

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 932
HOUSE BILL 1582

AN ACT TO RESCHEDULE THE 1984 PRIMARY ELECTION FOR PERSON
COUNTY WHICH WAS NOT CONDUCTED DUE TO DELAY CAUSED BY
SUBMISSIONS UNDER THE VOTING RIGHTS ACT OF 1965.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary and subject to the receipt 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, the primary election for the Board of Commissioners of Person County, originally scheduled to be conducted on May 8, 1984, 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 in this act, shall mean the date upon which there is received written notification from 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 Person County no later than the seventh 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 Person County shall be conducted on Thursday, September 6, 1984, and a second primary, if required, shall be conducted on the fourth Thursday after the first 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 Person 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. The public notice relative to the general election shall be published in a newspaper having general circulation in Person County no later than 20 days before the general election, and at least one other publication shall be made.

Sec. 6. The Person County Board of Elections shall conduct the canvass for the primaries ordered herein on the second day following the conduct of said primaries.

Sec. 7. The Person 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. 8. 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. The Person County Board of Elections shall hold such meetings as are necessary to pass upon the validity of applications for absentee ballots received in Person 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 Person County Board of Elections.

Sec. 9.

(a) All candidate filing during the regular filing period January 2, 1984, through February 6, 1984, for the Person County Board of Commissioners is hereby voided, and the filing fee for any candidate whose filing is voided by this section shall, upon application, be refunded or, if the candidate chooses to file for Person County Board of Commissioners, be credited by the county board of elections toward such new filing.

(b) Filing for Person County Board of Commissioners shall open at 12:00 noon on Monday, July 23, 1984, and close at 12:00 noon on Monday, July 30, 1984.

Sec. 10. 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. 11. 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 herein ordered, which additional requirements are prerequisite to obtaining a nonobjection by the United States Attorney General under the Voting Rights Act of 1965, or in case the approval date is after July 22, 1984, or if no approval has been received by that date, then the State Board of Elections shall have authority to make reasonable interim rules and regulations with respect to the primaries 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 11 hereof and may, if necessary, change the filing period and/or reschedule the primary and general election for Person County Board of Commissioners.

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1984.