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SENATE BILL 16
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Short Title: Municipal Election Bds.

(Public)

Sponsors:

Referred to:

January 29, 2001

A BILL TO BE ENTITLED

AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS IN MUNICIPALITIES OTHER THAN MORGANTON, GRANITE FALLS, OLD FORT, AND RHODHISS.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 "(b) Emergency Administration if Municipal Board Is Not Appointed. – If a city
43 council in a city that has elected pursuant to G.S. 163-285 to conduct its own elections

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

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

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