

AGREEMENT

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Cashion also called the board's decision to appoint two people to full terms in an elected office as unconstitutional and said she had never approved any part of the plan which she charged had been discussed completely behind closed doors without the public's knowledge.

"One thing that wasn't pointed out today and is part of the agreement is that following the 1998 election the plaintiffs may petition the court to reduce from four to three the number of votes that may be cast by each voter in the party primaries and general election if a minority member is not elected," she said.

Under the agreement, the 1994 election will proceed as scheduled, with two commissioners being elected in November, but the board will be expanded from five to seven members in December with the appointment of two representatives of the black community. The present board will make those appointments after giving the NAACP an opportunity to object to names on a list of potential appointees. The court will resolve any disputes about the appointments. The two people appointed to the new seats will serve until the 1998 election.

The 1996 election will be con-

ducted with no change except that the three commissioners elected at that time will serve terms of only two years rather than four years. The purpose of that change will be to put those three commissioners on the same election schedule as the other four, having all seven commissioners elected concurrently in 1998 and every four years thereafter. The 1996 election otherwise will be the same as in the past, with all candidates running at-large and each voter allowed to vote for up to three.

The change in the election system begins with the 1998 election. All seven commissioners will be elected concurrently and all will run at-large, just as now. The difference will be that each voter will be limited to casting four votes. In other words, the ballot will look the same as in the past except that the instruction will say to mark only four names. The top seven candidates will be nominated in the party primaries, with no run-offs, and the top seven candidates will be elected in November. Depending on the experience with the new election plan, the NAACP could return to court after the 1998 election and seek to reduce from

four to three the number of votes cast by each voter, but that would be the only change the court could order.

This at-large "limited voting" election plan is similar to plans that have been used to settle several other voting rights cases in North Carolina in recent years. Similar voting plans have been used to resolve voting rights lawsuits against the Sampson County Board of Education, Clinton City Board of Education, Tyrrell County Board of Commissioners and Board of Education, Beaufort County Board of Commissioners and Jamesville Town Board of Commissioners. The General Assembly in 1993 enacted limited voting plans for the Perquimans County Board of Commissioners and Board of Education.

"This kind of election method improves the opportunity for minority citizens to elect candidates without the problems associated with districts, said Rev. J. L. Osborne Jr., chairman of the county NAACP.

Elections are still at-large, so that all commissioners still must campaign countywide, are answerable to all citizens of the county

and must represent the entire county rather than just one portion. Each citizen continues to vote for a majority of the commissioners.

Unlike district elections where a candidate may be at a disadvantage as a racial minority in his or her district, all candidates in the county will have an equal opportunity regardless of where they live. Also, voters need not be assigned to districts, and district lines do not have to be redrawn after each census.

With the plan being adopted, the same ballot is given to each voter in the county and there is no need to alter the present precincts or voting places.

Commission Chairman Cecil Dickson said that the board would have preferred to make no change in the election method but a settlement of the lawsuit was necessary to avoid prolonged and expensive litigation.

The transfer of the case by the courts to the District of Columbia increased the expense to the county and made the outcome less predictable, he said. By directing the parties to mediate, the court made clear that it wished to see the case settled, if at all possible.

"The settlement approved

Tuesday by the commissioners is truly a negotiated compromise, with neither side admitting the correctness of the other's position," said Dickson.

"The Board of Commissioners is pleased that the basic, at-large feature of the present election method has been retained."

The consent decree prepared by the plaintiff, Rev. M. L. Campbell of Kings Mountain and other black leaders, and the board of commissioners now must be submitted to the court for its approval.

Because Cleveland County is one of the 40 counties in North Carolina subject to Section 5 of the Voting Rights Act, the new plan must also be precleared by the U. S. Justice Department.

That submission made by the county Tuesday, the preclearance process usually takes at least 60 days and sometimes longer, said Michael Crowell of Raleigh, attorney for the county.

The official documents which were then signed by the voting members Dickson, E. J. Van Hoy, Sam Gold and Ralph Gilbert. Cashion would not sign the document.

STORE

From Page 1-A

tion for him. His father worked for Carpenter Brothers in 1898 and got into business on his own as McGinnis Mercantile in 1900, operating a tin business which he sold to W. A. Childers. McGinnis Furniture opened in the early 1930's.

Barnette has 54 years experience in the furniture trade. He went to work for Harold Coggins at Cooper's in 1940. He retired 10 years ago and the business was operated by the late Dougle Davis who died suddenly recently of a heart attack.

Barnette and his wife, Irene Leigh Barnette, have two daughters, Kay Rosenblatt and Brenda Swan of Charlotte and two grandsons, Craig Swan and John Rosenblatt.

McGinnis and his wife, Doris Payseur McGinnis, have two daughters, Donna Bumgardner and Sandra McGinnis and two grandsons, Christopher Johnson and Matthew Bumgardner.

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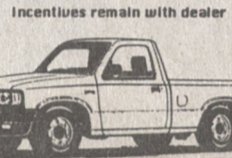
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