GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 493*
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Short Title: Precinct Boundary Program.   (Public)

Sponsors: Senator Ward.

Referred to: Election Laws.

March 20, 1989

1   A BILL TO BE ENTITLED
2 AN ACT TO MAKE TECHNICAL CHANGES TO THE PRECINCT BOUNDARY
3   PROGRAM AND TO EXTEND THE TWO-MONTH FREEZE ON
4   ANNEXATIONS AND ANNEXATION REPORTING REQUIREMENTS TO
5   TERRITORY IN ALL COUNTIES PARTICIPATING IN THE PRECINCT
6   BOUNDARY PROGRAM.
7 The General Assembly of North Carolina enacts:
8   Section 1. G.S. 163-128 reads as rewritten:
9 "§ 163-128. Election precincts and voting places established or altered.
10   (a)   Each county shall be divided into a convenient number of precincts for the
11 purpose of voting, and there shall be at least one precinct encompassed within the
12 territory of each township; provided, however, that upon a resolution adopted by the
13 county board of elections and approved by the Secretary-Director of the State Board of
14 Elections voters from a given precinct within a township may be temporarily
15 transferred, for the purpose of voting, to a precinct in an adjacent township. Any such
16 transfers shall be for the period of time equal only to the term of office of the county
17 board of elections making such transfer. When such a resolution has been adopted by
18 the county board of elections to assign voters from more than one township to the same
19 precinct, then the county board of elections shall maintain separate registration and
20 voting records, consistent with the procedure prescribed by the State Board of Elections,
21 so as to properly identify the township in which such voters reside. ~~There shall be at least~~
22 ~~one voting place in each precinct.~~ Except as provided in G.S. 163-132.2(a)(1), the polling
23 place for a precinct shall be located within the precinct.

1   Except as provided by Article 12A of this Chapter, the county board of elections
2 shall have power from time to time, by resolution, to establish, alter, discontinue, or
3 create such new election precincts or voting places as it may deem expedient. Upon
4 adoption of a resolution establishing, altering, discontinuing, or creating a precinct or
5 voting place, the board shall give 20 days' notice thereof prior to the date on which the
6 registration books or records next close pursuant to G.S. 163-67. Notice shall be given
7 by advertisement in a newspaper having general circulation in the county, by posting a
8 copy of the resolution at the courthouse door, and by mailing a copy of the resolution to
9 the chairman of every political party in the county.
10   (b)   Each county board of elections shall prepare a map of the county on which
11 the precinct boundaries are drawn or described, shall revise the map when boundaries
12 are changed, and shall keep a copy of the current map on file and posted for public
13 inspection at the office of the Board of Elections, and shall file a copy with the State
14 Board of Elections."
15   Sec. 2. G.S. 163-132.2 reads as rewritten:
16 "**§ 163-132.2. Establishment of precinct boundaries for 1990 Census.**
17   (a)   The Legislative Services Office as soon as it receives the U.S. Census
18 Bureau's official census block maps to be used in the 1990 U.S. Census shall send the
19 relevant copies of those maps to county boards of elections. After receiving copies of
20 those maps, the county boards of election shall:
21   (1)   Alter, where necessary, precinct boundaries to be coterminous with
22   township boundaries, municipal boundaries, census block boundaries,
23   or a combination of those boundaries provided that if, as a result of the
24   alteration, the polling place is no longer in the precinct, it may
25   continue to be the polling place as long as the lot or tract on which the
26   polling place is situated adjoins the precinct;
27   (1a)   Alter, where necessary, precinct boundaries so that each precinct is
28   composed solely of contiguous territory, except where the operation of
29   G.S. 163-132.5A has caused a precinct to be divided into two or more
30   non-contiguous areas.
31   (2)   Mark all precinct boundaries on the maps sent by the Legislative
32   Services Office, showing the precinct boundaries in effect as of the
33   time of marking, but with any changes effective at a later time as
34   provided by subsection (d) of this section; and
35   (3)   File at a time deemed necessary by the Executive Secretary-Director of
36   the State Board of Elections with the State Board and the Legislative
37   Services Office the maps identifying the precinct boundaries. The
38   Executive Secretary-Director may require a county board of elections
39   to file a written description of the boundaries of any precinct or part
40   thereof.
41 Provided, where a precinct boundary has been or is to be altered because of the
42 operation of G.S. 163-132.5A, the boundary on the map shall be shown as in effect on
43 ~~January 1, 1988,~~ the ~~reporting~~ date <u>reported through the U.S. Census Bureau's 1988</u>
44 <u>Boundary and Annexation Survey</u> of the underlying municipal boundary on the map,

1   but the fact that the boundary has been or is to be moved because of an intervening
2   annexation shall be reported to the Executive Secretary-Director of the State Board of
3   Elections and Legislative Services Office.
4   (b)   The Executive Secretary-Director of the State Board of Elections and the
5   Legislative Services Office shall examine the returned maps and their written
6   descriptions. After its examination of the maps and their written descriptions, the
7   Legislative Services Office shall submit to the Executive Secretary-Director of the State
8   Board of Elections its opinion as to whether all precinct boundaries are coterminous
9   with current township boundaries, current municipal boundaries, census block
10   boundaries, or a combination of those boundaries, with notations as to where those
11   boundaries do not comply with these standards. If the Executive Secretary-Director of
12   the State Board determines that all precinct boundaries are coterminous with current
13   township boundaries, current municipal boundaries, census block boundaries, or a
14   combination of those boundaries, the Executive Secretary-Director of the State Board
15   shall approve the maps and written descriptions as filed and these precincts shall be the
16   official precincts. Additionally, the Legislative Services Office shall submit to the
17   Executive Secretary-Director of the State Board of Elections its opinion as to whether
18   each precinct is composed solely of contiguous territory.
19   (c)   If the Executive Secretary-Director of the State Board does not find that the
20   filed precinct boundaries are coterminous with the current township boundaries, current
21   municipal boundaries, census block boundaries, or a combination of those boundaries,
22   he shall not approve those precinct boundaries but shall alter the precinct boundaries to
23   be coterminous with the census block boundaries, municipal boundaries or township
24   boundaries nearest to those existing precinct boundaries and these altered precincts shall
25   then be the official precincts. If the Executive Secretary-Director of the State Board
26   finds that a precinct does not consist solely of contiguous territory, he shall alter the
27   precinct boundary so that it consists solely of contiguous territory, except where the
28   non-contiguity is caused by the operation of G.S. ~~160A-132.5A.~~ 163-132.5A.
29   (d)   The changes in precinct boundaries under subsections (b) and (c) of this
30   section shall be made effective not later than January 1, 1992.
31   (e)   After the Executive Secretary-Director of the State Board approves or alters
32   the precincts filed by the county boards and before January 2, 1990, no county board of
33   elections may establish, alter, discontinue, or create any precinct except for <u>the</u>
34   <u>following:</u>
35   <u>(1)</u>   Changes resulting from G.S. ~~163-132.5A~~ <u>163-132.5A;</u> ~~or by~~
36   <u>(2)</u>   Division of one precinct into two or more ~~precincts.~~ <u>precincts; or</u>
37   <u>(3)</u>   <u>With the consent of the Executive Secretary-Director of the State</u>
38   <u>Board of Elections, changes of boundaries that the U.S. Census Bureau</u>
39   <u>has identified for the Legislative Services Office as not being</u>
40   <u>coterminous with census block boundaries, township boundaries,</u>
41   <u>municipal boundaries, or a combination of these boundaries, provided</u>
42   <u>that the boundaries are made so coterminous. The Executive</u>
43   <u>Secretary-Director shall consult with the Legislative Services Office</u>
44   <u>prior to consenting to precinct changes under this subdivision.</u>

1 (f) The State shall request that the U.S. Census Bureau provide summaries of
2 census data by precinct, and shall participate in the 1990 Census Redistricting Data
3 Program. When the State files with the Census Bureau precinct maps, those boundaries
4 shall be those effective at the date of submission, but with any change with a postponed
5 effective date made under subsection (d) of this section or made under G.S. 163-
6 132.5A. In any case where the precinct includes non-contiguous portions because of the
7 operation of G.S. 163-132.5A, the Executive Secretary-Director of the State Board of
8 Elections shall designate those areas for census data purposes as separate precincts."
9   Sec. 3. G.S. 163-132.5A reads as rewritten:
10 "§ 163-132.5A. Precinct boundaries.
11 (a) Whenever an annexation ordinance adopted under Parts 1, 2, or 3 of Article
12 4A of Chapter 160A of the General Statutes, or a local act of the General Assembly
13 annexing property to a municipality, becomes effective during the period beginning
14 ~~January 1, 1988,~~ with the date of the annexation as reported through the U.S. Census
15 Bureau's 1988 Boundary and Annexation Survey and ending ~~December 31, 1989,~~
16 October 31, 1989, and any part of the boundary of the area being annexed which is
17 actually contiguous to the city is also a precinct boundary for elections administered by
18 the county board of elections then the annexed area is automatically moved into the
19 'city precinct', provided that if the annexed area is adjacent to more than one city
20 precinct, the board of elections shall place the area in any one or more of the adjacent
21 city precincts. The county board of elections may delay the effective date of any change
22 under this subsection to a date not later than January 1, 1992.
23 (b) This section does not apply when the entire area of contiguity between the
24 city and the area being annexed is a township boundary, a county boundary, ~~or~~ a visible
25 feature used or expected to be used as a census block boundary in the 1990 ~~census.~~
26 census, or a combination of those boundaries."
27   Sec. 4. G.S. 120-30.9B reads as rewritten:
28 "§ 120-30.9B. Statewide statutes; State Board of Elections.
29 The Executive Secretary-Director of the State Board of Elections shall submit to the
30 Attorney General of the United ~~States~~ States:
31 (1) Within 30 days of ratification all acts of the General Assembly that amend, delete,
32 add to, modify or repeal any provision of Chapter 163 of the General Statutes or any
33 other statewide legislation, except relating to Chapter 7A of the General Statutes, which
34 constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of ~~1965.~~
35 1965; and
36 (2) Within 30 days all alterations of precinct boundaries under G.S. 163-132.2(c)
37 in counties covered by Section 5 of the Voting Rights Act of 1965."
38   Sec. 5. G.S. 163-132.5C reads as rewritten:
39 "§ 163-132.5C. Local acts.
40 (a) Notwithstanding the provisions of any local act, a county board of elections
41 need not have the approval of any other county board or commission to make precinct
42 boundary changes required by this Article.
43 (b) Notwithstanding G.S. 163-128, precinct boundaries ~~established~~ established,
44 retained or changed under this Article ~~need not follow~~ may cross township lines."

1   Sec. 6. G.S. 160A-58.9A reads as rewritten:

2 **"§ 160A-58.9A.   Effective date of certain annexation ordinances adopted under**

3   **Article 4A of Chapter 160A.**

4   (a) No annexation ordinance adopted under Article 4A of Chapter 160A of the

5 General Statutes may become effective during the period beginning November 1, 1989,

6 and ending January 1, 1990. If because of the operation of G.S. 160A-37.1(h), G.S.

7 160A-37.3(g), G.S. 160A-38, G.S. 160A-49.1(h), G.S. 160A-49.3(g), G.S. 160A-50, the

8 order of any court, or the operation of Section 5 of the Voting Rights Act of 1965, an

9 annexation ordinance is to become effective during the period beginning November 1,

10 1989, and ending January 1, 1990, it shall instead become effective on a date during the

11 period beginning January 2, 1990, and ending December 31, 1990, set by ordinance of

12 the governing board of the city.

13   (b)   If the final date upon which an annexation ordinance adopted under Article

14 4A of Chapter 160A of the General Statutes, may be made effective occurs during the

15 period beginning November 1, 1989, and ending January 1, 1990, the effective date of

16 the annexation may be set in the annexation ordinance as any date during the period

17 beginning January 2, 1990, and ending December 31, 1990, in addition to any date

18 permitted by law before November 1, 1989.

19   (c)   This section applies ~~only~~ to territory located in counties with a population of

20 55,000 or over, according to the 1980 decennial federal ~~census.~~ census, and to territory

21 located in all other counties subject to Article 12A of Chapter 163 of the General

22 Statutes, pursuant to G.S. 163-132.6."

23   Sec. 7. G.S. 160A-29 reads as rewritten:

24 **"§ 160A-29. Map of annexed area, copy of ordinance and election results recorded**

25   **in the office of register of deeds.**

26   Whenever the limits of any municipal corporation are enlarged, in accordance with

27 the provisions of this Article, it shall be the duty of the mayor of the city or town to

28 cause an accurate map of such annexed territory, together with a copy of the ordinance

29 duly certified, and the official results of the election, if conducted, to be recorded in the

30 office of the register of deeds of the county or counties in which such territory is

31 situated and in the office of the Secretary of State, and in the case of annexed territory

32 located in a county with a population of 55,000 or over according to the 1980 decennial

33 federal ~~census,~~ census or in any other county subject to Article 12A of Chapter 163 of

34 the General Statutes, pursuant to G.S. 163-132.6, where the annexation ordinance

35 becomes effective during the period beginning January 1, 1988, and ending January 2,

36 1990, to cause a copy of such map and ordinance to be filed with the county board of

37 elections of the county where the territory is located. Any annexation shall be reported

38 as part of the Boundary and Annexation Survey of the United States Bureau of the

39 Census."

40   Sec. 8. G.S. 160A-39 reads as rewritten:

41 **"§ 160A-39. Annexation recorded.**

42   Whenever the limits of a municipality are enlarged in accordance with the provisions

43 of this Part, it shall be the duty of the mayor of the municipality to cause an accurate

44 map of such annexed territory, together with a copy of the ordinance duly certified, to

1 be recorded in the office of the register of deeds of the county or counties in which such
2 territory is situated and in the office of the Secretary of State, and in the case of annexed
3 territory located in a county with a population of 55,000 or over according to the 1980
4 decennial federal ~~census,~~ census or in any other county subject to Article 12A of Chapter
5 163 of the General Statutes, pursuant to G.S. 163-132.6, where the annexation
6 ordinance becomes effective during the period beginning January 1, 1988, and ending
7 January 2, 1990, to cause a copy of such map and ordinance to be filed with the county
8 board of elections of the county where the territory is located. Any annexation shall be
9 reported as part of the Boundary and Annexation Survey of the United States Bureau of
10 the Census."
11   Sec. 9. G.S. 160A-51 reads as rewritten:
12 "**§ 160A-51. Annexation recorded.**
13   Whenever the limits of a municipality are enlarged in accordance with the provisions
14 of this Part, it shall be the duty of the mayor of the municipality to cause an accurate
15 map of such annexed territory, together with a copy of the ordinance duly certified, to
16 be recorded in the office of the register of deeds of the county or counties in which such
17 territory is situated and in the office of the Secretary of State, and in the case of annexed
18 territory located in a county with a population of 55,000 or over according to the 1980
19 decennial federal ~~census,~~ census or in any other county subject to Article 12A of Chapter
20 163 of the General Statutes, pursuant to G.S. 163-132.6, where the annexation
21 ordinance becomes effective during the period beginning January 1, 1988, and ending
22 January 2, 1990, to cause a copy of such map and ordinance to be filed with the county
23 board of elections of the county where the territory is located. Any annexation shall be
24 reported as part of the Boundary and Annexation Survey of the United States Bureau of
25 the Census."
26   Sec. 10. This act is effective upon ratification.