

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 16
Second Edition Engrossed 3/14/01
House Committee Substitute Favorable 5/14/01

Short Title: Municipal Election Bds.

(Public)

Sponsors:

Referred to:

January 29, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN
3 MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD
4 FORT, AND RHODHISS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 23 of Chapter 163 of the General Statutes is amended
7 by adding a new section to read:

8 "**§ 163-280.1. Municipal boards of elections abolished.**

9 Municipal boards of elections in all municipalities other than the City of Morganton,
10 the Town of Granite Falls, the Town of Old Fort, and the Town of Rhodhiss, whether
11 created by general statute or by local act, are abolished. The terms of all members of all
12 such municipal boards of elections which are abolished by this section, and all precinct
13 officials appointed by such municipal boards of elections, if those terms have not
14 expired prior to January 1, 2002, expire January 1, 2002."

15 SECTION 2. G.S. 163-285 reads as rewritten:

16 "**§ 163-285. Administration by county board of elections; optional by municipality-**
17 **Morganton, Granite Falls, Old Fort, and Rhodhiss.**

18 (a) ~~Any city, town or incorporated village which conducts its elections on a~~
19 ~~nonpartisan basis-~~ The City of Morganton, the Town of Old Fort, the Town of Granite
20 Falls, and the Town of Rhodhiss may conduct its-~~their~~ own elections, or ~~it-~~they may
21 request the county board of elections of the county in which ~~it is-~~they are located to
22 conduct its-~~their~~ elections. A county board of elections shall conduct the elections of
23 each city, town or incorporated village so requesting and the city, town or incorporated
24 village shall pay the cost thereof according to a formula mutually agreed upon by the
25 county board of elections and the city council. The elections for any other city, town, or
26 incorporated village shall be conducted by the county board of elections, and the city,
27 town, or incorporated village shall pay the cost thereof according to a formula mutually
28 agreed upon by the county board of elections and the city council. If a mutual agreement

1 cannot be reached, then the State Board of Elections shall prescribe the agreement, to
2 which both parties are bound, or, in its discretion, the State Board of Elections shall
3 have authority to instruct the county board of elections to decline the administration of
4 the elections for such city, town or incorporated village.

5 (1) The elections of cities, towns or incorporated villages which lie in
6 more than one county shall be conducted either (i) by the county in
7 which the greater number of the city's citizens reside, according to the
8 most recent federal census of population, or (ii) jointly by the boards
9 of elections of each county in which such city, town or incorporated
10 village is located, as may be mutually agreed upon by the county
11 boards of elections so affected, or (iii) by a municipal board of
12 elections appointed by the governing body of the municipality. The
13 State Board of Elections shall have authority to promulgate regulations
14 for more detailed administration and conduct of municipal elections by
15 county or municipal boards of elections for cities situated in more than
16 one county.

17 (2) Any city, town or incorporated village electing to have its elections
18 conducted by the county board of elections as provided by this section,
19 shall do so no later than January 1, 1973 provided, however, the
20 county board of elections shall be entitled to 90 days' notice prior to
21 the effective date decided upon by the municipality. For efficient
22 administration the State Board of Elections shall have the authority to
23 delay the effective date of all such agreements under this section and
24 shall set a date certain on which such agreements shall commence. The
25 State Board of Elections shall also have the authority to permit any
26 city, town or incorporated village to exercise the options under this
27 Article subsequent to the deadline stated in this section.

28 (3) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 762, s. 63.

29 (b) The county board of elections shall have authority to require maps or
30 definitive outlines of the boundaries constituting any municipality or special district
31 whose elections that county board administers and shall be immediately advised of any
32 change or relocation of such boundaries.

33 (c) Any contested election or allegations of irregularities in a municipal or
34 special district election shall be made to the county board of elections and appeals from
35 such rulings may be made to the State Board of Elections under existing statutory
36 provisions and rules or regulations adopted by the State Board of Elections.

37 (d) The term 'special district' includes a sanitary district, fire district, or school
38 administrative unit, notwithstanding the fact that the taxes of the special district may be
39 levied by a city."

40 **SECTION 3.** G.S. 163-304(b) reads as rewritten:

41 "(b) Emergency Administration if Municipal Board Is Not Appointed. – If a city
42 council in a city that has elected pursuant to G.S. 163-285 to conduct its own elections
43 has not appointed a municipal board of elections and reported the appointments to the

1 Executive Secretary-Director by ~~March~~June 1 in the year in which the city election is to
2 occur, the Executive Secretary-Director shall notify the city council that, unless a
3 municipal board of elections is appointed and the Executive Secretary-Director notified
4 of its appointment by ~~April 1~~June 15 of that year, the county board of elections shall be
5 ordered to conduct that city's elections that year on an emergency basis. If the city
6 council does not so appoint and so notify by ~~April 1~~June 15, the Executive
7 Secretary-Director shall order the county board of elections to conduct the city's
8 elections that year on an emergency basis."

9 **SECTION 4.** This act prevails over local acts.

10 **SECTION 5.** This act becomes effective January 1, 2002, and applies to all
11 primaries and elections held on and after that date.