

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 715
SENATE BILL 416

AN ACT TO PROVIDE FOR CONTINUING PARTICIPATION IN THE 1990
REDISTRICTING DATA PROGRAM OF THE U.S. BUREAU OF THE CENSUS.

The General Assembly of North Carolina enacts:

TITLE I. FREEZE IN TOWNSHIP BOUNDARIES

Section 1. G.S. 153A-19 reads as rewritten:

"§ 153A-19. **Establishing and naming townships.**—(a) A county may by resolution establish and abolish townships, change their boundaries, and prescribe their names, except that no such resolution may become effective during the period beginning January 1, 1988, and ending January 2, 1990, and any resolution providing that the boundaries of a township shall change automatically with changes in the boundaries of a city shall not be effective during that period. The current boundaries of each township within a county shall at all times be drawn on a map, or set out in a written description, or shown by a combination of these techniques. This current delineation shall be available for public inspection in the office of the clerk.

(b) Any provision of a city charter or other local act which provides that the boundaries of a township shall change automatically upon a change in a city boundary shall not be effective during the period beginning January 1, 1988, and ending January 2, 1990."

TITLE II. REDUCTION OF ANNEXATIONS DURING MAP PREPARATION

Sec. 2. (a) In the case of any annexation ordinance adopted during the period beginning January 1, 1987, and ending on the date of ratification of this act, if the effective date of the annexation under the ordinance is during 1988, the governing board of the municipality may, notwithstanding G.S. 160A-37(j) or G.S. 160A-49(j), amend the ordinance to provide for an effective date of December 31, 1987. The board must give notice by publication of its intent to consider adoption of such ordinance, such notice to be published at least 10 days before the meeting at which the ordinance is adopted. Copies of the adopted ordinance shall be recorded in accordance with the provisions of G.S. 160A-39 or G.S. 160A-51, as applicable.

(b) This section applies only to territory located in counties with a population of 55,000 or over, according to the 1980 decennial federal census.

Sec. 3. (a) No annexation ordinance adopted under Article 4A of Chapter 160A of the General Statutes may become effective during the period beginning November 1, 1989, and ending January 1, 1990. If because of the operation of G.S. 160A-37.1(h), G.S. 160A-37.3(g), G.S. 160A-38, G.S. 160A-49.1(h), G.S. 160A-49.3(g), G.S. 160A-50, the order of any court, or the operation of Section 5 of the

Voting Rights Act of 1965, an annexation ordinance is to become effective during the period beginning November 1, 1989, and ending January 1, 1990, it shall instead become effective on a date during the period beginning January 2, 1990, and ending December 31, 1990, set by ordinance of the governing board of the city.

(b) If the final date upon which an annexation ordinance adopted under Article 4A of Chapter 160A of the General Statutes, may be made effective occurs during the period beginning November 1, 1989, and ending January 1, 1990, the effective date of the annexation may be set in the annexation ordinance as any date during the period beginning January 2, 1990, and ending December 31, 1990, in addition to any date permitted by law before November 1, 1989.

(c) This section applies only to territory located in counties with a population of 55,000 or over, according to the 1980 decennial federal census.

TITLE III. COMPLIANCE WITH 1990 REDISTRICTING DATA PROGRAM

Sec. 4. Article 12A of Chapter 163 of the General Statutes is amended by adding new sections to read:

"§ 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 State Board of Elections under this Article shall be taken directly to the Superior Court of Wake County.

"§ 163-132.5C. Local acts. –(a) Notwithstanding the provisions of any local act, a county board of elections need not have the approval of any other county board or commission to make precinct boundary changes required by this Article.

(b) Notwithstanding G.S. 163-128, precinct boundaries established or changed under this Article need not follow township lines."

Sec. 5. G.S. 163-132.2 reads as rewritten:

"§ 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 or by G.S. 163-132.5A; and
- (3) File, within ~~60~~45 days of the date the maps are sent by the Legislative Services Office or at an earlier time deemed necessary by 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.

(b) 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 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 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 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 State Board of Elections its opinion as to whether each precinct is composed solely of contiguous territory.

(c) If 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 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 State Board finds that a precinct does not consist solely of contiguous territory, it

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 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 ~~amending township or municipal boundaries G.S. 163-132.5A~~ or by division of one precinct into two or more precincts. ~~These changes shall be reported by the county board of elections to the State Board by filing the relevant amended Census maps and written descriptions of the precincts with the State Board and shall not be effective until approved by the State Board. The State Board shall certify these precinct changes to the U.S. Census Bureau.~~

(f) ~~The State Board of Elections~~ 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 State Board of Elections shall designate those areas for census data purposes as separate precincts.

Sec. 6. G.S. 160A-29 reads as rewritten:

"§ 160A-29. Map of annexed area, copy of ordinance and election results recorded in the office of register of deeds. –Whenever the limits of any municipal corporation are enlarged, in accordance with the provisions of this Article, it shall be the duty of the mayor of the city or town to cause an accurate map of such annexed territory, together with a copy of the ordinance duly certified, and the official results of the election, if conducted, to be recorded in the office of the register of deeds of the county or counties in which such territory is situated and in the office of the Secretary of State, and in the case of annexed territory located in a county with a population of 55,000 or over according to the 1980 decennial federal census, where the annexation ordinance becomes effective during the period beginning January 1, 1988, and ending January 2, 1990, to cause a copy of such map and ordinance to be filed with the county board of elections of the county where the territory is located."

Sec. 7. G.S. 160A-39 reads as rewritten:

"§ 160A-39. Annexation recorded.–Whenever the limits of a municipality are enlarged in accordance with the provisions of this Part, it shall be the duty of the mayor of the municipality to cause an accurate map of such annexed territory, together with a copy of the ordinance duly certified, to be recorded in the office of the register of deeds of the county or counties in which such territory is situated and in the office of the Secretary of State, and in the case of annexed territory located in a county with a population of 55,000 or over according to the 1980 decennial federal census, where the annexation ordinance becomes effective during the period beginning January 1, 1988, and ending

January 2, 1990, to cause a copy of such map and ordinance to be filed with the county board of elections of the county where the territory is located."

Sec. 8. G.S. 160A-51 reads as rewritten:

"§ 160A-51. Annexation recorded. -Whenever the limits of a municipality are enlarged in accordance with the provisions of this Part, it shall be the duty of the mayor of the municipality to cause an accurate map of such annexed territory, together with a copy of the ordinance duly certified, to be recorded in the office of the register of deeds of the county or counties in which such territory is situated and in the office of the Secretary of State, and in the case of annexed territory located in a county with a population of 55,000 or over according to the 1980 decennial federal census, where the annexation ordinance becomes effective during the period beginning January 1, 1988, and ending January 2, 1990, to cause a copy of such map and ordinance to be filed with the county board of elections of the county where the territory is located."

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 3rd day of August, 1987.