

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 978

Short Title: Precinct Boundaries.

(Public)

Sponsors: Representatives Grady; Black, Fitch, Gardner, and Davis.

Referred to: Judiciary II.

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW RELATING TO VOTING PRECINCTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-128 reads as rewritten:

"§ 163-128. Election precincts and voting places established or altered.

(a) 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 voting. 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. an adjacent precinct. 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 precinct 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 precinct in which such voters reside. Except as provided in G.S. 163-132.2(a)(1), the polling place for a precinct shall be located within the precinct.

1 Except as provided by Article 12A of this Chapter, the county board of elections shall
2 have power from time to time, by resolution, to establish, alter, discontinue, or create
3 such new election precincts or voting places as it may deem expedient. Upon adoption of
4 a resolution establishing, altering, discontinuing, or creating a precinct or voting place,
5 the board shall give 45 days' notice thereof prior to the next primary or election. Notice
6 shall be given by advertisement in a newspaper having general circulation in the county,
7 by posting a copy of the resolution at the courthouse door, and by mailing a copy of the
8 resolution to the chairman of every political party in the county. Notice may additionally
9 be made on a radio or television station or both, but such notice shall be in addition to the
10 newspaper and other required notice.

11 (b) Each county board of elections shall prepare a map of the county on which the
12 precinct boundaries are drawn or described, shall revise the map when boundaries are
13 changed, and shall keep a copy of the current map on file and posted for public inspection
14 at the office of the Board of Elections, and shall file a copy with the State Board of
15 Elections."

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

17 **"ARTICLE 12A.**

18 **"PRECINCT BOUNDARIES.**

19 **"§ 163-132.1. Participation in ~~Block Boundary Suggestion Program~~ 2000 Census**
20 **Redistricting Data Program of the United States Bureau of the Census.**

21 (a) Purpose. – The State of North Carolina shall participate in the 2000 Census
22 Data Redistricting Program, conducted pursuant to P.L. 94-171, of the United States
23 Bureau of the Census, including Phase I (Block Boundary Suggestion Program) and
24 Phase II (concerning the designation of precincts on 2000 Census maps or databases), so
25 that the State will receive 2000 Census data by voting precinct and be able to revise
26 representative districts at all levels without splitting precincts and in compliance with the
27 U.S. and North Carolina Constitutions and the Voting Rights Act of 1965, as amended.

28 (b) Phase I (Block Boundary Suggestion Program). – The State of North Carolina
29 shall participate in the Block Boundary Suggestion Program of the United States Bureau
30 of the Census to the end so that the maps the Census Bureau will use in the 2000 Census
31 will contain adequate features to permit reporting of Census data by precinct for use in
32 the 2001 redistricting efforts. Not later than December 1, 1995, the The Legislative Services
33 Office shall send preliminary maps produced by the Census Bureau in preparation for the
34 2000 Census-Census, as soon as practical after the maps are available, to the county
35 boards of elections to determine which of their precincts have boundaries that are not
36 coterminous with a physical feature, a current township boundary, or a current municipal
37 boundary, as shown on those preliminary 2000 Census maps. The Legislative Services
38 Office shall:

- 39 (1) Assist county boards of elections in identifying the precincts with
40 boundaries not shown on the preliminary Census maps and in
41 identifying physical features the county boards may wish to have
42 available for future precinct boundaries;

- 1 (2) Place those boundaries and features on maps deemed appropriate by the
2 State Board;
- 3 (3) Request the U.S. Census Bureau to hold for census block identification
4 in the 2000 U.S. Census all physical features the county boards have
5 identified as current or potential precinct boundaries; and
- 6 (4) Request the U.S. Census Bureau to hold for census block identification
7 in the 2000 U.S. Census all other physical features already on ~~U.S.~~1990
8 Census Bureau maps.

9 (c) Phase II. – The State shall participate in Phase II of the 2000 Census
10 Redistricting Data Program so that the precinct boundaries of all North Carolina counties
11 will appear on the 2000 Census maps or database. By January 1, 1998, or as soon
12 thereafter as they become available, the Legislative Services Office shall send to the
13 county boards of elections the Census Bureau's official block maps, on paper or
14 electronically, to be used in the 2000 Census. After receiving the maps, the county boards
15 of elections shall designate their precinct lines along the block boundary lines on the
16 maps. Where necessary, the county boards of elections shall alter precincts, including any
17 precincts approved under the provisions of G.S. 163-132.1A, 163-132.2, or 163-132.3 or
18 designated by local act, to conform to Census block boundaries as shown on the official
19 block maps to be used for the 2000 Census and to consist only of contiguous territory.
20 The county boards of elections, at a time deemed necessary by the Executive Secretary-
21 Director of the State Board of Elections, shall file with the Legislative Services Office the
22 maps sent to them and marked by them pursuant to this subsection. After examining the
23 returned maps, the Legislative Services Office shall submit to the Executive Secretary-
24 Director of the State Board of Elections its opinion as to whether the county board of
25 elections has complied with the provisions of this subsection, with notations as to where
26 those boundaries do not comply with these standards. If the Executive Secretary-Director
27 determines that the county board of elections has complied, he shall approve the precinct
28 boundaries as filed and these precincts shall be the official precincts. If the Executive
29 Secretary-Director determines that the county board of elections has not complied, he
30 shall not approve those precinct boundaries but shall alter the precinct boundaries so that
31 each precinct consists solely of contiguous territory and that each precinct's boundaries
32 are coterminous with 2000 Census block boundaries nearest to the precinct boundaries
33 shown by the county boards on the maps. These altered precincts shall then be the official
34 precincts. The Executive Secretary-Director shall file the completed maps with the
35 Census Bureau and request that the Census Bureau provide summaries of 2000 Census
36 data by precinct.

37 (d) Freezing of Precincts. – Notwithstanding the provisions of G.S. 163-132.3,
38 after the Executive Secretary-Director approves the precincts in accordance with
39 subsection (c) of this section and before January 2, 2000, no county board of elections
40 may establish, alter, discontinue, or create any precinct except by division of one precinct
41 into two or more precincts, using 2000 Census block boundaries for that division.

42 (e) Municipal and Township Boundaries. – Notwithstanding the provisions of
43 subsections (c) and (d) of this section, the county boards of elections may designate

1 precinct boundaries on municipal or township boundaries that are not designated on the
2 2000 official Census block maps, according to directives promulgated by the Executive
3 Secretary-Director of the State Board of Elections and adopted to insure that all precincts
4 shall be included on the 2000 Census database.

5 (f) Additional Rules. – In addition to the directives promulgated by the Executive
6 Secretary-Director of the State Board of Elections under G.S. 163-132.4, the Legislative
7 Services Commission may promulgate rules to implement this section.

8 **"§ 163-132.1A. Precinct boundaries for certain counties.**

9 (a) The boundaries of precincts for the counties listed in subsection (b) of this
10 section are those recorded in the Legislative Services Office's automated redistricting
11 system as of May 1, 1991, except as changed in accordance with G.S. 163-132.3, and
12 except in Caldwell County, the boundaries of Lenoir #3, North Catawba, Gamewell #1,
13 and Gamewell #2 Precincts shall be as provided on the precinct map of the county
14 adopted by the Caldwell County Board of Elections and in effect on January 1, 1992,
15 unless changed in accordance with ~~G.S. 163-132.3.~~ G.S. 163-132.1 or G.S. 163-132.3,
16 whichever occurs later.

17 (b) This section shall apply only to the following counties: Alamance, Buncombe,
18 Burke, Cabarrus, Caldwell, Catawba, Chatham, Chowan, Cleveland, Craven,
19 Cumberland, Davidson, Duplin, Durham, Edgecombe, Forsyth, Gaston, Granville,
20 Guilford, Halifax, Harnett, Henderson, Iredell, Johnston, Jones, Lenoir, Mecklenburg,
21 Nash, New Hanover, Onslow, Orange, Pender, Pitt, Randolph, Richmond, Robeson,
22 Rockingham, Rowan, Sampson, Scotland, Surry, Union, Wake, Washington, Wayne,
23 Wilkes, Wilson, and Yancey.

24 **"§ 163-132.2. Precinct boundaries for other counties.**

25 (a) The Legislative Services Office shall send as directed by the schedule
26 contained in subsection (g) of this section the relevant copies of the United States Census
27 Bureau's official census block maps of the 1990 United States Census to each county
28 board of elections. The county board of elections shall:

29 (1) Alter, where necessary, precinct boundaries to be coterminous with
30 those of:

- 31 a. Townships, as certified by the county manager, or the chairman
32 of the board of county commissioners if there is not a county
33 manager, on the official map of the county;
- 34 b. The census blocks established under the latest U.S. Census;
- 35 c. The following visible physical features, readily distinguishable
36 upon the ground:
 - 37 1. Roads or streets;
 - 38 2. Water features or drainage features;
 - 39 3. Ridgelines;
 - 40 4. Ravines;
 - 41 5. Jeep trails;
 - 42 6. Rail features;
 - 43 7. Above-ground power lines; or

8. Major footpaths

as certified by the North Carolina Department of Transportation on its highway maps or the county manager of the relevant county or, if there is no county manager, the chair of the county board of commissioners, on official county maps.

d. Municipalities, as certified by the city clerk on the official map of the city; or

e. A combination of these 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;

(2) Mark all precinct boundaries on the maps sent by the Legislative Services Office, ~~Office~~ or on other maps or electronic databases approved by the Executive Secretary-Director, 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, 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. 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 the county board of elections has complied with the provisions of subsection (a) of this section, with notations as to where those boundaries do not comply with these standards. If the Executive Secretary-Director of the State Board determines that the county board of elections has complied with the provisions of subsection (a) of this section, 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.

(c) If the Executive Secretary-Director of the State Board determines that the county board of elections has not complied with the provisions of subsection (a) of this section, he shall not approve those precinct boundaries but shall alter the precinct boundaries so that each precinct consists solely of contiguous territory and that each precinct's boundaries are coterminous with those boundaries set forth in subsection (a)(1) of this section nearest to those existing precinct boundaries. These altered precincts shall then be the official precincts.

1 (d) The changes in precinct boundaries under subsections (b) and (c) of this
2 section shall be made effective not later than January 1, 1997; unless the change would
3 result in placing a precinct in more than one State House of Representatives, State Senate,
4 or Congressional district, in which case it shall be made effective not later than January 1,
5 2002.

6 (e), (f) Repealed by Session Laws 1991 (Reg. Sess., 1992), c. 927, s. 1.

7 (g) The Legislative Services Office shall send maps, under subsection (a) of this
8 section, to the counties named below by the dates indicated:

9 (1) Maps to be sent not later than January 1, 1993, to the following
10 counties: Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie,
11 Bladen, Brunswick, Camden, Carteret, Caswell, Currituck, Cherokee,
12 Clay, Franklin, Gates, and Hoke;

13 (2) Maps to be sent not later than January 1, 1994, to the following
14 counties: Columbus, Dare, Davie, Graham, Greene, Haywood, Hertford,
15 Hyde, Jackson, Lee, Lincoln, Madison, Martin, Mitchell, Montgomery,
16 Northampton, and Pasquotank; and

17 (3) Maps to be sent not later than January 1, 1995, to the following
18 counties: Macon, McDowell, Moore, Pamlico, Perquimans, Person,
19 Polk, Rutherford, Stanly, Stokes, Swain, Transylvania, Tyrrell, Vance,
20 Warren, Watauga, and Yadkin.

21 (h) This section shall apply only to the following counties: Alexander, Alleghany,
22 Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell,
23 Cherokee, Clay, Columbus, Currituck, Dare, Davie, Franklin, Gates, Graham, Greene,
24 Haywood, Hertford, Hoke, Hyde, Jackson, Lee, Lincoln, Macon, Madison, Martin,
25 McDowell, Mitchell, Montgomery, Moore, Northampton, Pamlico, Pasquotank,
26 Perquimans, Person, Polk, Rutherford, Stanly, Stokes, Swain, Transylvania, Tyrrell,
27 Vance, Warren, Watauga, and Yadkin.

28 (i) Any county board of elections whose precincts were not approved by the
29 Executive Secretary-Director under the provisions of this section during the year by
30 which maps were to be sent to the county under subsection (g) of this section shall submit
31 precinct boundary changes that comply with subsection (a) of this section to the
32 Legislative Service Office before January 1, 1996, according to directives promulgated
33 by the Executive Secretary-Director.

34 **"§ 163-132.3. Alterations to approved precinct boundaries.**

35 (a) No county board of elections of a county listed in G.S. 163-132.1A(b), after
36 January 1, 1990, and no county board of elections of a county listed in G.S. 163-132.2(h),
37 after its precinct boundaries are approved pursuant to G.S. 163-132.2, may change any
38 precinct boundary unless the proposed new precinct consists solely of contiguous
39 territory and its new boundaries are coterminous with those of:

40 (1) Townships, as certified by the county manager, or the chairman of the
41 board of county commissioners if there is not a county manager, on the
42 official map of the county;

- 1 (2) The census blocks established under the latest U.S. ~~Census~~; Census or
2 the boundaries contained on the latest preliminary U.S. Census Maps,
3 issued under P.L. 94-171, whichever occurs later;
4 (3) The following visible physical features, readily distinguishable upon the
5 ground:
6 a. Roads or streets;
7 b. Water features or drainage features;
8 c. Ridgelines;
9 d. Ravines;
10 e. Jeep trails;
11 f. Rail features;
12 g. Above-ground power lines; or
13 h. Major footpaths
14 as certified by the North Carolina Department of Transportation on its
15 highway maps or the county manager of the relevant county or, if there
16 is no county manager, the chair of the county board of commissioners,
17 on official county maps.
18 (4) Municipalities, as certified by the city clerk on the official map of the
19 city; or
20 (5) A combination of these boundaries.

21 The county boards of elections shall report precinct boundary changes by filing with
22 the Legislative Services Office on current official census maps or maps certified by the
23 North Carolina Department of Transportation or the county's planning department or on
24 other maps or electronic databases approved by the Executive Secretary-Director, the
25 new boundaries of these precincts. The Executive Secretary-Director may require a
26 county board of elections to file a written description of the boundaries of any precinct or
27 part thereof. No newly created or altered precinct boundary is effective until approved by
28 the Executive Secretary-Director of the State Board as being in compliance with this
29 subsection.

30 (b) The Executive Secretary-Director of the State Board of Elections and the
31 Legislative Services Office shall examine the maps of the proposed new or altered
32 precincts and any required written descriptions. After its examination of the maps and
33 their written descriptions, the Legislative Services Office shall submit to the Executive
34 Secretary-Director of the State Board of Elections its opinion as to whether all of the
35 proposed precinct boundaries are in compliance with subsection (a) of this section, with
36 notations as to where those boundaries do not comply with these standards. If the
37 Executive Secretary-Director of the State Board determines that all precinct boundaries
38 are in compliance with this section, the Executive Secretary-Director of the State Board
39 shall approve the maps and written descriptions as filed and these precincts shall be the
40 official precincts.

41 (c) If the Executive Secretary-Director of the State Board determines that the
42 proposed precinct boundaries are not in compliance with subsection (a) of this section, he
43 shall not approve those precinct boundaries. He shall notify the county board of elections

1 of his disapproval specifying the reasons. The county board of elections may then
2 resubmit new precinct maps and written descriptions to cure the reasons for their
3 disapproval.

4 **"§ 163-132.4. Directives.**

5 The Executive Secretary-Director of the State Board of Elections may promulgate
6 directives concerning its duties and those of the county boards of elections under this
7 Article.

8 **"§ 163-132.5. Cooperation of State and local agencies.**

9 The State Budget Office, the Department of Transportation and county and municipal
10 planning departments shall cooperate and assist the Legislative Services Office, the
11 Executive Secretary-Director of the State Board of Elections and the county boards of
12 elections in the implementation of this Article.

13 **"§ 163-132.5A: Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1.**

14 **"§ 163-132.5B. Exemption from Administrative Procedure Act.**

15 The State Board of Elections is exempt from the provisions of Chapter 150B of the
16 General Statutes while acting under the authority of this Article. Appeals from a final
17 decision of the Executive Secretary-Director of the State Board of Elections under this
18 Article shall be taken to the State Board of Elections within 30 days of that decision. The
19 State Board shall approve, disapprove or modify the Executive Secretary's decision
20 within 30 days of receipt of notice of appeal. Failure of the State Board to act within 30
21 days of receipt of notice of appeal shall constitute a final decision approving that of the
22 Executive Secretary. Appeals from a final decision of the State Board under this Article
23 shall be taken to the Superior Court of Wake County.

24 **"§ 163-132.5C. Local acts and township lines.**

25 (a) Notwithstanding the provisions of any local act, a county board of elections
26 need not have the approval of any other county board or commission to make precinct
27 boundary changes required by this Article.

28 (b) ~~Notwithstanding G.S. 163-128, precinct~~ Precinct boundaries established, retained
29 or changed under this Article, or changed to follow a district line where a precinct has
30 been divided in a districting plan, may cross township lines.

31 **"§ 163-132.5D. Retention of precinct maps.**

32 The Executive Secretary-Director of the State Board of Elections shall retain the maps
33 and written descriptions which he approves pursuant to G.S. 163-132.3.

34 **"§ 163-132.5E. Precinct maps and voter statistics filed with the Legislative Services
35 Office.**

36 (a) No later than January 31 of each year, the chairman of each county board of
37 elections shall file with the Legislative Services Office a map showing the county's
38 precincts as of January 1 of that year.

39 (b) Not later than January 31 of each year, the chair of each county board of
40 elections shall file with the Legislative Services Office a list of each precinct in the
41 county as of January 1 of that year and the number of registered voters, in each precinct,
42 by political party and race; and, no later than January 31 of each year beginning in 1996,
43 with a numerical breakdown as to the race of registered voters of each political party.

1 (c) The Legislative Services Office shall develop and send by mail to each county
2 board of elections by September 15 of each year a standard electronic data format that
3 can be used in the following year by county boards of election as an alternative method of
4 filing the list required by subsection (b) of this section. The standard electronic data
5 format shall be for data provided in international standard ASCII file format on 9-track
6 magnetic tape, 8-millimeter magnetic tape, 5 1/4 inch diskettes, or 3 1/2 inch diskettes.
7 The standard electronic data format shall contain the name of the precinct, and for each
8 precinct the total number of registered voters, the number of registered voters by party
9 affiliation, the number of registered voters by race, and a numerical breakdown as to the
10 race of registered voters in each political party.

11 **"§ 163-132.5F. U.S. Census data by precinct.**

12 The State shall request the U.S. Census Bureau for each decennial census to provide
13 summaries of census data by precinct and shall participate in any U.S. Bureau of the
14 Census' program to effectuate this provision.

15 "§ 163-132.6: **Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1."**

16 Sec. 3. G.S. 163-132.3, effective on January 2, 2000, reads as rewritten:

17 **"§ 163-132.3. Alterations to approved precinct boundaries.**

18 (a) No county board of elections ~~of a county listed in G.S. 163-132.1A(b), after~~
19 ~~January 1, 1990, and no county board of elections of a county listed in G.S. 163-132.2(h),~~
20 ~~after its precinct boundaries are approved pursuant to G.S. 163-132.2,~~ may change any
21 precinct boundary unless the proposed new precinct consists solely of contiguous
22 territory and its new boundaries are coterminous with those of:

- 23 (1) Townships, as certified by the county manager, or the chairman of the
24 board of county commissioners if there is not a county manager, on the
25 official map of the county;
- 26 (2) The census blocks established under the latest U.S. Census or the
27 boundaries contained on the latest preliminary U.S. Census Maps,
28 issued under P.L. 94-171, whichever occurs later;
- 29 (3) The following visible physical features, readily distinguishable upon the
30 ground:
 - 31 a. Roads or streets;
 - 32 b. Water features or drainage features;
 - 33 ~~c. Ridgelines;~~
 - 34 ~~d. Ravines;~~
 - 35 ~~e. Jeep trails;~~
 - 36 f. Rail features; or
 - 37 g. Above-ground power ~~lines; or~~ lines
 - 38 ~~h. Major footpaths~~

39 as certified by the North Carolina Department of Transportation on its highway
40 maps or the county manager of the relevant county or, if there is no
41 county manager, the chair of the county board of commissioners, on
42 official county maps.

1 (4) Municipalities, as certified by the city clerk on the official map of the
2 city; or

3 (5) A combination of these boundaries.

4 The county boards of elections shall report precinct boundary changes by filing with
5 the Legislative Services Office on current official census maps or maps certified by the
6 North Carolina Department of Transportation or the county's planning department or on
7 other maps or electronic databases approved by the Executive Secretary-Director, the
8 new boundaries of these precincts. The Executive Secretary-Director may require a
9 county board of elections to file a written description of the boundaries of any precinct or
10 part thereof. No newly created or altered precinct boundary is effective until approved by
11 the Executive Secretary-Director of the State Board as being in compliance with this
12 subsection.

13 (b) The Executive Secretary-Director of the State Board of Elections and the
14 Legislative Services Office shall examine the maps of the proposed new or altered
15 precincts and any required written descriptions. After its examination of the maps and
16 their written descriptions, the Legislative Services Office shall submit to the Executive
17 Secretary-Director of the State Board of Elections its opinion as to whether all of the
18 proposed precinct boundaries are in compliance with subsection (a) of this section, with
19 notations as to where those boundaries do not comply with these standards. If the
20 Executive Secretary-Director of the State Board determines that all precinct boundaries
21 are in compliance with this section, the Executive Secretary-Director of the State Board
22 shall approve the maps and written descriptions as filed and these precincts shall be the
23 official precincts.

24 (c) If the Executive Secretary-Director of the State Board determines that the
25 proposed precinct boundaries are not in compliance with subsection (a) of this section, he
26 shall not approve those precinct boundaries. He shall notify the county board of elections
27 of his disapproval specifying the reasons. The county board of elections may then
28 resubmit new precinct maps and written descriptions to cure the reasons for their
29 disapproval."

30 Sec. 4. Except as specifically otherwise provided in this act, this act is
31 effective upon ratification.