

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1265
HOUSE BILL 1655

AN ACT TO AMEND THE ELECTION LAW TO PROVIDE PROCEDURES FOR FILLING
VACANCIES IN THE GENERAL ASSEMBLY WHERE COUNTIES ARE DIVIDED IN
REDISTRICTING, AND TO MAKE OTHER TECHNICAL AMENDMENTS.

The General Assembly of North Carolina enacts:

Section 1. Sections 3, 15, and 19.3 of Chapter 3, Session Laws, Second Extra Session of 1982, are repealed.

Sec. 2. Section 18 of Chapter 3, Session Laws, Second Extra Session of 1982, is amended by adding the following at the end: "Provided further, that Section 19.1 shall expire on March 1, 1983."

Sec. 3. The first paragraph of G.S. 163-11 is deleted and the following inserted in lieu thereof:

"(a) If a vacancy shall occur in the General Assembly by death, resignation, or otherwise than by expiration of term, the Governor shall immediately appoint for the unexpired part of the term the person recommended by the political party executive committee provided by this section. The Governor shall make the appointment within seven days of receiving the recommendation of the appropriate committee. If the Governor fails to make the appointment within the required period, he shall be presumed to have made the appointment and the legislative body to which the appointee was recommended is directed to seat the appointee as a member in good standing for the duration of the unexpired term.

(b) If the district consists solely of one county and includes all of that county, the Governor shall appoint the person recommended by the county executive committee of the political party with which the vacating member was affiliated when elected, it being the party executive committee of the county which the vacating member was resident.

(c) If the district consists solely of one county but includes less than all of the county, the Governor shall appoint the person recommended by the county executive committee of the political party with which the vacating member was affiliated when elected, it being the county executive committee of the county which the vacating member was resident, provided that in voting only those county executive committee members who reside in the district shall be eligible to vote.

(d) If the district consists of more than one county, the Governor shall appoint for the unexpired portion of the term the person recommended by the State House of Representatives district committee or the Senatorial district committee of the political party with which the vacating member was affiliated when elected. In the case where all of a county is included within a district, the county convention or county executive committee of that political party shall elect or appoint at least one member from that county to serve on the State House of Representatives district executive committee or State Senatorial district executive committee. In the case where only part of a county is included within a district, the county convention or county executive committee of that political party shall elect or appoint at least one member from that county to serve on the State House of Representatives district committee or the State Senatorial district committee, but only the delegates to the county convention or the members of the county executive committee who reside in the district may vote in electing the district

committee member. When the State House of Representatives district committee or the State Senatorial district committee meets, a member shall be entitled to cast for his county (or the part of his county within the district) one vote for each 300 persons or major fraction thereof residing within that county, or in the case where less than the whole county is in the district one vote for each 300 persons or major fraction thereof residing in that part of the district within the county.

A county convention or county executive committee may elect more than one member to the district committee but in the event that more than one member is selected from that county, then each member shall cast an equal share of the votes allotted to the county."

Sec. 4. G.S. 163-114 is amended by adding the following language in the next to the last paragraph immediately after the words "order to that effect":

", provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote".

Sec. 5. G.S. 163-114 is amended by adding the following new language at the end:

"In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote."

Sec. 6. G.S. 163-67(a) is amended in the third paragraph by substituting a period for the colon following the word "applicant" in the fourth line of that paragraph, and by deleting the remainder of that paragraph.

Sec. 7. G.S. 163-41 is amended by adding a new subsection to read:

"(b1) At any time after the expiration of the period stated in subsection (b) for the appointment of special registration commissioners the county board of elections may appoint additional commissioners, as follows:

- (1) Within the period of the two-year term prescribed in subsection (b) for special registration commissioners, no more than ten additional may be appointed under this subsection;
- (2) The county board of elections shall specify the terms of commissioners appointed under this subsection, but in no event shall the end of a term extend beyond the expiration of the two-year term prescribed in subsection (b) for commissioners appointed under that subsection;
- (3) In its discretion the board of elections may terminate, at any time and without cause, the authority of commissioners appointed under this subsection; and
- (4) The qualifications for special registration commissioners appointed under this subsection shall be the same as for commissioners appointed under subsection (b)."

Sec. 8. Sections 1 through 5 of this act are effective upon ratification. Sections 6 and 7 of this act shall become effective September 1, 1982.

In the General Assembly read three times and ratified, this the 18th day of June, 1982.