

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 261

Short Title: ETJ Voting.

(Public)

Sponsors: Representatives Brown, Boylan (Primary Sponsors); Avila, Blackwood, Cleveland, Faison, Folwell, McElraft, McGee, Moore, Starnes, and Walend.

Referred to: Rules, Calendar, and Operations of the House.

February 20, 2007

A BILL TO BE ENTITLED

AN ACT TO ALLOW RESIDENTS OF AREAS IN THE EXTRATERRITORIAL ZONING JURISDICTION OF A MUNICIPALITY TO VOTE IN ELECTIONS FOR MUNICIPAL OFFICERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160A-360(a) reads as rewritten:

"(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. In addition, any city may exercise these powers within a defined area extending not more than one mile beyond its limits. With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. Qualified voters residing within the defined area in which a city is exercising extraterritorially any power conferred by this Article may vote for elective officers of the city. If the governing board is elected by districts, the governing board shall allocate those voters to districts. In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration."

SECTION 2. G.S. 163-282 reads as rewritten:

"§ 163-282. **Residency defined for voting in municipal elections.**

The rules for determining residency within a municipality shall be the same as prescribed in G.S. 163-57 for determining county residency. For purposes of eligibility

1 to vote in elections for officers of a municipality as authorized in G.S. 160A-360(a), any
2 person who is a resident of an area over which the municipality exercises extraterritorial
3 jurisdiction under G.S. 160A-360 or by local act is a resident of the municipality. A
4 person whose residency is based upon the person's residing in an extraterritorial area is
5 eligible to vote only in elections for officers of the city and not for other types of
6 elections. However, if an area is annexed by a municipality, residents in that area may
7 thereafter vote in all municipal elections if they are otherwise registered, qualified, and
8 eligible. No person shall be entitled to reside in more than one city or town at the same
9 time."

10 **SECTION 3.** G.S. 163-288.1(a) reads as rewritten:

11 "(a) Whenever any new city or special district is incorporated or whenever an
12 existing city or district annexes any territory or exercises extraterritorial planning
13 jurisdiction under G.S. 160A-360 or by local act, the city or special district shall cause a
14 map of the corporate or district limits or extraterritorial area to be prepared from the
15 boundary descriptions in the act, charter or other document creating the city or district
16 or authorizing or implementing the annexation or providing for extraterritorial
17 jurisdiction. The map shall be delivered to the county or municipal board of elections
18 conducting the elections for the city or special district. The board of elections shall then
19 activate for city or district elections each voter eligible to vote in the city or district who
20 is registered to vote in the county to the extent that residence addresses shown on the
21 county registration certificates can be identified as within the limits of the city or special
22 ~~district.~~ district or within the extraterritorial area. Each voter whose registration is thus
23 activated for city or special district elections shall be so notified by mail. The cost of
24 preparing the map of the newly incorporated city or special district or of the newly
25 annexed area, or the extraterritorial area, and of activating voters eligible to vote therein,
26 shall be paid by the city or special district. In lieu of the procedures set forth in this
27 section, the county board of elections may use either of the methods of registration of
28 voters set out in G.S. 163-288.2 when activating voters pursuant to the incorporation of
29 a new city or election of city officials or both under authority of an act of the General
30 Assembly or when activating voters after an annexation of new territory by a city or
31 special district under ~~Chapter 160A, Article 4A,~~ Article 4A of Chapter 160A of the
32 General Statutes or other general or local ~~law.~~ law or residing within an extraterritorial
33 area."

34 **SECTION 4.** G.S. 163-288.2 reads as rewritten:

35 "**§ 163-288.2. Registration in area proposed for incorporation or annexed.**

36 (a) Whenever the General Assembly incorporates a new city and provides in the
37 act of incorporation for a referendum on the question of incorporation or for a special
38 election for town officials or for both, or whenever an existing city or special district
39 annexes new territory under the provisions of ~~Chapter 160A, Article 4A,~~ Article 4A of
40 Chapter 160A of the General Statutes or other general or local law, or there is
41 extraterritorial planning jurisdiction under G.S. 160A-360 or by local act, the board of
42 elections of the county in which the proposed city is located or in which the newly
43 annexed territory or the extraterritorial area is located shall determine those individuals
44 eligible to vote in the referendum or special election or in the city or special district

1 elections. In determining the eligible voters the board may, in its discretion, use either
2 of the following methods:

3 METHOD A. – The board of elections shall prepare a list of those registered voters
4 residing within the proposed city or newly annexed territory or the extraterritorial area.
5 The board shall make this list available for public inspection in its office for a two-week
6 period ending on the twenty-fifth day before the day of the referendum or special
7 election, or the next scheduled city or special district election. During this period, any
8 voter resident within the proposed city or newly annexed territory or the extraterritorial
9 area and not included on the list may cause his name to be added to the list. At least one
10 week and no more than two weeks before the day the period of public inspection is to
11 begin, the board shall cause notice of the list's availability to be posted in at least two
12 prominent places within the proposed city or newly annexed territory or the
13 extraterritorial area and may cause the notice to be published in a newspaper of general
14 circulation within the county. The notice shall state that the list has been prepared, that
15 only those persons listed may vote in the referendum or special election, that the list will
16 be available for public inspection in the board's office, that any qualified voter not
17 included on the list may cause his name to be added to the list during the two-week
18 period of public inspection, and that persons in newly annexed ~~territory.~~ territory or the
19 extraterritorial area should present themselves so their registration records may be
20 activated for voting in city or special district elections in the newly annexed ~~territory.~~
21 territory or extraterritorial area. Notice may additionally be made on a radio or
22 television station or both, but such notice shall be in addition to the newspaper and other
23 required notice.

24 METHOD B. – The board of elections shall conduct a special registration of eligible
25 persons desiring to vote in the referendum or special election or in the newly annexed
26 ~~territory.~~ territory or the extraterritorial area. The registration records shall be open for a
27 two-week period (except Sundays) ending on the twenty-fifth day before the day of the
28 referendum or special election or the next scheduled city or special district election. On
29 the two Saturdays during that two-week period, the records shall be located at the voting
30 place for the referendum or special election or the next scheduled city or special district
31 election; on the other days it may, in the discretion of the board, be kept at the voting
32 place, at the office of the board, or at the place of business of a person designated by the
33 board to conduct the special registration. At least one week and no more than two weeks
34 before the day the period of special registration is to begin, the board shall cause notice
35 of the registration to be posted in at least two prominent places within the proposed city
36 or newly annexed territory or the extraterritorial area and may cause the notice to be
37 published in a newspaper of general circulation within the county. The notice shall state
38 the purpose and times of the special registration, the location of the registration records,
39 that only those persons registered in the special registration may vote in the referendum
40 or special election, and that persons in the newly annexed territory or the extraterritorial
41 area should present themselves so their registration records may be activated for voting
42 in city or special district elections in the newly annexed ~~territory.~~ territory or the
43 extraterritorial area. Notice may additionally be made on a radio or television station or
44 both, but such notice shall be in addition to the newspaper and other required notice.

1 (b) Only those persons registered pursuant to this section may vote in the
2 referendum or special election, provided, however, that in cases where voters are
3 activated under either Method A or B to vote in a city or special district that annexes
4 territory, the city or special district shall permit them to vote in the city or special
5 district's election and shall, as well, permit other voters to vote in such elections who did
6 not register under the provisions of this section if they are otherwise registered,
7 qualified and eligible to vote in the same."

8 **SECTION 5.** This act is effective when it becomes law and applies to
9 elections occurring on or after September 1, 2007.