

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 2
HOUSE BILL 4

AN ACT TO SCHEDULE THE REGULAR PRIMARY AND GENERAL ELECTION
IN WILSON COUNTY FOR MEMBERS OF THE BOARD OF COUNTY
COMMISSIONERS NOT CONDUCTED IN 1982 DUE TO DELAY CAUSED BY
SUBMISSIONS TO UNITED STATES DEPARTMENT OF JUSTICE.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary, the primary and general elections for members of the Wilson County Board of Commissioners, originally scheduled to be conducted in 1982, shall be conducted in accordance with the schedule and procedures hereinafter prescribed, and, except as provided herein, the provisions of Chapter 163 of the General Statutes shall apply.

Sec. 2. The term "approval date" as used herein shall mean the date upon which Wilson County receives written notification from the United States Department of Justice that the Attorney General of the United States does not interpose any objection to this act and the implementation thereof under the terms of the Voting Rights Act of 1965.

Sec. 3. The public notice relative to the primary election to be conducted in accordance with this act shall be published in a newspaper having general circulation in Wilson County no later than the tenth day following the approval date. At least one other publication shall be made no later than one week following the date of the first publication.

Sec. 4. The first primary election for members of the Board of County Commissioners in Wilson County shall be conducted on the first Tuesday which falls more than 30 days from the date of the first publication of the public notice prescribed in Section 3, and a second primary, if required, shall be conducted on the fourth Tuesday after the first primary. Provided, however, if no second primary is required, then the general election for said officers shall be conducted on the fourth Tuesday after the (first) primary. In the event a second primary is required, then the general election shall be conducted on the fourth Tuesday after the second primary.

Sec. 5. The public notice relative to a second primary election, if one is required, to be conducted in accordance with this act shall be published in a newspaper having general circulation in Wilson County no later than 10 days following the first primary election, and at least one other publication shall be made no later than one week following the date of first publication; provided, however, that if a second primary election be not required, then the public notice relative to the general election, to be held in accordance which would be held in such a case on the fourth Tuesday after the (first)

primary, shall be published on the same schedule as is provided in the event of a second primary election. The public notice relative to the general election to be conducted in accordance with this act, if a second primary election be required, shall be published in a newspaper having general circulation in Wilson County no later than 10 days following the second primary election, and at least two other publications shall be made, the first being no later than one week following the date of the first publication, and the second being no later than two weeks following the date of the first publication.

Sec. 6. The registration books for persons to be eligible to vote in the elections ordered herein shall be closed for the period of time preceding such elections as is specified in G.S. 163-67(a).

Sec. 7. The Wilson County Board of Elections shall conduct the canvass for the elections ordered herein on the second day following the conduct of said elections.

Sec. 8. The Wilson County Board of Elections shall implement the provisions of this act and shall be authorized to execute its responsibilities pursuant to G.S. 163-33(1) and G.S. 163-35(d).

Sec. 9. Absentee ballots are authorized for the elections ordered under provisions of this act and shall be issued as quickly as the ballots can be made available following ratification of this act. The requirement that absentee ballots shall be available for voting at least 60 days prior to the date of the primary or election shall not apply with regard to the primaries and election ordered herein only. The Wilson County Board of Elections shall hold such meetings as are necessary to pass upon the validity of applications for absentee ballots received in Wilson County for the elections ordered under the provisions of this act, and the schedule of meetings for said purpose as set forth in G.S. 163-230(2) may be modified by the Wilson County Board of Elections.

Sec. 10. The primary election ballot to be printed pursuant to this act shall contain the names of the 11 democratic candidates who have filed, and each voter shall be entitled to vote for four of the candidates. Primary paper ballots shall be printed consistent with the provisions in G.S. 163-140(c)(3). Printed paper ballots may be used in the general election ordered herein.

Sec. 11. The terms of the County Commissioners elected at the general election set in this act shall commence on the first Monday of the month next succeeding the month in which said general election is held, and their terms shall expire on the same dates their terms would have expired had said County Commissioners been elected at the general election held in November, 1982.

Sec. 12. The provisions of this act shall be temporary and shall apply only to the primaries and election ordered herein and its provisions shall expire following final certification of the primaries and general election ordered herein.

Sec. 13. In the event any portion of this act is held unconstitutional or invalid by a State or Federal Court or is unenforceable because of objection interposed by the United States Department of Justice under the Voting Rights Act of 1965 or if the United States Department of Justice imposes requirements in addition to those set forth herein in connection with the primaries and election herein ordered, which additional requirements are prerequisite to obtaining a nonobjection by the United States Attorney General under the Voting Rights Act of 1965, then and in any of said events, the State

Board of Elections shall have authority to make reasonable interim rules and regulations with respect to the primaries and election herein ordered, and to implement any additional requirements which may be imposed as set forth above, in addition to or in lieu of the procedures set forth in this act, and such rules and regulations shall expire at the time set forth in Section 12 hereof.

Sec. 14. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of January, 1983.