

# Elections Board Studying Proposed Change In Lines

BY SUSAN USHER

Brunswick County election officials agree with E.E. "Red" Medlin of Northwest Community that bringing township and precinct boundaries in line with electoral district boundaries would be nice.

But they and other county leaders aren't certain what would happen if township lines were to be redrawn on the basis of population.

Among the fears—that periodic changing of the lines after each census could result in confusion among voters as to their proper polling place; and also more paperwork for the tax office, which would have to adjust some real property records each time the lines changed.

Medlin first registered his concerns about precinct and district lines at a recent county commissioners' meeting, saying that it created a false impression when residents of one electoral district vote in another because their precinct boundaries cross district lines.

"My complaint is this," he told The Beacon. "I think the people who live in District 5 should vote in District 5. It would give our precinct more power at the convention."

He said he thinks township lines should run with the electoral district lines countywide.

If all of District 5 were in Northwest

Township, he added, the district's tax base would increase.

Commissioners said they were "baffled" by Medlin's claim that the voting system isn't fair. They referred the matter to the elections board for study.

Medlin also asserted the system skews the district's representation at political party conventions, a point party leaders said isn't necessarily so.

"From what I understand, I don't think it would make any difference whatsoever," said John Dozier, chairman of the Brunswick County Republican Party, noting convention votes are taken by precincts, not by district.

Electoral district lines establish residential areas, for filing purposes only, for candidates for the county board of commissioners and county board of education. No votes in any election are tallied by district.

"It would be different if you were elected by district," said Brunswick County Democratic Chairman Glen Peterson.

### Shift Votes

He said he thinks Medlin's concerns are basically "intra-party". In Medlin's case, he said, most of Town Creek Precinct lies in District 4, but a small portion is included in District 5. Hood's Creek Precinct is entirely in District 5.

"He wants to annex that section of Town Creek Precinct into Hood's Creek," said Peterson.

Town Creek Precinct would no longer overlap district lines. The transfer would decrease the number of persons in one precinct and increase the other, possibly enough to effect the precinct's voting power at the county convention. The number of delegates allocated to each precinct is determined by how the precinct voted in the last gubernatorial election.

Medlin said the change would "take nothing away from Town Creek Precinct, because it would pick up more voters on the other end" as all the precinct and township lines were realigned countywide.

Lynda Britt, supervisor of the Brunswick County Board of Elections, said this example isn't the only location where precincts fall partly within one electoral district and partly within another, just the first area to question it.

Both Dozier and Peterson said the idea of coinciding lines was good, but might not be feasible.

### Subject To Change

"As an ideal it's great, but I don't know whether it's practical," said Peterson.

Electoral district lines are subject to adjustment at least every 10 years based on the results of the U.S.

census. Precinct lines would also have to change every 10 years if the lines were to coincide, Peterson added, which could result in people not knowing where to vote. If the shifts in voting districts got too confusing, he continued, some people might simply stop going to vote.

When the electoral district lines were initially drawn, he pointed out, commissioners were operating under several constraints. Population figures for each district had to stay within a certain range, he said. "They were attempting to respect traditional precinct and township lines; they came as close as they could."

W.T. "Rusty" Russ Jr., chairman of the Brunswick County Board of Elections, said that board plans to study the maps and determine if precinct lines should be moved. Then they would consult with commissioners.

If the board decides to move precinct lines, he said, it would be up to commissioners to adjust township lines.

Russ said he personally thinks the electoral district lines should coincide with precinct and township lines if at all possible. If having the lines coincide doesn't make any difference, he said, "it should."

Fellow members Ori Gore and Charles Mills have agreed that it would be nice to have all the lines the same.

### Property Records

Township lines in Brunswick County have remained unchanged for many years, and are basically a recording unit for real and personal property.

According to a Jan. 31, 1983, report submitted by John Harvey, county planning director, to the board of commissioners, "changing township lines creates a large workload in adjustment of real property records to reflect any such changes."

However, during their recent discussions of using electoral district lines to establish fire and rescue funding district lines, the current board of commissioners recently asked Tax Administrator Boyd Williamson to compile an estimate of how much it would cost to adjust tax records to reflect the district as well as the township in which property is located.

As noted earlier, organizational structures of the county's political parties also follow the precinct and township lines.

The five electoral districts were established by commissioners as a result of legislation adopted by the General Assembly in 1981 that went

into effect with the 1984 general election.

Township lines were untouched and the bill specifically said it would not affect "the boundaries of any taxing district," specifying the Smithville Township taxation district for support of Dasher Memorial Hospital.

### Representation

The new lines were set up to establish a fairer system of representation for the board of education and board of county commissioners—a variation on the one-man, one-vote principle.

Based on 1980 federal census figures each of the five districts includes approximately 7,000 people, with basically no more than a 10 percent variance. Candidates for these two boards only must file for office from a specific district.

"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 (emphasis added)," according to the reapportionment bill adopted in 1981.

The district lines apply only to those two boards. Candidates for other offices, such as register of deeds and sheriff, do not file from residency districts, but from anywhere in the county.

# Bills Would Settle Claims

(Continued From Page 1-A)

and inland waterway who are affected." He and several other committee members want those people to have an opportunity to be heard and feel that is most likely to happen if the hearings are held along the coast.

While he understands the pressure to enact legislation quickly, Redwine said he wanted to "take due deliberation" in this effort to balance private rights and the public trust.

"It takes more than two study commission meetings," he added. "It's a complicated issue; we may not have given it the in-depth review it needed."

Redwine said he had reservations about some of the recommendations included in the commission's report.

The five bills are as follows:

•HB 111—Establishes title to raised lands located in areas covered by Board of Education deeds.

•HB 112—Declares as state policy that title to land subject to public trust rights may not be acquired through adverse possession. It protects public access to beach property and navigable waters for recreational purposes, defining public trust rights as the rights to navigate, swim, hunt, fish and enjoy all recreational activities in the waters of the state and the right to use ocean and estuarine beaches and public access to beaches.

•HB 113—Validates deeds to certain marshlands by the state. This confirms title to marshlands if they were conveyed from the Literary Fund or State Board of Education. It

also provides a tax credit for donation of such lands to the state within a certain time period. It provides for public trust rights in existence before conveyance by the Board of Education remain in place.

•HB 114—Provides that claims to land under navigable waters may be litigated in Superior Court. Presently such appeals are resolved by the Industrial Commission.

•HB 115—Allows for resolution of claims to shellfish beds by allowing the N.C. Division of Marine Fisheries to issue shellfishing leases for areas that include natural shellfish beds, not to exceed 50 acres.

Statewide more than 10,000 claims were filed in 1969 before a Jan. 1, 1970, deadline. Many—including a majority of the claims filed in New Hanover County—stem from deeds issued in the 1920s and 1930s by the N.C. Board of Education. The board once claimed title to and subsequently allowed the sale of marshlands and beds of sounds and streams to support the educational system.

The study commission called for quick action by the legislature to resolve the claims quickly while preserving traditional public trust rights.

"The public apparently takes for granted that there is a right to fish, to swim and to engage in other forms of activities at will. This has generally been the accepted rule," notes the report filed by the study commission. "As a result of the claims filed under G.S. 113-205, those uses may be seriously undermined."

### Adverse Possession

There is concern that when people filed claims to certain "raised lands" such as those created by artificial filling that it puts the state on notice of private claims to the area.

They can occupy such lands under "color of title," through Board of Education deeds or other state-issued instruments for 21 years and gain title by adverse possession. The year 1990 represents the end of the 21-year period.

If remedial legislation is not adopted and the claims not resolved by then, the commission report noted, the state stands to lose valuable resources ranging from its investments in shellfish management areas to dredge spoil islands it wants to keep for conservation purposes. Adoption of legislation this spring will give the state five to six years at most to process these claims.

# U.S. 17 Bypass On Republican Party Agenda

A bypass for Shallotte will be on the agenda Saturday when Tommy Pollard of Jacksonville, who represents Brunswick County and other District 3 counties on the N.C. Board of Transportation, addresses the Brunswick County Republican Convention at South Brunswick Middle School.

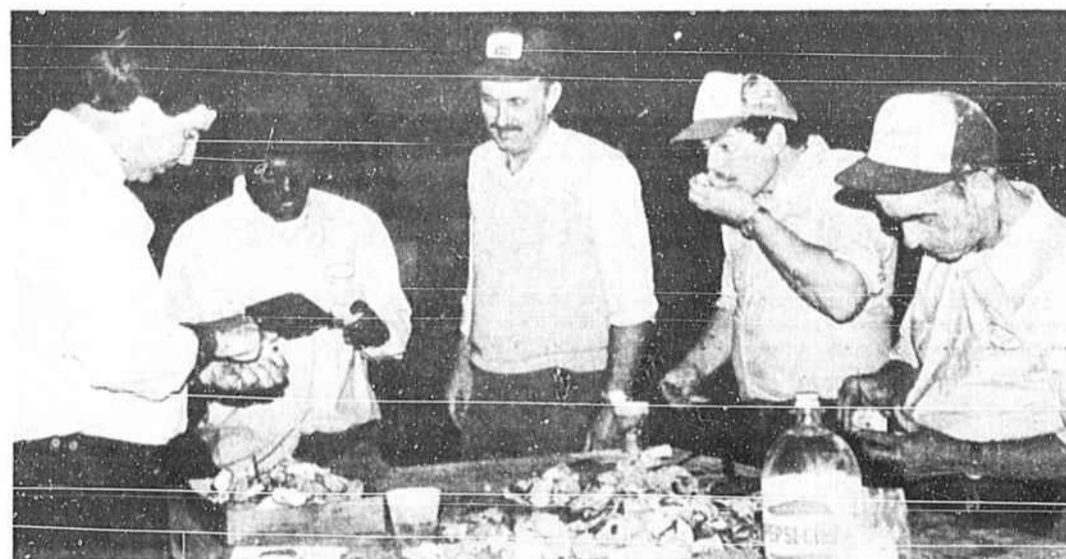
The meeting begins at 3 p.m., said John Dozier, party chairman. A barbecue dinner will be held afterward.

Meanwhile, Brunswick County Democrats hold precinct meetings at 8 p.m. Thursday (today) at their polling places in advance of an April 13 convention.

One resolution coming before county Republicans would reaffirm the proposed Shallotte bypass as the number one priority for Brunswick County with the Department of Transportation.

Dozier said the resolution is in response to Gov. Jim Martin's campaign statement that he would support moving the bypass ahead of other county U.S. 17 projects if that is what county citizens want.

In the closing weeks of the Hunt Administration, the bypass project was moved ahead on the transportation



### Oyster Season's Final Feast

Brunswick County Building and Grounds employees gave commissioners one of the final feasts of the oyster season last Wednesday before the local harvest season closed at sunset Thursday. From the left are Chris Chappell, chairman of the board of commissioners,

and building and grounds employees Donald "Duck" Handolph, Supervisor R.C. Dixon, Dennis Hewett and Ralph Varnum. Area fishermen began work in the Lockwood Folly River Monday to insure a good 1985-86 harvest, planting seed oysters by hand.

# 851 Local '205' Claims Filed

In Brunswick County, 384 parties have filed approximately 851 claims asserting they have private rights to submerged lands greater than any rights the state may claim.

According to Allen Jernigan, one of three assistant attorney generals working with the claims, that is the fourth largest number of claims filed among the coastal counties.

More claims have been filed only by New Hanover, Carteret and Dare counties, with Brunswick a close fourth, he said.

How do the local claims break down? They fall into six general categories set up by the attorney general's office.

Most, or 359 (42.2 percent), said Jernigan, were filed claiming title to non-submerged lands along marshes, estuarine waters and swamps, he said. "I think they were filed out of an abundance of caution."

Surprisingly, only two claims assert shellfish interests such as oyster bed leases or other exclusive rights.

"I have a feeling a lot more people who filed claims meant to do this but didn't say it," added Jernigan.

Claims to the marshlands vary in nature, but these represent 197, or 23.2 percent of the Brunswick County claims. These include at least five Board of Education deeds and claims

to the low water mark. Additional titles could stem from Board of Education deeds but if so those earlier deeds were not referenced, Jernigan said.

Twenty percent, or another 170 claims are fee simple claims that include riparian rights, deeds to open water, lands lost to erosion.

Another 115 claims or 13.5 percent of the total, could not be plotted on maps because of insufficient information.

"They just wrote the Department of Natural Resources 'I claim land in Brunswick County' or 'I own a lot in Long Beach,' letters," said Jernigan.

Eight claims fall into a miscellaneous category and represent 1.9 percent of the total. Miscellaneous claims include such things as easements as well as claims to the low water mark of the Atlantic Ocean.

"A lot of the land (covered by the claims) has been subdivided since then (1969) so the number of actual claimants has increased," cautioned Jernigan.

The claims were filed under virtue of G.S. 113-205, which set a Jan. 1, 1970 deadline for making private claim to the areas that otherwise could come under public trust rights. It is up to the state to determine the validity of the private claims.

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