

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 7
HOUSE BILL 2

AN ACT TO SCHEDULE THE REGULAR PRIMARY AND GENERAL ELECTION
IN VANCE COUNTY FOR MEMBERS OF THE BOARD OF COUNTY
COMMISSIONERS AND BOARD OF EDUCATION NOT CONDUCTED IN
1984 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 Vance County Board of Commissioners and Vance County Board of Education from Districts I and II, originally scheduled to be conducted in 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 herein shall mean the date upon which Vance 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 Vance 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 in Districts I and II of the Board of County Commissioners and Board of Education in Vance County shall be conducted on the sixth Tuesday after the first Monday after the approval date and a second primary, if required, shall be conducted on the fourth Tuesday after the first primary. The general election for said officers shall be conducted on the eighth Tuesday 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 Vance 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 to be conducted in accordance with this act shall be published in a newspaper having general circulation in Vance County no later than 38 days following the first 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 as is specified in G.S. 163-67(a).

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

Sec. 10. The primary election ballot to be printed pursuant to this act shall contain the names of the persons who filed during the filing period in 1984 provided by G.S. 163-106.

Sec. 11. The terms of the County Commissioners and Board of Education members elected at the general election set in this act shall commence on the first Monday after the canvass of votes by the Vance County Board of Elections, and their terms shall expire on the same dates their terms would have expired had said County Commissioners and Board of Education members been elected at the general election held in November 1984.

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 22nd day of February, 1985.