

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 8  
HOUSE BILL 67

AN ACT TO AMEND THE PRIVATE LAWS OF 1925, CHAPTER 28, ARTICLE 8, SECTIONS 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, AND 96, ALL OF THE CHARTER OF THE CITY OF FAYETTEVILLE, AND CHAPTER 446 OF THE SESSION LAWS OF 1955 DEALING WITH MUNICIPAL ELECTIONS IN THE CITY OF FAYETTEVILLE, AND TO MAKE APPLICABLE TO THE CITY OF FAYETTEVILLE THE PROVISIONS OF ARTICLES 4, 5, 6, 7, 8, 9, 12, 13, 14, OF CHAPTER 163 OF THE GENERAL STATUTES OF NORTH CAROLINA, AND G. S. 163-115.1, AS NOW OR HEREAFTER APPLICABLE TO CUMBERLAND COUNTY, AND TO PROVIDE FOR THE CONDUCT OF ALL PRIMARY, GENERAL, REGULAR AND SPECIAL ELECTIONS IN THE CITY OF FAYETTEVILLE BY THE CUMBERLAND COUNTY BOARD OF ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. The City of Fayetteville is hereby authorized and empowered to use, upon such terms and conditions as may be mutually agreed upon by the City Council and Board of County Commissioners of Cumberland County, the registration books, process and records of said county for the registration of voters or the acceptance of registration applications, and in such event, the provisions of law which are applicable to the registration of voters in Cumberland County shall apply to the City of Fayetteville for the purpose of any primary, general, regular or special election, and the registrar for each respective precinct under appointment by the county board of elections shall be the registrar of the city for his precinct, to the end that every voter properly registered upon the joint registration book or books for each voting precinct within the corporate limits of the City of Fayetteville shall be deemed to be lawfully registered for all primary, general, regular or special elections in which voters of the City of Fayetteville are entitled to participate, and whether called or held under the authority of the City Council of the City of Fayetteville or the County Board of Elections or the County Board of Commissioners of Cumberland County, and whether county-wide or city-wide only.

Sec. 2. The Board of Elections of Cumberland County shall have the full conduct of and control over all elections whether primary, general, special, or regular held in the City of Fayetteville as now or hereafter provided by law in the case of all other elections conducted by said Board of Elections, except as herein otherwise provided, including, but not limited to: registration of voters; custody of registration

books and records; hearing appeals from voters denied registration; conducting such elections; appointment of judges, registrars and canvassers; and publishing notice of elections; provided, however, that the said Board of Elections shall not change, alter, amend, combine or divide any voting precinct or precincts within the corporate limits of the City of Fayetteville except upon the advice and consent of the City Council of said city; and provided further that the results of all municipal elections shall be certified to the Clerk of the City of Fayetteville; and provided further that requiring no attendance of registrars at the polling places for registering voters shall be ordered only upon the advice and consent of the City Council of the City of Fayetteville, in the absence of which registrars shall attend the polling places to register voters.

Sec. 3. In the event that it shall become necessary or desirable to hold any special election in the City of Fayetteville for any purpose, the same shall be held, at the command of the City Council, in the manner herein provided, and after notice shall be given for at least thirty (30) days by advertisement in some newspaper published in the City of Fayetteville.

Sec. 4. All primary elections for the nomination of elective officers of the City of Fayetteville shall be conducted by the Cumberland County Board of Elections as herein provided for the conduct of other elections and in accordance with the provisions of North Carolina General Statutes 160-335, and the said board shall perform all duties in connection therewith, including, but not limited to those things therein provided to be done by the clerk, and all petitions, applications, statements or other things required to be filed with the clerk shall be filed with the chairman of said county board of elections.

Sec. 5. Nothing in this Act is to be regarded as affecting in any way the provisions of the Municipal Finance Act for elections for bond issues and registrations therefor, or the giving notice of such registrations and elections or the conduct thereof or the canvassing of the result, or any other matter pertaining thereto.

Sec. 6. Those provisions of Article 14 of Chapter 163 of the General Statutes of North Carolina dealing with canvassing the votes and declaring the results of the election are hereby amended to the extent that such results shall be delivered by the registrars, judges, and precinct ballot counters as provided by G. S. 163-85, immediately following the completion of the counting of such ballots, and the Cumberland County Board of Elections shall meet at nine o'clock a. m. on the day following the election, at the city hall of the City of Fayetteville, to open the returns and judicially determine the results of the voting in the manner required by G. S. 163-86, and shall immediately proclaim the results of said canvass at the door of said city hall in the manner required by G. S. 163-91.

Sec. 7. The chairman of the county board of elections, within one day after the proclamation of the results of the election as provided for herein, shall furnish the elected municipal officers with a certificate of election under his hand and seal. Such elected officers shall meet and qualify as and when now or hereafter provided by law relating to elected city officials of the City of Fayetteville. Except as amended herein, the other provisions of North Carolina General Statutes 163-92 shall be applicable to the election of city officers of the City of Fayetteville; provided that challenges of any municipal election shall be made to the said county board of elections in the manner

prescribed by law for challenging municipal elections and challenge of any elector shall be as provided in G. S. 163-78, 163-79 and 163-80 in addition to challenges provided in G. S. 163-79.1.

Sec. 8. Abstracts of voters for the election of city officers shall be prepared in the manner provided in North Carolina General Statutes 163-86 and 163-88 and shall be filed with the Clerk of the City of Fayetteville to be recorded in a permanent file in the office of said clerk.

Sec. 9. Notice of any municipal primary, general, special, or regular election shall be given by the county board of elections by publication, in a newspaper published in the City of Fayetteville, for thirty days next preceding the last date upon which a voter may register for such election, except that the notice of any primary election for nomination of candidates for elective municipal officers of the City of Fayetteville shall be made in the notice of the general election in which such nominees will be elected to office, even though such notice of said primary will be for less than thirty days. Regardless of whether or not any party affiliation is stated or otherwise certified by any voter presenting himself for registration, such person shall be eligible to vote in any municipal general, primary, regular or special election, if otherwise properly registered, and all persons who shall have been registered to vote within the time prescribed by law for any general, regular or special election shall be eligible to vote in any municipal primary election.

Sec. 10. The City Council of the City of Fayetteville and the Board of County Commissioners of the County of Cumberland shall share in the expenses incurred in carrying out the provisions of this Act in a manner deemed just and proper by the said two governing boards.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed, including, but not limited to, Chapter 446 of the Session Laws of 1955 and Article 8 of Chapter 28 of the Private Laws of 1925; provided that Section 1, Article 8, Chapter 28 of the Private Laws of 1925 shall not be repealed.

Sec. 12. This Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 23rd day of February, 1961.