to these taskforce meetings and have tried to understand the issues. I have concluded that we should keep the current plan of 5 districts and at large voting.

Our county commissioners are just that... Chatham **county** commissioners. They vote on things that affect the entire county, not just their district. They need to be held accountable across the whole county for their votes.

Having said that, I think it is important that each of our districts have someone in their district on the board to represent their wishes and concerns during their meetings, challenging the other commissioners to take their districts wishes into account and giving them their perspective.

I was struck by one of the taskforce members saying she was looking at increasing the number of commissioners because she wanted to increase the of diversity of the board. We do not need to increase the number based on what I found out about the breakdown of race and gender across Chatham. I have passed out a sheet showing the breakdown of county commissioners and population.

I looked at the counts of various categories across each district and have concluded that we are doing fairly well with the setup we currently have when it comes to race and gender.

79% of the population is white and 80% of the board is white.

20% of the commissioners are black and 12 % of the population is black.

52% of the population is female and 40% of the board is female.

60% of the commissioners are male and 44 % of the population is male.

Please consider leaving things as they are now.

Jennie DeLoach



