

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 259*

Short Title: Municipal Election Bds.

(Public)

Sponsors: Representatives Alexander, Bonner; Barefoot, Insko, Luebke, and Nesbitt.

Referred to: Election Law and Campaign Finance Reform.

February 27, 2001

A BILL TO BE ENTITLED

1 AN ACT TO ABOLISH MUNICIPAL BOARDS OF ELECTIONS, REQUIRING
2 THAT ALL ELECTIONS BE CONDUCTED BY COUNTY BOARDS OF
3 ELECTIONS.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 163-280 is repealed.

7 **SECTION 2.** Article 23 of Chapter 163 of the General Statutes is amended
8 by adding a new section to read:

9 "**§ 163-280.1. Municipal boards of elections abolished.**

10 Municipal boards of elections, whether created by General Statute or by local act,
11 are abolished. The terms of all members of municipal boards of elections and all
12 precinct officials appointed by municipal boards of elections, if those terms have not
13 expired prior to January 1, 2002, expire January 1, 2002."

14 **SECTION 3.** G.S. 163-281 is repealed.

15 **SECTION 4.** G.S. 163-284 is repealed.

16 **SECTION 5.** G.S. 163-284.1 is repealed.

17 **SECTION 6.** G.S. 163-285 reads as rewritten:

18 "**§ 163-285. Administration by county board of elections; optional by municipality-**
19 **elections.**

20 (a) ~~Any city, town or incorporated village which conducts its elections on a~~
21 ~~nonpartisan basis may conduct its own elections, or it may request the county board of~~
22 ~~elections of the county in which it is located to conduct its elections. A county board of~~
23 ~~elections shall have authority for the registration of voters for and shall conduct the~~
24 ~~elections of each city, town or incorporated village so requesting—municipality and~~
25 ~~special district in that county and the city, town or incorporated village—municipality or~~
26 ~~special district shall pay the cost thereof according to a formula mutually agreed upon~~
27 ~~by the county board of elections and the city council—council or special district~~

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

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

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

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

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

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

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

43 **SECTION 7.** G.S. 163-286(b) is repealed.

44 **SECTION 8.** G.S. 163-287 reads as rewritten:

"§ 163-287. Special elections; procedure for calling.

Any city, ~~whether its elections are conducted by the county board of elections or the municipal board of elections,~~ city or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the city council or the governing body of the special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the appropriate board of elections. The resolution shall call on the board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held at the same time as any other State, county or municipal primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.

Legal notice of the special election shall be published no less than 45 days prior to the special election. The appropriate board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This paragraph shall not apply to bond elections."

SECTION 9. G.S. 163-288 reads as rewritten:

"§ 163-288. Registration for city elections; ~~county and municipal boards of elections.~~

~~Regardless of whether the municipal election is conducted by the county board of elections or by a municipal board of elections, the~~ The registration record of the county board of elections shall be the official registration record for voters to vote in all elections, city, district, county, State or national."

SECTION 10. G.S. 163-288.1 reads as rewritten:

"§ 163-288.1. Activating voters for newly annexed or incorporated areas.

(a) Whenever any new city or special district is incorporated or whenever an existing city or district annexes any territory, the city or special district shall cause a map of the corporate or district limits to be prepared from the boundary descriptions in the act, charter or other document creating the city or district or authorizing or implementing the annexation. The map shall be delivered to the county ~~or municipal~~ board of elections conducting the elections for the city or special district. The board of elections shall then activate for city or district elections each voter eligible to vote in the city or district who is registered to vote in the county to the extent that residence addresses shown on the county registration certificates can be identified as within the limits of the city or special district. Each voter whose registration is thus activated for city or special district elections shall be so notified by mail. The cost of preparing the map of the newly incorporated city or special district or of the newly annexed area, and of activating voters eligible to vote therein, shall be paid by the city or special district. In lieu of the procedures set forth in this section, the county board of elections may use either of the methods of registration of voters set out in G.S. 163-288.2 when activating voters pursuant to the incorporation of a new city or election of city officials or both under authority of an act of the General Assembly or when activating voters after an

1 annexation of new territory by a city or special district under Chapter 160A, Article 4A,
2 or other general or local law.

3 (b) Each voter whose registration is changed by the county ~~or municipal~~ board of
4 elections in any manner pursuant to any annexation or expunction under this subsection
5 shall be so notified by mail.

6 (c) The State Board of Elections shall have authority to adopt regulations for the
7 more detailed administration of this section."

8 **SECTION 11.** G.S. 163-289(c) is repealed.

9 **SECTION 12.** G.S. 163-298 reads as rewritten:

10 **"§ 163-298. Municipal primaries and elections.**

11 ~~The phrases 'county board of elections,' and 'chairman of the board of elections' as~~
12 ~~used in this Article, with respect to all municipal primaries and elections, shall mean the~~
13 ~~municipal board of elections and its chairman in those cities and towns which conduct~~
14 ~~their own elections, and the county board of elections and its chairman in those cities~~
15 ~~and towns whose elections are conducted by the county board of elections. The words~~
16 ~~'general election,' as used in this Article, shall include regular municipal elections,~~
17 ~~runoff elections, and nonpartisan primaries, except where specific provision is made for~~
18 ~~municipal elections and nonpartisan primaries."~~

19 **SECTION 13.** G.S. 163-299(g) reads as rewritten:

20 "(g) The county ~~or municipal~~ board of elections shall, in addition to the
21 requirements contained in G.S. 163-175 canvass the results in a nonpartisan municipal
22 primary, election or runoff election, and in a special district election, the number of
23 legal votes cast in each precinct for each candidate, the name of each person voted for,
24 and the total number of votes cast in the municipality or special district for each person
25 for each different office."

26 **SECTION 14.** G.S. 163-300 reads as rewritten:

27 **"§ 163-300. Disposition of duplicate abstracts in municipal elections.**

28 Within five days after a primary or election is held in any municipality, the chairman
29 of the county ~~or municipal~~ board of elections shall mail to the chairman of the State
30 Board of Elections, the duplicate abstract prepared in accordance with G.S. 163-176.
31 One copy shall be retained by the county ~~or municipal~~ board of elections as a
32 permanent record and one copy shall be filed with the city clerk. (1971, c. 835, s. 1.)

33 **SECTION 15.** G.S. 163-301 reads as rewritten:

34 **"§ 163-301. Chairman of election board to furnish certificate of elections.**

35 Not earlier than five days nor later than 10 days after the results of any municipal
36 election have been officially determined and published in accordance with G.S. 163-175
37 and G.S. 163-179, the chairman of the county ~~or municipal~~ board of elections shall
38 issue certificates of election, under his hand and seal, to all municipal and special
39 district officers. In issuing such certificates of election the chairman shall be restricted
40 by the provisions of G.S. 163-181."

41 **SECTION 16.** G.S. 163-304 reads as rewritten:

42 **"§ 163-304. State Board of Elections to have jurisdiction over municipal elections**
43 **~~and election officials, and to advise; emergency and ongoing~~**
44 **~~administration by county board. advise.~~**

1 (a) ~~Authority and Duty of State Board.~~—The State Board of Elections shall have
2 the same authority over municipal elections and election officials as it has over county
3 and State elections and election officials. The State Board of Elections shall advise and
4 assist cities, towns, incorporated villages and special districts, municipal boards of
5 elections, their members and legal officers on the conduct and administration of their
6 elections and registration procedure. ~~elections.~~

7 ~~The city council shall provide written notification to the State Board of Elections of~~
8 ~~the appointment of each member of its municipal board of elections within five days~~
9 ~~after the appointment. The municipal board of elections and the city council shall~~
10 ~~provide such other information about the municipal board of elections as the State~~
11 ~~Board may require. Members of the municipal board of elections and municipal~~
12 ~~elections officials shall participate in training provided by the State Board pursuant to~~
13 ~~G.S. 163-82.24. The State Board shall provide the same training, materials, and~~
14 ~~assistance to municipal boards of elections that it provides to county boards of elections.~~

15 ~~The county and municipal boards of elections shall be governed by the same rules~~
16 ~~for settling controversies with respect to counting ballots or certification of the returns~~
17 ~~of the vote in any municipal or special district election as are in effect for settling such~~
18 ~~controversies in county and State elections.~~

19 (b) ~~Emergency Administration if Municipal Board Is Not Appointed.~~—If a city
20 council in a city that has elected pursuant to G.S. 163-285 to conduct its own elections
21 has not appointed a municipal board of elections and reported the appointments to the
22 Executive Secretary Director by March 1 in the year in which the city election is to
23 occur, the Executive Secretary Director shall notify the city council that, unless a
24 municipal board of elections is appointed and the Executive Secretary Director notified
25 of its appointment by April 1 of that year, the county board of elections shall be ordered
26 to conduct that city's elections that year on an emergency basis. If the city council does
27 not so appoint and so notify by April 1, the Executive Secretary Director shall order the
28 county board of elections to conduct the city's elections that year on an emergency
29 basis.

30 (c) ~~Emergency Administration Due to Serious Violations.~~—If a city council or
31 municipal board of elections has committed violations of the applicable portions of this
32 Chapter prior to a city election and those violations are of such magnitude as to give rise
33 to reasonable doubt as to the ability of the municipal board of elections to conduct that
34 election with competence and fairness, the Executive Secretary Director of the State
35 Board, with the approval of at least four members of the State Board, may order the
36 county board of elections to conduct the remainder of that election on an emergency
37 basis. Before an order is made under this subsection, the city council and municipal
38 board of elections shall be given an opportunity to be heard by the State Board.

39 (d) ~~Ongoing County Administration.~~—The State Board of Elections may
40 designate the county board of elections as the ongoing agency to conduct a city's
41 elections if all the following conditions are met:

- 42 (1) ~~In more than one election conducted by that city either (i) the city's~~
43 ~~elections have been administered on an emergency basis pursuant to~~
44 ~~subsection (b) or (c) of this section or (ii) a new election has been~~

1 ~~ordered because of irregularities in the city's administration of the~~
2 ~~election.~~

3 (2) ~~The State Board finds that the interest of the residents of the city in fair~~
4 ~~and competent administration of elections requires that the city not~~
5 ~~conduct its own elections.~~

6 (3) ~~The city council and municipal board of elections are given an~~
7 ~~opportunity to be heard before the State Board.~~

8 (4) ~~The State Board by a vote of at least four of its members designates~~
9 ~~the county board of elections as the ongoing agency to conduct that~~
10 ~~city's elections.~~

11 ~~The city council may not elect to conduct its own elections under G.S. 163-285 until~~
12 ~~every member of the city council has been elected in a election conducted by the county~~
13 ~~board of elections after the State Board's designation.~~

14 (e) ~~Reimbursement.—If the county board of elections administers a city's~~
15 ~~elections pursuant to subsection (b), (c), or (d) of this section, the city shall reimburse~~
16 ~~the county board of elections in the manner set forth in G.S. 163-285. "~~

17 **SECTION 17.** G.S. 163-22 reads as rewritten:

18 **"§ 163-22. Powers and duties of State Board of Elections.**

19 (a) The State Board of Elections shall have general supervision over the
20 primaries and elections in the State, and it shall have authority to make such reasonable
21 rules and regulations with respect to the conduct of primaries and elections as it may
22 deem advisable so long as they do not conflict with any provisions of this Chapter.

23 (b) From time to time, the Board shall publish and furnish to the county ~~and~~
24 ~~municipal~~—boards of elections and other election officials a sufficient number of
25 indexed copies of all election laws and Board rules and regulations then in force. It shall
26 also publish, issue, and distribute to the electorate such materials explanatory of primary
27 and election laws and procedures as the Board shall deem necessary.

28 (c) The State Board of Elections shall appoint, in the manner provided by law, all
29 members of the county boards of elections and advise them ~~and municipal elections~~
30 ~~board members~~—as to the proper methods of conducting primaries and elections. The
31 Board shall require such reports from the county ~~and municipal~~—boards and election
32 officers as are provided by law, or as are deemed necessary by the Board, and shall
33 compel observance of the requirements of the election laws by county ~~and municipal~~
34 boards of elections and other election officers. In performing these duties, the Board
35 shall have the right to hear and act on complaints arising by petition or otherwise, on the
36 failure or neglect of a county ~~or municipal~~—board of elections to comply with any part
37 of the election laws imposing duties upon such a board. The State Board of Elections
38 shall have power to remove from office any member of a county ~~or municipal~~—board of
39 elections for incompetency, neglect or failure to perform duties, fraud, or for any other
40 satisfactory cause. Before exercising this power, the State Board shall notify the county
41 ~~or municipal~~—board member affected and give him an opportunity to be heard. When
42 any county board member shall be removed by the State Board of Elections, the
43 vacancy occurring shall be filled by the State Board of Elections. ~~When any municipal~~

1 ~~board member shall be removed by the State Board of Elections, the vacancy occurring~~
2 ~~shall be filled by the city council of the city appointing members of that board.~~

3 (d) The State Board of Elections shall investigate when necessary or advisable,
4 the administration of election laws, frauds and irregularities in elections in any county
5 and municipality and special district, and shall report violations of the election laws to
6 the Attorney General or district attorney or prosecutor of the district for further
7 investigation and prosecution.

8 (e) The State Board of Elections shall determine, in the manner provided by law,
9 the form and content of ballots, instruction sheets, pollbooks, tally sheets, abstract and
10 return forms, certificates of election, and other forms to be used in primaries and
11 elections. The Board shall furnish to the county ~~and municipal~~ boards of elections the
12 registration application forms required pursuant to G.S. 163-67. The State Board of
13 Elections shall direct the county boards of elections to purchase a sufficient quantity of
14 all forms attendant to the registration and elections process. In addition, the State Board
15 shall provide a source of supply from which the county boards of elections may
16 purchase the quantity of pollbooks needed for the execution of its responsibilities. In the
17 preparation of ballots, pollbooks, abstract and return forms, and all other forms, the
18 State Board of Elections may call to its aid the Attorney General of the State, and it
19 shall be the duty of the Attorney General to advise and aid in the preparation of these
20 books, ballots and forms.

21 (f) The State Board of Elections shall prepare, print, distribute to the county ~~and~~
22 ~~municipal~~ boards of elections all ballots for use in any primary or election held in the
23 State which the law provides shall be printed and furnished by the State to the counties.
24 The Board shall instruct the county boards of elections as to the printing of county and
25 local ballots.

26 (g) The State Board of Elections shall certify to the appropriate county boards of
27 elections the names of candidates for district offices who have filed notice of candidacy
28 with the Board and whose names are required to be printed on county ballots.

29 (h) It shall be the duty of the State Board of Elections to tabulate the primary and
30 election returns, to declare the results, and to prepare abstracts of the votes cast in each
31 county in the State for offices which, according to law, shall be tabulated by the Board.

32 (i) The State Board of Elections shall make recommendations to the Governor
33 and legislature relative to the conduct and administration of the primaries and elections
34 in the State as it may deem advisable.

35 (j) Notwithstanding the provisions of any other section of this Chapter, the State
36 Board of Elections is empowered to have access to any ballot boxes and their contents,
37 any voting machines and their contents, any registration records, pollbooks, voter
38 authorization cards or voter lists, any lists of absentee voters, any lists of presidential
39 registrants under the Voting Rights Act of 1965 as amended, and any other voting
40 equipment or similar records, books or lists in any precinct, county, municipality or
41 electoral district over whose elections it has jurisdiction or for whose elections it has
42 responsibility.

43 (k) Notwithstanding the provisions contained in Article 20 or Article 21 of
44 Chapter 163 the State Board of Elections shall be authorized, by resolution adopted

1 prior to the printing of the primary ballots, to reduce the time by which absentee ballots
2 are required to be printed and distributed for the primary election from 50 days to 45
3 days. This authority shall not be authorized for absentee ballots to be voted in the
4 general election.

5 (l) Notwithstanding any other provision of law, in order to obtain judicial review
6 of any decision of the State Board of Elections rendered in the performance of its duties
7 or in the exercise of its powers under this Chapter, the person seeking review must file
8 his petition in the Superior Court of Wake County.

9 (m) The State Board of Elections shall issue rules to regulate recounts held under
10 the provisions of G.S. 163-179.1 or G.S. 163-192.1.

11 (n) The State Board of Elections shall provide specific training to county boards
12 of elections regarding rules for registering students.

13 (o) The State Board of Elections shall promulgate minimum requirements for the
14 number of pollbooks, voting machines and curbside ballots to be available at each
15 precinct, such that more of such will be available at general elections and a sufficient
16 number will be available to allow voting without excessive delay. The State Board of
17 Elections shall provide for a training and screening program for chief judges and judges.
18 The State Board of Elections shall provide additional testing of voting machines to
19 ensure that they operate properly even with complicated ballots.

20 The State Board of Elections shall require counties with voting systems to have
21 sufficient personnel available on election day with technical expertise to make repairs in
22 such equipment, to investigate election day problems, and assist in curbside voting."

23 **SECTION 18.** G.S. 163-22.1(a) reads as rewritten:

24 "(a) State Board's Authority. -- If the State Board of Elections, acting upon the
25 agreement of at least four of its members, and after holding public hearings on election
26 contests, alleged election irregularities or fraud, or violations of elections laws,
27 determines that a new primary, general or special election should be held, the Board
28 may order that a new primary, general or special election be held, either statewide, or in
29 any counties, electoral districts, special districts, or municipalities over whose elections
30 it has jurisdiction. The State Board shall be authorized to order a new election without
31 conducting a public hearing provided a public hearing on the allegations was held by the
32 county ~~or municipal~~ board of elections and the State Board is satisfied that such hearing
33 gave sufficient opportunity for presentation of evidence and provided further that the
34 State Board adopts the findings of the county ~~or municipal~~ board of elections.

35 Any new primary, general or special election so ordered shall be conducted under
36 applicable constitutional and statutory authority and shall be supervised by the State
37 Board of Elections and conducted by the appropriate elections officials.

38 The State Board of Elections has authority to adopt rules and regulations and to issue
39 orders to carry out its authority under this section."

40 **SECTION 19.** G.S. 163-25 reads as rewritten:

41 **"§ 163-25. Authority of State Board to assist in litigation.**

42 The State Board of Elections shall possess authority to assist any county ~~or~~
43 ~~municipal~~ board of elections in any matter in which litigation is contemplated or has
44 been initiated, provided, the county ~~or municipal~~ board of elections in such county

1 petitions, by majority resolution, for such assistance from the State Board of Elections
2 and, provided further, that the State Board of Elections determines, in its sole discretion
3 by majority vote, to assist in any such matter. It is further stipulated that the State
4 Board of Elections shall not be authorized under this provision to enter into any
5 litigation in assistance to counties, except in those instances where the uniform
6 administration of Chapter 163 of the General Statutes of North Carolina has been, or
7 would be threatened.

8 The Attorney General shall provide the State Board of Elections with legal
9 assistance in execution of its authority under this section or, in his discretion,
10 recommend that private counsel be employed.

11 If the Attorney General recommends employment of private counsel, the State Board
12 may employ counsel with the approval of the Governor."

13 **SECTION 20.** G.S. 163-42 reads as rewritten:

14 **"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of**
15 **office.**

16 Each county ~~and municipal~~ board of elections is authorized, in its discretion, to
17 appoint two or more assistants for each precinct to aid the chief judge and judges. Not
18 more than two assistants shall be appointed in precincts having 500 or less registered
19 voters. Assistants shall be qualified voters of the county in which the precinct is located.
20 When the board of elections determines that assistants are needed in a precinct an equal
21 number shall be appointed from different political parties, unless the requirement as to
22 party affiliation cannot be met because of an insufficient number of voters of different
23 political parties within the county.

24 In the discretion of the county board of elections, a precinct assistant may serve less
25 than the full day prescribed for chief judges and judges in G.S. 163-47(a).

26 The chairman of each political party in the county shall have the right to recommend
27 from three to 10 registered voters in each precinct for appointment as precinct assistants
28 in that precinct. If the recommendations are received by it no later than the thirtieth day
29 prior to the primary or election, the board shall make appointments of the precinct
30 assistants for each precinct from the names thus recommended. If the recommendations
31 of the party chairs for precinct assistant in a precinct are insufficient, the county board
32 of elections by unanimous vote of all of its members may name to serve as precinct
33 assistant in that precinct registered voters in that precinct who were not recommended
34 by the party chairs. If, after diligently seeking to fill the positions with registered voters
35 of the precinct, the county board still has an insufficient number of precinct assistants
36 for the precinct, the county board by unanimous vote of all of its members may appoint
37 to the positions registered voters in other precincts in the same county who meet the
38 qualifications other than residence to be precinct officials in the precinct. In making its
39 appointments, the county board shall assure, wherever possible, that no precinct has
40 precinct officials all of whom are registered with the same party. In no instance shall the
41 county board appoint nonresidents of the precinct to a majority of the positions as
42 precinct assistant in a precinct.

43 In addition, a county board of elections by unanimous vote of all of its members may
44 appoint any registered voter in the county as emergency election-day assistant, as long

1 as that voter is otherwise qualified to be a precinct official. The State Board of Elections
2 shall determine for each election the number of emergency election-day assistants each
3 county may have, based on population, expected turnout, and complexity of election
4 duties. The county board by unanimous vote of all of its members may assign
5 emergency election-day assistants on the day of the election to any precinct in the
6 county where the number of precinct officials is insufficient because of an emergency
7 occurring within 48 hours of the opening of the polls that prevents an appointed precinct
8 official from serving. A person appointed to serve as emergency election-day assistant
9 shall be trained and paid like other precinct assistants in accordance with G.S. 163-46.
10 A county board of elections shall apportion the appointments as emergency election-day
11 assistant among registrants of each political party so as to make possible the staffing of
12 each precinct with officials of more than one party, and the county board shall make
13 assignments so that no precinct has precinct officials all of whom are registered with the
14 same party.

15 Before entering upon the duties of the office, each assistant shall take the oath
16 prescribed in G.S. 163-41(a) to be administered by the chief judge of the precinct for
17 which the assistant is appointed. Assistants serve for the particular primary or election
18 for which they are appointed, unless the county board of elections appoints them for a
19 term to expire on the date appointments are to be made pursuant to G.S. 163-41."

20 **SECTION 21.** G.S. 163-135(e) reads as rewritten:

21 " (e) Municipal Primaries and Elections. -- This Article shall apply to and control
22 all elections held in and for cities, towns, incorporated villages and all special districts,
23 whether conducted by the county board of elections or a duly appointed municipal
24 board of elections."

25 **SECTION 22.** G.S. 163-140(d) reads as rewritten:

26 " (d) Municipal Primary and Election Ballots. -- In all municipal elections there
27 shall be an official ballot on which shall be printed the names of all candidates for
28 offices in the municipality. The municipal ballot shall conform as nearly as possible to
29 the provisions of subsections (a) through (c) of this section, but on the bottom of the
30 municipal ballot shall be printed an identified facsimile of the signature of the chairman
31 of the county or municipal board of elections, as appropriate."

32 **SECTION 23.** G.S. 163-161(d) reads as rewritten:

33 " (d) Municipalities. -- The governing board of the municipality shall have the
34 same authority with respect to the acquisition and use of a voting system for municipal
35 primaries and elections that boards of county commissioners are granted in subsection
36 (a) with respect to other primaries and elections.

37 The decision of the governing board of the municipality shall be subject to approval
38 of the county board of elections, as described in subsection (a), ~~if the county board of~~
39 ~~elections administers the elections of the municipality, or by the approval of the~~
40 ~~municipal board of elections if the municipal board of elections administers the~~
41 ~~elections of the unit.~~ (a). Before approving the adoption and purchase or lease of a
42 voting system, the county or municipal board of elections shall be subject to all the
43 requirements of subsection (b), ~~except that in the case of a municipal board of elections,~~
44 ~~the financial statement shall be sent to the municipal attorney and the chief municipal~~

1 ~~finance officer, the demonstration shall be conducted in the municipality or at a site~~
2 ~~designated by the State Board of Elections, and the testing shall be done in a precinct of~~
3 ~~the municipality. (b).~~

4 When a municipal governing body has decided to adopt and purchase a voting
5 system for voting places under the provisions of this subsection, that governing body
6 shall have all the duties parallel to those imposed by subsection (c) on a board of county
7 commissioners and a county board of elections: that is, the municipal governing body
8 shall, as soon as practical, provide for each of those voting places sufficient equipment
9 of the approved voting system or, if that is impractical, provide the available equipment
10 of the approved voting system in the places it chooses, and shall appoint the necessary
11 number of voting-system custodians. In the case that equipment of the approved system
12 for every voting place is impractical, the municipal governing board shall choose the
13 voting places and allocate the equipment in a way that as nearly as practicable provides
14 equal access to the voting system for every voter."

15 **SECTION 24.** G.S. 163-278.6(1) reads as rewritten:

16 " (1) The term 'board' means the State Board of Elections with respect to
17 all candidates for State and multi-county district offices and the
18 county ~~or municipal~~ board of elections with respect to all candidates
19 for single-county district, county and municipal offices. The term
20 means the State Board of Elections with respect to all statewide
21 referenda and the county ~~or municipal~~ board of elections conducting
22 all local referenda."

23 **SECTION 25.** G.S. 62A-4(b) reads as rewritten:

24 " (b) The ordinance authorized in subsection (a) of this section may be adopted after
25 one of the following procedures is followed:

- 26 (1) The governing authority by resolution requests the county ~~or municipal~~
27 board of ~~elections, as appropriate,~~ elections to conduct a special
28 election on a date certain, in which a majority of those voting who are
29 residents of the political subdivision vote to authorize the ordinance.
30 (2) After a public hearing held upon not less than 10 days public notice."

31 **SECTION 26.** G.S. 120-30.9F reads as rewritten:

32 **"§ 120-30.9F. Municipalities; municipal attorney.**

33 The municipal attorney of any municipality covered by the Voting Rights Act of
34 1965 shall submit to the Attorney General of the United States within 30 days:

- 35 (1) Of the time they become laws, any local acts of the General Assembly;
36 and
37 (2) Of adoption actions of the municipal governing body ~~or municipal~~
38 ~~board of elections~~ or any other municipal agency which constitutes a
39 'change affecting voting' under Section 5 of the Voting Rights Act of
40 1965 in that municipality; provided that, if required or allowed by
41 regulations or practices of the United States Department of Justice, a
42 municipal attorney may delay submission of any annexation ordinance
43 or group of ordinances until all previously submitted annexation

1 ordinances have been precleared or otherwise received final
2 disposition."

3 **SECTION 27.** This act prevails over local acts.

4 **SECTION 28.** This act becomes effective January 1, 2002, and applies to all
5 primaries and elections held on and after that date.