

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**HOUSE BILL 831
Committee Substitute Favorable 4/16/01
Committee Substitute #2 Favorable 4/23/01
Senate Judiciary I Committee Substitute Adopted 6/21/01
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Short Title: Election Changes.

(Public)

Sponsors:

Referred to:

March 28, 2001

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE A GREATER ROLE FOR THE STATE BOARD OF
2 ELECTIONS IN PERSONNEL DECISIONS CONCERNING COUNTY
3 ELECTION DIRECTORS; TO ENHANCE THE CERTIFICATION PROGRAM
4 FOR ELECTION OFFICIALS; TO REMOVE LIMITATIONS ON TWO
5 PROVISIONS CONCERNING PRECINCTS; TO CHANGE THE LENGTH OF
6 THE ONE-STOP VOTING PERIOD; TO ALLOW COUNTY BOARDS OF
7 ELECTIONS TO USE OTHER ONE-STOP SITES INSTEAD OF THE COUNTY
8 BOARD OFFICE AS LONG AS A NEARBY SITE IS PROVIDED; TO ALLOW
9 LATER ACCEPTANCE OF VOTER REGISTRATION APPLICATIONS; TO
10 PROVIDE FOR ELECTRONIC TRANSFER OF VOTER REGISTRATION
11 APPLICATIONS FROM THE DIVISION OF MOTOR VEHICLES; TO UPDATE
12 THE STATUTES CONCERNING VOTER REGISTRATION LIST
13 MAINTENANCE; TO REQUIRE PERMANENT VOTER REGISTRATION
14 NUMBERS; TO APPLY THE WRITE-IN STATUTE TO SUPERIOR COURT
15 JUDGE ELECTIONS; TO CORRECT A REFERENCE IN THE CAMPAIGN
16 FINANCE LAW; TO REQUIRE THAT ALL NEW PRECINCT LINES FOLLOW
17 CENSUS BLOCK LINES UNLESS THE EXECUTIVE DIRECTOR OF THE
18 STATE BOARD OF ELECTIONS GRANTS A WAIVER AFTER MAKING
19 CERTAIN FINDINGS; AND TO RENAME THE EXECUTIVE SECRETARY-
20 DIRECTOR OF THE STATE BOARD OF ELECTIONS THE "EXECUTIVE
21 DIRECTOR".
22

23 The General Assembly of North Carolina enacts:

24 **--CHANGES CONCERNING COUNTY ELECTION DIRECTORS.**

25 **SECTION 1.(a)** G.S. 163-35(b) reads as rewritten:

1 "(b) Appointment, Duties; Termination. – Upon receipt of a nomination from the
2 county board of elections stating that the nominee for director of elections is submitted
3 for appointment upon majority selection by the county board of elections the Executive
4 Secretary-Director shall issue a letter of appointment of such nominee to the chairman
5 of the county board of elections within 10 days after receipt of the nomination.
6 Thereafter, the county board of elections shall enter in its official minutes the specified
7 duties, responsibilities and designated authority assigned to the director by the county
8 board of elections. A copy of the specified duties, responsibilities and designated
9 authority assigned to the director shall be filed with the State Board of Elections.

10 The county board of elections may, by petition signed by a majority of the board,
11 recommend to the Executive Secretary-Director of the State Board of Elections the
12 termination of the employment of the county board's director of elections. The petition
13 shall clearly state the reasons for termination. Upon receipt of the petition, the
14 Executive Secretary-Director shall forward a copy of ~~same the petition~~ by certified mail,
15 return receipt requested, to the county director of elections involved. The county
16 director of elections may reply to ~~said the~~ petition within 15 days of receipt thereof.
17 Within 20 days of receipt of the county director of elections' reply or the expiration of
18 the time period allowed for the filing of ~~said the~~ reply, the State Executive
19 Secretary-Director shall render a decision as to the termination or retention of the
20 county director of elections. The decision of the Executive Secretary-Director of the
21 State Board of Elections shall be final unless ~~such the decision shall, is,~~ within 20 days
22 from the official date on which it was made, ~~be deferred by the State Board of Elections,~~
23 ~~Elections. in which event a public hearing shall be conducted by State Board or any~~
24 ~~single member designated by the remaining four members, in the county seat of the~~
25 ~~county involved. Following the conduct of public hearing and a decision by the State~~
26 ~~Board of Elections, the chairman of said Board shall notify the Executive~~
27 ~~Secretary Director of the State Board of Elections, in writing, of the decision resulting~~
28 ~~from the public hearing. If the State Board defers the decision, then the State Board~~
29 ~~shall make a final decision on the termination after giving the county director of~~
30 ~~elections an opportunity to be heard and to present witnesses and information to the~~
31 ~~State Board, and then notify the Executive Director of its decision in writing. If the~~
32 ~~decision, rendered by the State Board of Elections, results in concurrence with the~~
33 ~~decision entered by the Executive Secretary-Director, the decision becomes final. If the~~
34 ~~decision rendered by the Board is contrary to that entered by the Executive~~
35 ~~Secretary-Director, then the Executive Secretary-Director shall, within 15 days from the~~
36 ~~written notification, enter an amended decision consistent with the results of the~~
37 ~~decision by the State Board of Elections. The employment of any director of elections~~
38 ~~presently employed or hereafter employed shall not be terminated except in compliance~~
39 ~~with the procedures herein prescribed. For the purposes of this subsection the individual~~
40 ~~designated by the remaining four members of the State Board shall possess the same~~
41 ~~authority conferred upon the chairman pursuant to G.S. 163-23.~~

1 Upon majority vote on the recommendation of the Executive Director, the State
2 Board of Elections may initiate proceedings for the termination of a county director of
3 elections for just cause. If the State Board votes to initiate proceedings for termination,
4 the State Board shall state the reasons for the termination in writing and send a copy by
5 certified mail, return receipt requested, to the county director of elections. The director
6 has 15 days to reply in writing to the notice. The State Board shall make a final decision
7 on the termination after giving the county director of elections an opportunity to be
8 heard, present witnesses, and provide information to the State Board. The State Board of
9 Elections shall notify the chair of the county board of elections and the chair of the
10 county board of commissioners that the State Board has initiated termination
11 proceedings.

12 A county director of elections may be suspended, with pay, without warning for
13 causes relating to personal conduct detrimental to service to the county or to the State
14 Board of Elections, pending the giving of written reasons, in order to avoid the undue
15 disruption of work or to protect the safety of persons or property or for other serious
16 reasons. Any suspension may be initiated by the Executive Director but may not be for
17 more than five days. Upon placing a county director of elections on suspension, the
18 Executive Director shall, as soon as possible, reduce to writing the reasons for the
19 suspension and forward copies to the county director of elections, the members of the
20 county board of elections, the chair of the county board of commissioners, and the State
21 Board of Elections. If no action for termination has been taken within five days, the
22 county director of elections shall be fully reinstated.

23 Termination of any county director of elections shall comply with this subsection.
24 For the purposes of this subsection, the individual designated by the remaining four
25 members of the State Board shall possess the same authority conferred upon the
26 chairman pursuant to G.S. 163-23."

27 **SECTION 1.(b)** G.S. 163-35 is amended by adding a new subsection to
28 read:

29 "(e) Training and Certification. – The State Board of Elections shall conduct a
30 training program consisting of four weeks for each new county director of elections.
31 The director shall complete that program. Each director appointed after May 1995 shall
32 successfully complete a certification program as provided in G.S. 163-82.24(b) within
33 three years after appointment or by January 1, 2003, whichever occurs later."

34 **SECTION 1.(c)** This section becomes effective January 1, 2002.

35 **--CERTIFICATION OF ELECTION OFFICIALS.**

36 **SECTION 2.(a)** G.S. 163-82.24 reads as rewritten:

37 **"§ 163-82.24. Statewide training and certification for election officials.**

38 (a) Training. – The State Board of Elections shall conduct training programs in
39 election law and procedures. Every county elections director shall receive training
40 conducted by the State Board at least as often as required in the following schedule:

41 (1) Once during each odd-numbered year before the municipal election
42 held in the county;

- 1 (2) Once during each even-numbered year before the first partisan
2 primary; and
3 (3) Once during each even-numbered year after the partisan primaries but
4 before the general election.

5 Every member of a county board of elections shall receive training conducted by the
6 State Board at least once during the six months after the member's initial appointment
7 and at least once again during the first two years of the member's service. The State
8 Board of Elections shall promulgate rules for the training of precinct officials, which
9 shall be followed by the county boards of elections.

10 (b) Certification. – The State Board of Elections shall conduct a program for
11 certification of election officials. The program shall include training in election law and
12 procedures. Before issuing certification to an election official, the State Board shall
13 administer an examination designed to determine the proficiency of the official in
14 election law and procedures. The State Board shall set adequate standards for the
15 passage of the examination."

16 **SECTION 2.(b)** This section is effective when this act becomes law.

17 **--REMOVE SUNSET FROM OUT-OF-PRECINCT VOTING PLACE**
18 **PROVISION.**

19 **SECTION 3.(a)** Section 3(b) of S.L. 1999-426 reads as rewritten:

20 "Section 3.(b) This section is effective when this act becomes law and expires
21 January 1, 2002. law."

22 **SECTION 3.(b)** This section is effective when this act becomes law.

23 **--REMOVE SUNSET AND 3-COUNTY PILOT LIMITATION FROM**
24 **2-VOTING-PLACE-PER-PRECINCT PROVISION.**

25 **SECTION 4.(a)** G.S. 163-130.2 reads as rewritten:

26 **"§ 163-130.2. Temporary use of two voting places for certain precincts; pilot**
27 **program. precincts.**

28 A county board of elections, by unanimous vote of all its members, may propose to
29 designate two voting places to be used temporarily for the same precinct. The temporary
30 designation of a voting place shall continue only for the term of office of the county
31 board of elections making the designation. For any precinct that is temporarily given
32 two voting places, the county board shall assign every voter to one or the other of those
33 voting places.

34 The county board's proposal is subject to approval by the Executive
35 Secretary-Director of the State Board of Elections. The county board shall submit its
36 proposal in writing to the Executive Secretary-Director. ~~The Executive Secretary-~~
37 ~~Director may approve a proposal under this section in not more than three counties, to~~
38 ~~be a pilot program.~~The Executive Secretary-Director shall approve that proposal only if
39 it finds all of the following:

- 40 (1) That the precinct has more registered voters than can adequately be
41 accommodated by any single potential voting place available for the
42 precinct.

- 1 (2) That no boundary line that complies with Article 12A of this Chapter
2 can be identified that adequately divides the precinct.
- 3 (3) That the county board can account for, by street address number, the
4 location of every registered voter in the precinct and fix that voter's
5 residence with certainty on a map.
- 6 (4) That no more than three other precincts in the same county will have
7 two voting places.
- 8 (5) That both voting places for the precinct would have adequate facilities
9 for the elderly and disabled.
- 10 (6) That the proposal provides adequately for security against fraud.
- 11 (7) That the proposal does not unfairly favor or disfavor voters with regard
12 to race or party affiliation.

13 The county board shall designate a full set of precinct officials, in the manner set forth
14 in Article 5 of this Chapter, for each voting place designated for the precinct."

15 **SECTION 4.(b)** Section 4(b) of S.L. 1999-426 reads as rewritten:

16 "Section 4.(b) This section becomes effective January 2, 2000, ~~and expires January~~
17 ~~2, 2002. 2000.~~ The Executive Secretary-Director of the State Board of Elections shall
18 study the operation and consequences of the pilot program created by this section and
19 report findings and recommendations to the 2001 General Assembly by February 1,
20 2001."

21 **SECTION 4.(c)** This section is effective when this act becomes law.

22 **--CHANGES CONCERNING ONE-STOP VOTING.**

23 **SECTION 5.(a)** G.S. 163-227.2(b) reads as rewritten:

24 "(b) Not earlier than the ~~first business day after the twenty fifth day~~ third
25 Thursday before an election, in which absentee ballots are authorized, in which a voter
26 seeks to vote and not later than ~~5:00 1:00 p.m.~~ P.M. on the ~~Friday prior to last Saturday~~
27 before that election, the voter shall appear in person only at the office of the county
28 board of elections, except as provided in subsection ~~(f1)~~ (g) of this section. A county
29 board of elections shall conduct one-stop voting on the last Saturday before the election
30 until 1:00 P.M. and may conduct it until 5:00 P.M. on that Saturday. That voter shall
31 enter the voting enclosure at the board office through the appropriate entrance and shall
32 at once state his or her name and place of residence to an authorized member or
33 employee of the board.

34 In a primary election, the voter shall also state the political party with which the
35 voter affiliates and in whose primary the voter desires to vote, or if the voter is an
36 unaffiliated voter permitted to vote in the primary of a particular party under G.S.
37 163-119, the voter shall state the name of the authorizing political party in whose
38 primary he wishes to vote. The board member or employee to whom the voter gives this
39 information shall announce the name and residence of the voter in a distinct tone of
40 voice. After examining the registration records, an employee of the board shall state
41 whether the person seeking to vote is duly registered. If the voter is found to be
42 registered that voter may request that the authorized member or employee of the board

1 furnish the voter with an application form as specified in G.S. 163-227. The voter shall
2 complete the application in the presence of the authorized member or employee of the
3 board, and shall deliver the application to that person."

4 **SECTION 5.(b)** G.S. 163-227.2(f) reads as rewritten:

5 "(f) Notwithstanding the exception specified in G.S. 163-36, counties which
6 operate a modified full-time office shall remain open five days each week during
7 regular business hours consistent with daily hours presently observed by the county
8 board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and
9 continuing until 5:00 ~~p.m.~~ P.M. on the Friday prior to that election ~~or primary.~~ and shall
10 also be open on the last Saturday before the election. A county board may conduct one-
11 stop absentee voting during evenings or on weekends, as long as the hours are part of a
12 plan submitted and approved according to subsection (g) of this section. The boards of
13 county commissioners shall provide necessary funds for the additional operation of the
14 office during that time."

15 **SECTION 5.(c)** G.S. 163-227.2(g) reads as rewritten:

16 "(g) Notwithstanding any other provision of this section, a county board of
17 elections by unanimous vote of all its members may provide for one or more sites in that
18 county for absentee ballots to be applied for and cast under this section. Any site other
19 than the county board of elections office shall be in any building or part of a building
20 that the county board of elections is entitled under G.S. 163-129 to demand and use as a
21 voting place. Every individual staffing any of those sites shall be a member or full-time
22 employee of the county board of elections or an employee of the county board of
23 elections whom the board has given training equivalent to that given a full-time
24 employee. Those sites must be approved by the State Board of Elections as part of a
25 Plan for Implementation approved by both the county board of elections and by the
26 State Board of Elections which shall also provide adequate security of the ballots and
27 provisions to avoid allowing persons to vote who have already voted. The Plan for
28 Implementation shall include a provision for the presence of political party observers at
29 each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at
30 voting places on election day. A county board of elections may propose in its Plan not
31 to offer one-stop voting at the county board of elections office; the State Board may
32 approve that proposal in a Plan only if the Plan includes at least one site reasonably
33 proximate to the county board of elections office and the State Board finds that the sites
34 in the Plan as a whole provide adequate coverage of the county's electorate. If a county
35 board of elections has considered a proposed Plan or Plans for Implementation and has
36 been unable to reach unanimity in favor of a Plan, a member or members of that county
37 board of elections may petition the State Board of Elections to adopt a plan for it. If
38 petitioned, the State Board may also receive and consider alternative petitions from
39 another member or members of that county board. The State Board of Elections may
40 adopt a Plan for that county. The State Board, in that plan, shall take into consideration
41 factors including geographic, demographic, and partisan interests of that county."

1 **SECTION 5.(d)** This section becomes effective with respect to primaries
2 and elections held on or after January 1, 2002.

3 **--LATER REGISTRATION DEADLINE ON FINAL DAY.**

4 **SECTION 6.(a)** G.S. 163-82.6(c) reads as rewritten:

5 "(c) Registration Deadlines for an Election. – In order to be valid for an election,
6 the form:

- 7 (1) If submitted by mail, must be postmarked at least 25 days before the
8 election, except that any mailed application on which the postmark is
9 missing or unclear is validly submitted if received in the mail not later
10 than 20 days before the election,
- 11 (2) If submitted in person, must be received by the county board of
12 elections by ~~5:00 p.m.~~ a time established by that board, but no earlier
13 than 5:00 P.M., on the twenty-fifth day before the election,
- 14 (3) If submitted through a delegatee who violates the duty set forth in
15 subsection (a) of this section, must be signed by the applicant and
16 given to the delegatee not later than 25 days before the election, except
17 as provided in subsection (d) of this section."

18 **SECTION 6.(b)** This section becomes effective with respect to primaries
19 and elections held on or after January 1, 2002.

20 **--ELECTRONIC TRANSFER OF DMV REGISTRATIONS.**

21 **SECTION 7.(a)** G.S. 163-82.19 reads as rewritten:

22 **"§ 163-82.19. Voter registration at drivers license offices.**

23 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State
24 Board of Elections, modify its forms so that any eligible person who applies for original
25 issuance, renewal or correction of a drivers license, or special identification card issued
26 under G.S. 20-37.7 may, on a part of the form, complete an application to register to
27 vote or to update his registration if the voter has changed his address or moved from one
28 precinct to another or from one county to another. The person taking the application
29 shall ask if the applicant is a citizen of the United States. If the applicant states that the
30 applicant is not a citizen of the United States, or declines to answer the question, the
31 person taking the application shall inform the applicant that it is a felony for a person
32 who is not a citizen of the United States to apply to register to vote. Any person who
33 willfully and knowingly and with fraudulent intent gives false information on the
34 application is guilty of a Class I felony. The application shall state in clear language the
35 penalty for violation of this section. The necessary forms shall be prescribed by the
36 State Board of Elections. The form must ask for the previous voter registration address
37 of the voter, if any. If a previous address is listed, and it is not in the county of residence
38 of the applicant, the appropriate county board of elections shall treat the application as
39 an authorization to cancel the previous registration and also process it as such under the
40 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the
41 county where the voter applies to register, the application shall be processed as if it had
42 been submitted under G.S. 163-82.9.

1 Registration shall become effective as provided in G.S. 163-82.7. Applications to
2 register to vote accepted at a drivers license office under this section until the deadline
3 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no
4 person who completes an application at that drivers license office shall be denied the
5 vote in that election for failure to apply earlier than that deadline.

6 All applications shall be forwarded by the Department of Transportation to the
7 appropriate board of elections not later than five business days after the date of
8 acceptance, according to rules which shall be promulgated by the State Board of
9 Elections. Those rules shall provide for a paperless, instant, electronic transfer of
10 applications to the appropriate county board of elections."

11 SECTION 7.(b) This section becomes effective with respect to primaries and
12 elections held on or after January 1, 2002.

13 **--UPDATING OF VOTER REGISTRATION LIST MAINTENANCE**
14 **PROVISION TO REFLECT CURRENT FEDERALLY APPROVED**
15 **PRACTICE.**

16 **SECTION 8.(a)** G.S. 163-82.14(d) reads as rewritten:

17 "(d) Change of Address. – A county board of elections shall conduct a systematic
18 program to remove from its list of registered voters those who have moved out of the
19 county, and to update the registration records of persons who have moved within the
20 county. The county board shall remove a person from its list if the registrant:

21 (1) Gives confirmation in writing of a change of address for voting
22 purposes out of the county. "Confirmation in writing" for purposes of
23 this subdivision shall include:

- 24 a. A report to the county board from the Department of
25 Transportation or from a voter registration agency listed in G.S.
26 163-82.20 that the voter has reported a change of address for
27 voting purposes outside the county;
28 b. A notice of cancellation received under G.S. 163-82.9; or
29 c. A notice of cancellation received from an election jurisdiction
30 outside the State.

31 (2) Fails to respond to a confirmation mailing sent by the county board in
32 accordance with this subdivision and does not vote or appear to vote in
33 an election beginning on the date of the notice and ending on the day
34 after the date of the second general election for the United States
35 House of Representatives that occurs after the date of the notice. A
36 county board sends a confirmation notice in accordance with this
37 subdivision if the notice:

- 38 a. Is a postage prepaid and preaddressed return card, sent by
39 forwardable mail, on which the registrant may state current
40 address;
41 b. Contains or is accompanied by a notice to the effect that if the
42 registrant did not change residence but remained in the county,

1 the registrant should return the card not later than the deadline
2 for registration by mail in G.S. 163-82.6(c)(1); and

- 3 c. Contains or is accompanied by information as to how the
4 registrant may continue to be eligible to vote if the registrant
5 has moved outside the county.

6 A county board shall send a confirmation mailing in accordance with
7 this subdivision ~~if the to every registrant remains on the list, the~~
8 ~~registrant has not voted in two successive presidential elections or in~~
9 ~~any election in between, and after every congressional election if the~~
10 county board has not confirmed the registrant's address by another
11 means. ~~The county board may send a confirmation mailing in~~
12 ~~accordance with this subdivision if the registrant has been identified as~~
13 ~~residing outside the county through change of address information~~
14 ~~supplied by the Postal Service through its licensees."~~

15 **SECTION 8.(b)** This section is effective when this act becomes law.

16 **--PERMANENT VOTER REGISTRATION NUMBERS.**

17 **SECTION 8.1.(a)** Article 7A of Chapter 163 of the General Statutes is
18 amended by adding a new section to read:

19 **"§ 163-82.10A. Permanent voter registration numbers.**

20 Each county board of elections shall assign to each voter a registration number. That
21 number shall be permanent for that voter and shall not be changed or reassigned by the
22 county board of elections."

23 **SECTION 8.1.(b)** This section becomes effective January 1, 2002.

24 **--APPLYING WRITE-IN STATUTE TO SUPERIOR COURT JUDGE**
25 **ELECTIONS.**

26 **SECTION 9.(a)** G.S. 163-123(g) reads as rewritten:

27 "(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply
28 to municipal elections conducted under Subchapter IX of Chapter 163 of the General
29 Statutes, and does not apply to nonpartisan ~~elections.~~elections except for superior court
30 judge elections under Article 25 of this Chapter."

31 **SECTION 9.(b)** This section is effective when this act becomes law.

32 **--CORRECTING REFERENCE TO FUND FOR RETURNING ILLEGAL**
33 **CONTRIBUTIONS.**

34 **SECTION 10.(a)** G.S. 163-278.14(a) reads as rewritten:

35 "(a) No individual, political committee, or other entity shall make any
36 contribution anonymously, except as provided in G.S. 163-278.8(d), or in the name of
37 another. No candidate, political committee, referendum committee, political party, or
38 treasurer shall knowingly accept any contribution made by any individual or person in
39 the name of another individual or person or made anonymously except as provided in
40 G.S. 163-278.8(d). If a candidate, political committee, referendum committee, political
41 party, or treasurer receives anonymous contributions or contributions determined to
42 have been made in the name of another, he shall pay the money over to the Board, by

1 check, and all such moneys received by the Board shall be deposited in the ~~general fund~~
2 Civil Penalty and Forfeiture Fund of the State of North Carolina."

3 **SECTION 10.(b)** This section is effective when this act becomes law.

4 **--PRECINCTS TO FOLLOW CENSUS BLOCK BOUNDARIES.**

5 **SECTION 10.1.** G.S. 163-132.3(a) reads as rewritten:

6 **"§ 163-132.3. Alterations to approved precinct boundaries.**

7 (a) No county board of elections may change any precinct boundary unless the
8 proposed new precinct consists solely of contiguous territory and its new boundaries are
9 coterminous with those of:

10 (1) ~~Townships, as certified by the county manager, or the chairman of the~~
11 ~~board of county commissioners if there is not a county manager, on the~~
12 ~~official map of the county;~~

13 (2) ~~The of census blocks established under the latest U.S. Census or the~~
14 ~~boundaries contained on the latest preliminary U.S. Census maps,~~
15 ~~issued under P.L. 94-171, whichever occurs later;~~

16 (3) ~~The following visible physical features, readily distinguishable upon~~
17 ~~the ground:~~

18 a. ~~Roads or streets;~~

19 b. ~~Water features or drainage features;~~

20 c. ~~Ridgelines;~~

21 d., e. ~~Repealed by Session Laws 1999-227, s. 1.~~

22 f. ~~Rail features;~~

23 g. ~~Major above-ground power lines; or~~

24 h. ~~Major footpaths~~

25 ~~as certified by the North Carolina Department of Transportation on its~~
26 ~~highway maps or the county manager of the relevant county or, if there~~
27 ~~is no county manager, the chair of the county board of commissioners,~~
28 ~~on official county maps.~~

29 (4) ~~Municipalities, as certified by the city clerk on the official map of the~~
30 ~~city; or~~

31 (5) ~~A combination of these boundaries. Census.~~

32 The county boards of elections shall report precinct boundary changes by filing with
33 the Legislative Services Office on current official census maps or maps certified by the
34 North Carolina Department of Transportation or the county's planning department or on
35 other maps or electronic databases approved by the Executive Secretary-Director the
36 new boundaries of these precincts. The Executive Secretary-Director may require a
37 county board of elections to file a written description of the boundaries of any precinct
38 or part thereof. No newly created or altered precinct boundary is effective until
39 approved by the Executive Secretary-Director of the State Board as being in compliance
40 with this subsection. No precinct may be changed under this section between the date its
41 boundaries become effective under G.S. 163-132.1(c) and January 2, 2002. Any
42 changes to precincts during that period shall be made as provided in G.S. 163-132.1(d).

1 (b) The Executive Secretary-Director of the State Board of Elections and the
2 Legislative Services Office shall examine the maps of the proposed new or altered
3 precincts and any required written descriptions. After its examination of the maps and
4 their written descriptions, the Legislative Services Office shall submit to the Executive
5 Secretary-Director of the State Board of Elections its opinion as to whether all of the
6 proposed precinct boundaries are in compliance with subsection (a) of this section, with
7 notations as to where those boundaries do not comply with these standards. If the
8 Executive Secretary-Director of the State Board determines that all precinct boundaries
9 are in compliance with this section, the Executive Secretary-Director of the State Board
10 shall approve the maps and written descriptions as filed and these precincts shall be the
11 official precincts.

12 (c) If the Executive Secretary-Director of the State Board determines that the
13 proposed precinct boundaries are not in compliance with subsection (a) of this section,
14 ~~he~~the Executive Director shall not approve those precinct boundaries. ~~He~~The
15 Executive Director shall notify the county board of elections of his disapproval
16 specifying the reasons. The county board of elections may then resubmit new precinct
17 maps and written descriptions to cure the reasons for their disapproval.

18 (d) Upon a determination that restricting the county board to using Census block
19 boundaries would force the county board to draw a precinct without an adequate voting
20 place or otherwise to draw a precinct in such a way that the administration of elections
21 would be seriously hindered, the Executive Director may permit a county board of
22 elections to designate a precinct boundary on a line that is not a Census block boundary
23 of the most recent federal decennial Census if both the following conditions exist:

24 (1) The feature desired by the county board to be the precinct boundary
25 meets at least one of the following:

26 a. Is likely to be designated by the Census Bureau as a block
27 boundary in the next federal decennial Census.

28 b. Is a visible physical feature, readily distinguishable upon the
29 ground, as certified by the North Carolina Department of
30 Transportation on its highway maps or by the county manager
31 of the relevant county or if there is no county manager the chair
32 of the county board of commissioners on official county maps,
33 of the following nature:

34 1. Roads or streets.

35 2. Water features or drainage features.

36 3. Ridgelines.

37 4. Rail features.

38 5. Major aboveground power lines.

39 6. Major footpaths.

40 c. Is a municipalities boundary, as certified by the city clerk on the
41 official map of the city.

1 d. Is a township boundary, as certified by the county manager, or
2 the chair of the county board of commissioners if there is no
3 county manager, on the official map of the county.

4 (2) All the following are true:

5 a. The precincts of which the line is a boundary which could be
6 combined into a unit whose outer boundaries would be Census
7 blocks, similar to the Combined Reporting Unit permitted by
8 G.S. 163-132.1(c)(6).

9 b. That combined unit would be reasonable in size.

10 c. That combined unit, together with all other such combined
11 units, would not undermine the coverage of the State's precincts
12 in the next Census."

13 **--NAME CHANGE TO EXECUTIVE DIRECTOR.**

14 **SECTION 11.** The Revisor of Statutes shall change the term "Executive
15 Secretary-Director" and the term "State Executive Secretary-Director" to "Executive
16 Director" wherever it appears in the General Statutes in reference to the State Board of
17 Elections Executive Secretary-Director.

18 **SECTION 12.** The headings to the sections of this act are a convenience to
19 the reader and are for reference only. The headings do not expand, limit, or define the
20 text of this act.

21 **SECTION 13.** Except as otherwise provided in each section, this act is
22 effective when it becomes law.