

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-346
HOUSE BILL 1074**

AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS; AND TO CORRECT THE BOUNDARY BETWEEN THE NASH-ROCKY MOUNT SCHOOL ADMINISTRATIVE UNIT AND THE EDGECOMBE COUNTY PUBLIC SCHOOL SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 122C-413 reads as rewritten:

"§ 122C-413. Butner Advisory Council; created.

(a) There is created a Butner Advisory Council to consist of seven members, to be elected by the residents of the ~~territorial jurisdiction established by G.S. 122C-408(a),~~ Butner Advisory Council Jurisdiction. The Butner Advisory Council Jurisdiction shall consist of the property shown on a map produced May 20, 2003, by the Information Systems Division of the North Carolina General Assembly and kept on file in the office of the Butner Town Manager and in the office of the Granville County Board of Elections. The Butner Advisory Council shall be elected at a nonpartisan election pursuant to G.S. 163-292 administered by the Granville County Board of Elections to be set after preclearance from the federal Department of Justice, held in the first odd-numbered year after preclearance under section 5 of the Voting Rights Act of 1965 is obtained. The Granville County Board of Elections may change the dates of the candidate-filing period for the first election if preclearance is not obtained before the statutory filing period begins.

(a1) Any resident of Butner who is also a resident of Durham County shall vote, as if the voter were a Granville County resident, in any Butner election at a location in the Granville County portion of Butner designated by the Granville County Board of Elections or by absentee ballot if absentee voting is authorized by the Secretary. As soon as possible after the close of registration for the election, the Durham County Board of Elections shall send the Granville County Board of Elections any information necessary to conduct the election, including all of the following:

- (1) A set of mailing labels for all registered voters in Durham County who are eligible to vote in the Butner election.
- (2) A list of all registered voters in Durham County who are eligible to vote in the Butner election.
- (3) An official precinct roster to be used by the Granville County Board of Elections to verify the eligibility to vote of persons presenting themselves to vote in the election.

The Granville County Board of Elections shall mark on the official roster provided by Durham County all those voters who vote in the election. Promptly after the election, the Granville County Board of Elections shall return the roster to the Durham County Board of Elections so it can update voter history for the Butner voters who are residents of Durham County.

(b) ~~Members~~ All members of the Butner Advisory Council shall be elected at ~~large, large in one multiseat race,~~ and the election shall be held in accordance with all applicable federal and State constitutional and statutory provisions, including the Voting Rights Act of 1965. For the purpose of elections under this Part, the jurisdiction shall be considered a city under Chapters 160A and 163 of the General ~~Statutes. Statutes,~~ with the Secretary, advised by the Advisory Council, acting as the governing body of the city. Part 4 of Article 5 of Chapter 160A of the General Statutes does not apply to Butner. In accordance with North Carolina law, a candidate for the Butner Advisory Council must be a registered voter and a resident of the territorial jurisdiction established by G.S. 122C-408(a). Butner Advisory Council Jurisdiction, as shown on a map produced May 20, 2003, by the Information Systems Division of the North Carolina General Assembly and kept on file in the office of the Butner Town Manager and in the office of the Granville County Board of Elections.

(c) The candidates for the Butner Advisory Council shall file their notices of candidacy and any required campaign finance report with the Granville County Board of Elections. Elections, regardless of whether they live in the Granville or Durham County portion of the jurisdiction. The Secretary, with the advice of the Advisory Council, shall determine whether to authorize Absentee-absentee voting by qualified voters residing in the territorial jurisdiction shall be in accordance with G.S. 163-302. The filing fee shall be ten dollars (\$10.00) for the first election of the Butner Advisory Council. In subsequent elections, the Secretary, with the advice of the Advisory Council, shall set the filing fee using the procedure in G.S. 163-294.2(e).

(d) The seven candidates receiving the highest numbers of votes shall be elected for the following terms: four-year terms.

- (1) ~~If the election is held in an even numbered year, the four candidates receiving the highest numbers of votes shall be elected for terms of four years, and the three candidates receiving the next highest numbers of votes shall be elected for terms of two years.~~
- (2) ~~If the election is held in an odd numbered year, the four candidates receiving the highest numbers of votes shall be elected for terms of five years, and the three candidates receiving the next highest numbers of votes shall be elected for terms of three years.~~

~~Biennially thereafter, in each even numbered year, the members whose terms expire shall be elected to four year terms.~~

(d1) The Department of Health and Human Services shall reimburse the Granville County Board of Elections and, if necessary, the Durham County Board of Elections for the actual cost of administering the election of the Butner Advisory Council according to the provisions of G.S. 163-284 as if Butner were a city. Reimbursement shall not come from General Fund appropriations or federal funds.

(e) The Chair of the Butner Advisory Council shall be elected from among its members, shall serve a one-year term, may be reelected, and shall serve at the pleasure of the council.

(f) The Butner Advisory Council shall comply with the applicable and relevant provisions of Parts 1, 2, and 3 of Article 5 of Chapter 160A of the General Statutes with respect to the filling of vacancies and the organization and procedures of the council as if it were a city. Only those provisions of those Parts that are consistent with an advisory council are applicable and relevant to the Butner Advisory Council.

(g) Neither the Secretary nor the Butner Advisory Council shall have any authority over the Lyons Station Sanitary District, except as relates to fire and public safety protection, as provided in Chapter 830 of the 1983 Session Laws and G.S. 122C-408."

SECTION 2. G.S. 122C-408(a) reads as rewritten:

"(a) The Secretary of Crime Control and Public Safety may employ special police officers for the territory of the Camp Butner reservation. Butner Advisory Council Jurisdiction. The territorial jurisdiction of these special police officers shall include: (i)

~~the Camp Butner reservation; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County adjoining the Butner reservation and the Lyons Station Sanitary District situated north and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those roads and the boundaries of the reservation and the sanitary district shall be the Butner Advisory Council Jurisdiction, as defined in G.S. 122C-413(a).~~ The Secretary of Crime Control and Public Safety may organize these special police officers into a public safety department for that territory and may establish it as a division within that principal department as permitted by Chapter 143B of the General Statutes."

SECTION 3. Section 1(a) of Chapter 830 of the 1983 Session Laws reads as rewritten:

"Section 1.(a) The territorial jurisdiction of the Butner Police and Fire Protection District shall include: ~~(i) any property formerly a part of the original Camp Butner reservation, including both those areas currently owned and occupied by the State and its agencies and those which may have been leased or otherwise disposed of by the State; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County adjoining the Butner reservation and the Lyons Station Sanitary District situated north and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those roads and the boundaries of said reservation and said sanitary district.~~ be the Butner Advisory Council Jurisdiction, as defined in G.S. 122C-413(a)."

SECTION 4. To reflect the boundary agreed on by the Nash-Rocky Mount Board of Education at its November 4, 2002, meeting and by the Edgecombe County Board of Education at its May 12, 2003, meeting, Chapter 391 of the 1991 Session Laws is amended by adding a new section to read:

"Sec. 3.1. Except as follows, the county line between Nash and Edgecombe Counties shall be the boundary line between the Nash-Rocky Mount School Administrative Unit and the Edgecombe County Public School System (as renamed by S.L. 2003-125):

Beginning in southeast Rocky Mount the boundary between the two school units shall go east from the county line at the intersection of Kingston Avenue and Sutton Road, following Little Cokey Swamp Creek to Old Wilson Road, then north on Old Wilson Road to its intersection with Proctor Street, then diagonally northeast from the intersection of Old Wilson Road and Proctor Street across undeveloped land to the intersection of Cokey Road and Pitt Street, then northwest on Cokey Road to the Norfolk Railroad tracks, then east along the railroad tracks to Glendale Avenue, then north on South Glendale Avenue to its intersection with Melody Lane, then east on Melody Lane to its intersection with Ashland Avenue, then north on Ashland Avenue to its intersection with Rosewood Avenue, then east on Rosewood Avenue to its intersection with Courtland Avenue, then north on Courtland Avenue to its intersection with Vernon Road, then east on Vernon Road to its intersection with Meadowbrook Road, then northwest on Meadowbrook Road to its intersection with Business US64 (North Raleigh Street), then west on Business US64 (North Raleigh Street) to its intersection with Stokes Street, then north on Stokes Street to its intersection with King Circle, then east and north on King Circle to its intersection with Barnes Street, then north on Barnes Street to its intersection with Charter Drive, then east on Charter Drive to its intersection with Anne Street, then north on Anne Street to its intersection with Cherry Street, then east on Cherry Street to its intersection with Harper Street, then north on Harper Street to its intersection with Leggett Road, then west and southwest on Leggett Road to the underpass at Bypass US64, then west on Bypass US64 to the Nash-Edgecombe County line."

SECTION 5. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 10th day of
July, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 1:40 p.m. this 27th day of July, 2003