

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 798
HOUSE BILL 689

AN ACT TO MAKE TECHNICAL AND CLARIFYING AMENDMENTS TO THE
ELECTION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-135(e) is rewritten to read:

"(e) Municipal primaries and elections. This Article shall apply to and control all elections held in and for cities, towns, incorporated villages and all special districts, whether conducted by the county board of elections or a duly appointed municipal board of elections."

Sec. 2. G.S. 163-128 is hereby amended by rewriting the first paragraph to read as follows:

"Each county shall be divided into a convenient number of precincts for the purpose of voting, and there shall be at least one precinct encompassed within the territory of each township; provided, however, that upon a resolution adopted by the county board of elections and approved by the Secretary- Director of the State Board of Elections voters from a given precinct within a township may be temporarily transferred, for the purpose of voting, to a precinct in an adjacent township. Any such transfers shall be for the period of time equal only to the term of office of the county board of elections making such transfer.

When such a resolution has been adopted by the county board of elections to assign voters from more than one township to the same precinct, then the county board of elections shall maintain separate registration and voting records, consistent with the procedure prescribed by the State Board of Elections, so as to properly identify the township in which such voters reside. There shall be at least one voting place in each precinct."

Sec. 3. G.S. 163-234(2) as it appears in the 1974 Cumulative Supplement to Volume 3D of the General Statutes is amended by adding at the end thereof the following:

"Provided, that the county board of elections is authorized to begin counting absentee ballots between the hours of 2:00 p.m. and 5:00 p.m. upon the adoption of a resolution at least two weeks prior to the election wherein the hour and place of counting absentee ballots shall be stated. A copy of the resolution shall be published once a week for two weeks prior to the election, in a newspaper having general circulation in the county. The count shall be continuous until completed and the members shall not separate or leave the counting place except for unavoidable necessity. The board shall not announce the result of the count before 7:30 p.m."

Sec. 4. G.S. 139-6 is amended by deleting from the fourth paragraph thereof the words "second Friday in September" and inserting in lieu thereof the words "first Friday in July".

Sec. 5. G.S. 163-278.6(18) is hereby rewritten to read as follows:

"(18) The term 'public office' means any office filled by election by the people on a statewide, county, municipal or district basis, and this Article shall be applicable to such elective offices whether the election therefor is partisan or non-partisan, provided candidates for municipal and county offices in those municipalities and counties having less than 50,000 population, according to the most recent decennial census figures, shall not be required to file reports required by this Article."

Sec. 6. G.S. 163-278.6(1) is hereby rewritten to read as follows:

"(1) The term 'board' means the State Board of Elections with respect to all candidates for State and multi-county district offices and the county board of elections with respect to all candidates for single-county district, county and municipal offices."

Sec. 7. G.S. 163-278.21 is hereby rewritten to read as follows:

"§ 163-278.21. Promulgation of policy and administration through State Board of Elections. — The State Board of Elections shall have responsibility, adequate staff, equipment and facilities, for promulgating all necessary regulations, and for the administration of this Article. The State Board of Elections shall empower the Executive Secretary-Director with the responsibility for the administrative operations required to administer this Article and may delegate or assign to him such other duties from time to time by regulations or orders of the State Board of Elections."

Sec. 8. G.S. 163-278.22 is amended by adding the following subsections thereto:

- "(9) To prescribe and furnish forms of statements and other material to the county boards of elections for distribution to candidates and committees required to be filed with the county boards.
- (10) To instruct the chairman and executive secretaries of each county board as to their respective duties and responsibilities relative to the administration of this Article.
- (11) To require appropriate certification of delinquent or late filings from the county boards of elections and to execute the same responsibilities relative to such reports as provided in subsection G.S. 163-278.27.
- (12) To assist county boards of elections in resolving questions arising from the administration of this Article.
- (13) To require county boards of elections to hold such hearings, make such investigations, and make reports to the State Board as the State Board deems necessary in the administration of this Article."

Sec. 9. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June,

1975.