

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 1074  
HOUSE BILL 2517

AN ACT TO PERMIT AN ALLOCATION FOR IMPLEMENTATION OF THE SECOND PHASE OF THE PRECINCT BOUNDARY PROGRAM BEING CONDUCTED IN CONJUNCTION WITH THE U.S. CENSUS BUREAU AND TO MAKE AMENDMENTS THERETO.

The General Assembly of North Carolina enacts:

**Section 1.** Of the funds available to the General Assembly for the 1988-1989 fiscal year, the Legislative Services Commission may allocate a maximum of one hundred thousand dollars (\$100,000) to the Legislative Services Office to fund the work required for that Office to perform under Article 12A of Chapter 163 of the General Statutes. Unexpended allocated monies shall remain available until the work required is completed.

**Sec. 2.** Article 12A of Chapter 163 of the General Statutes reads as rewritten:

"ARTICLE 12A.

"Precinct Boundaries.

~~"§ 163 Suggestion Program. Not later than December 1, 1985, the Legislative Services Office shall poll the county boards of elections to determine which of their precincts have boundaries that are not coterminous with a major physical feature, as identified under the criteria to be established pursuant to 13 U.S.C. § 141(c), a current township boundary, or a current municipal boundary. The Legislative Services Office shall:~~

~~(1) Assist county boards of elections in identifying the precincts with those nonconforming boundaries;~~

~~(2) Place those boundaries on maps deemed appropriate by the State Board;~~

~~(3) Request the U.S. Census Bureau to hold for census block identification in the 1990 U.S. Census all major physical features on the map near the nonconforming precinct boundary;~~

~~and~~

~~(4) Request the U.S. Census Bureau to hold for census block identification in the 1990 U.S. Census all other major physical features already on U.S. Census Bureau maps.~~

**"§ 163-132.2. Establishment of precinct boundaries for 1990 Census.**—(a) The Legislative Services Office as soon as it receives the U.S. Census Bureau's official census block maps to be used in the 1990 U.S. Census shall send the relevant copies of those maps to county boards of elections. After receiving copies of those maps, the county boards of election shall:

- (1) Alter, where necessary, precinct boundaries to be coterminous with township boundaries, municipal boundaries, census block boundaries, or a combination of those boundaries provided that if, as a result of the alteration, the polling place is no longer in the precinct, it may continue to be the polling place as long as the lot or tract on which the polling place is situated adjoins the precinct;
- (1a) Alter, where necessary, precinct boundaries so that each precinct is composed solely of contiguous territory, except where the operation of G.S. 163-132.5A has caused a precinct to be divided into two or more non-contiguous areas.
- (2) Mark all precinct boundaries on the maps sent by the Legislative Services Office, showing the precinct boundaries in effect as of the time of marking, but with any changes effective at a later time as provided by subsection (d) of this section; and
- (3) ~~File, within 45 days of the date the maps are sent by the Legislative Services Office or at an earlier at a time deemed necessary by the Executive Secretary-Director of the State Board of Elections with the State Board and the Legislative Services Office the maps identifying the precinct boundaries and a written description of those boundaries deemed sufficient by the State Board to identify the precincts-. The Executive Secretary-Director may require a county board of elections to file a written description of the boundaries of any precinct or part thereof.~~

(b) The Executive Secretary-Director of the State Board of Elections and the Legislative Services Office shall examine the returned maps and their written descriptions. After its examination of the maps and their written descriptions, the Legislative Services Office shall submit to the Executive Secretary-Director of the State Board of Elections its opinion as to whether all precinct boundaries are coterminous with current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, with notations as to where those boundaries do not comply with these standards. If the Executive Secretary-Director of the State Board determines that all precinct boundaries are coterminous with current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, the Executive Secretary-Director of the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts. Additionally, the Legislative Services Office shall submit to the Executive Secretary-Director of the State Board of Elections its opinion as to whether each precinct is composed solely of contiguous territory.

(c) If the Executive Secretary-Director of the State Board does not find that the filed precinct boundaries are coterminous with the current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, ~~the State Board~~ he shall not approve those precinct boundaries but shall alter the precinct boundaries to be coterminous with the census block boundaries, municipal boundaries or township boundaries nearest to those existing precinct boundaries and

these altered precincts ~~with their written descriptions prepared by the State Board~~ shall then be the official precincts. If the Executive Secretary-Director of the State Board finds that a precinct does not consist solely of contiguous territory, ~~it~~ he shall alter the precinct boundary so that it consists solely of contiguous territory, except where the non-contiguity is caused by the operation of G.S. 160A-132.5A.

(d) The changes in precinct boundaries under subsections (b) and (c) of this section shall be made effective not later than January 1, 1992.

(e) After the Executive Secretary-Director of the State Board approves or alters the precincts filed by the county boards and before January 2, 1990, no county board of elections may establish, alter, discontinue, or create any precinct except for changes resulting from G.S. 163-132.5A or by division of one precinct into two or more precincts.

(f) The State shall request that the U.S. Census Bureau provide summaries of census data by precinct, and shall participate in the 1990 Census Redistricting Data Program. When the State files with the Census Bureau precinct maps, those boundaries shall be those effective at the date of submission, but with any change with a postponed effective date made under subsection (d) of this section or made under G.S. 163-132.5A. In any case where the precinct includes non-contiguous portions because of the operation of G.S. 163-132.5A, the Executive Secretary-Director of the State Board of Elections shall designate those areas for census data purposes as separate precincts. Provided, where a precinct boundary has been or is to be altered because of the operation of G.S. 163-132.5A, the boundary on the map shall be shown as in effect on January 1, 1988, the reporting date of the underlying municipal boundary on the map, but the fact that the boundary has been or is to be moved because of an intervening annexation shall be reported to the Executive Secretary-Director of the State Board of Elections and Legislative Services Office.

**"§ 163-132.3. Alterations to precinct boundaries after January 1, 1990.** ~~For any alteration made to precinct boundaries after January 1, 1990, the county boards of elections shall establish~~ No county board of elections, after January 1, 1990, may change any precinct boundary unless the new boundaries to be are coterminous with those of townships, municipalities, the census blocks established under the latest U.S. Census, or a combination of these boundaries. The county boards of elections shall report precinct boundary changes by filing with the Executive Secretary-Director of the State Board on current official census maps the new boundaries of these precincts and their written descriptions deemed sufficient by the State Board to identify these precincts. The Executive Secretary-Director may require a county board of elections to file a written description of the boundaries of any precinct or part thereof. No newly created or altered precinct boundary occurring after January 1, 1990, is effective until approved by the Executive Secretary-Director of the State Board as being coterminous with the boundaries of townships, municipalities, census blocks established by the then latest U.S. Census, or a combination of those boundaries.

**"§ 163-132.4. Rules-Directives.** ~~The Executive Secretary-Director of the State Board of Elections may promulgate rules-directives concerning its duties and those of the~~

county boards of elections under this Article ~~other than under G.S. 163-132.1. The Legislative Services Commission may promulgate rules concerning G.S. 163-132.1.~~

**"§ 163-132.5. Cooperation of State and local agencies.**—The State Budget Office, the Department of Transportation and county and municipal planning departments shall cooperate and assist the Legislative Services Office, the Executive Secretary-Director of the State Board of Elections and the county boards of elections in the implementation of this Article.

**"§ 163-132.5A. Precinct boundaries.**—(a) Whenever an annexation ordinance adopted under Parts 1, 2, or 3 of Article 4A of Chapter 160A of the General Statutes, or a local act of the General Assembly annexing property to a municipality, becomes effective during the period beginning January 1, 1988, and ending December 31, 1989, and any part of the boundary of the area being annexed which is actually contiguous to the city is also a precinct boundary for elections administered by the county board of elections then the annexed area is automatically moved into the 'city precinct', provided that if the annexed area is adjacent to more than one city precinct, the board of elections shall place the area in any one or more of the adjacent city precincts. The county board of elections may delay the effective date of any change under this subsection to a date not later than January 1, 1992.

(b) This section does not apply when the entire area of contiguity between the city and the area being annexed is a township boundary, a county boundary, or a visible feature used or expected to be used as a census block boundary in the 1990 census.

**"§ 163-132.5B. Exemption from Administrative Procedure Act.**—The State Board of Elections is exempt from the provisions of ~~Articles 2, 3, 3A and 4~~ of Chapter 150B of the General Statutes while acting under the authority of this Article. Appeals from a final decision of the Executive Secretary-Director of the State Board of Elections under this Article shall be taken ~~directly to the State Board of Elections~~ within 30 days of that decision. The State Board shall approve, disapprove or modify the Executive Secretary's decision within 30 days of receipt of notice of appeal. Failure of the State Board to act within 30 days of receipt of notice of appeal shall constitute a final decision approving that of the Executive Secretary. Appeals from a final decision of the State Board under this Article shall be taken to the Superior Court of Wake County.

**"§ 163-132.6. Applicability of Article.**—This Article applies only to counties with a population of 55,000 or over, according to the 1980 decennial federal ~~census.~~ census and to any other county whose board of elections adopts not later than October 1, 1988, a resolution indicating a desire to participate in the program established by this Article, which resolution shall only become effective if received by the Executive Secretary-Director and approved by him on or before October 15, 1988. The Executive Secretary-Director shall approve the resolution if, after consultation with the Legislative Services Office, he determines that available resources exist to map the precincts of the county applying while doing the work for the mandated counties. A county approved to participate in the program may discontinue its participation if it so indicates by a resolution received by the Executive Secretary-Director on or before February 1, 1989. Counties voluntarily participating in this Article are bound by all the provisions of this Article."

**Sec. 3.** This act shall become effective July 1, 1988.  
In the General Assembly read three times and ratified this the 7th day of July,  
1988.