

GENERAL ASSEMBLY OF NORTH CAROLINA  
1983 SESSION

CHAPTER 1095  
HOUSE BILL 1791

AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO RESCHEDULE  
THE HOUSE PRIMARY AND ELECTION IN DISTRICT 8 AS REDISTRICTED.

Whereas, the 1984 Extra Session of the General Assembly in Chapter 1 of the Session Laws redistricted former House District 8 into new House districts 8 and 70; and

Whereas, in Chapter 2, Section 5 of the Session Laws, Extra Session of 1984, the General Assembly provided that if approval had not been received by May 17, 1984, then the primary election date shall be set by the 1983 Regular Session of the General Assembly when next it reconvened; and

Whereas, approval had to come from the U.S. Department of Justice under Section 5 of the Voting Rights Act of 1965 and by the Federal District Court under a court order under Section 2 of the Voting Rights Act of 1965; and

Whereas, on May 11, 1984, the U.S. Justice Department requested more information, which the State provided; and

Whereas, on June 21, 1984, the U.S. Department of Justice requested more information, beginning the 60-day review period again; and

Whereas, it is unknown at this time whether the legislative redistricting plan will be approved by the U.S. Justice Department and the federal court or whether the federal court will order into effect its own plan, either on an interim or permanent basis; and

Whereas, former House District 8 overlaps with Senate Districts 2, 6, and 10 and there are primaries on July 17, 1984, in all three Senate districts and there may be second primaries in Districts 2 and 6 on August 14, 1984, but this will not be known until July 24, 1984; and

Whereas, the schedule for primaries in redistricted House District 8 must be compatible with both Senate primaries and with the November 6, 1984, general election; and

Whereas, the delays in approval of the plan may require a change in the date of the General Election for former House District 8 and the new district or districts created from it; and

Whereas, the complexity of the above makes it impractical for the General Assembly to formulate a primary and election schedule for redistricted House District 8; and

Whereas, the State Board of Elections is more familiar with the procedural details and myriad scheduling requirements; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary, the State Board of Elections shall set a primary election schedule for former House District 8 as redistricted by Chapter 1, Session Laws, Extra Session of 1984, or as redistricted by a court of competent jurisdiction. Such power shall extend to all the districts so created from District 8 by the General Assembly or the court.

Sec. 2. In adopting such schedule, the State Board of Elections shall schedule the primary for August, September, October, or November of 1984.

Sec. 3. In adopting such schedule, the State Board of Elections shall provide a filing period of at least one week and filing shall open at 12:00 noon and close at 12:00 noon.

Sec. 4. In adopting such schedule, the State Board of Elections shall provide that the second primary if necessary be held either three, four, or five weeks after the primary.

Sec. 5. The State Board of Elections shall prepare and distribute to the Nash, Edgecombe and Wilson County Boards of Elections a Revised Primary and General Election Timetable - 1984, setting out the applicable filing period for candidates along with all other pertinent dates relative to the election timetable for elections rescheduled by this act.

Sec. 6. The State Board of Elections is hereby authorized, consistent with provisions in G.S. 163-188 other than the date of the canvass, to set the dates on which it shall conduct the canvass and issue its certification of the results of the 1984 primary elections rescheduled by this act and for the general election thereof.

Sec. 7. For the 1984 primary election only, G.S. 163- 112 shall be applied by substituting "10 days" for "30 days" whenever it appears, insofar as the offices of North Carolina House of Representatives for districts reapportioned by the 1984 Extra Session of the General Assembly or by a court of competent jurisdiction are concerned.

Sec. 8. The State Board of Elections shall adopt regulations to implement this act. Adoption of such regulations is not subject to Chapter 150A of the General Statutes except as to filing, publication, and judicial review of the rules. The Board may make the rules effective immediately. In lieu of the notice requirements of G.S. 163-33(8), the State Board of Elections shall prescribe an abbreviated or different notice procedure of the primary and election. The State Board of Elections may modify the deadline for filing a petition in lieu of fee under G.S. 163-107.1.

Sec. 9. Absentee voting shall be allowed for any primaries and elections scheduled under this act, but the State Board of Elections is authorized to modify the beginning period for absentee voting to allow for the abbreviated election timetable and to coordinate absentee voting for the primary and general election in House District 8 as redistricted with absentee voting in other primaries and elections.

Sec. 10. Whenever in any apportionment plan for the North Carolina House of Representatives covered by this act a precinct is placed in two or more districts, then the county board of elections, with the approval of the State Board of Elections may, for the 1984 primary and general election:

- (1) Divide the precinct into two or more precincts.
- (2) Change precinct lines to place part or parts of the precinct with a precinct which has the same election district.
- (3) Keep the same precinct but ascertain either in advance or on the date of the primary or general election which district the voter resides in, and give the voter the ballots for the appropriate district. This may be accomplished by a paper ballot for the office even if a machine is used for other offices or other voters.
- (4) Provide some other procedure to ensure that each voter does not cast ballots in more than one district.

In adopting a procedure under this section, the Board shall attempt to use the method which is least disruptive to the voter, and any action to change precinct lines shall be taken in accordance with G.S. 163-28 except that notice shall be given not less than 20 days prior to the primary or general election instead of 20 days prior to the close of registration.

Sec. 11. In setting a primary schedule under this act, the State Board of Elections shall adopt a schedule that is administratively feasible while still allowing an adequate time for candidate filing and electioneering.

Sec. 12. If in adopting a primary schedule for districts under this act in accordance with the guidelines of Sections 2, 4, and 11 of this act, the State Board of Elections finds that it is administratively impossible to hold the general election in such districts on November 6, 1984, it may reschedule the general election in such districts to some date in December of 1984.

Sec. 13. Section 6 of Chapter 2, Session Laws, Extra Session of 1984 shall apply to the primary and election rescheduled by this act, and shall also apply if the redistricting is done by court order.

Sec. 14. The State Board of Elections may modify any schedule it sets under this act to meet any objections of the U.S. Department of Justice or the court.

Sec. 15. The Legislative Services Officer shall send a copy of this act to the Edgecombe, Nash, and Wilson County Boards of Elections.

Sec. 16. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of July, 1984.