

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 363

Short Title: ETJ Residents Vote for Council. (Public)

Sponsors: Representatives Allred; Almond, Blackwood, Capps, Current, Dockham, Dollar, Folwell, Kiser, Starnes, Walend, Walker, West, and Wilson.

Referred to: Election Law and Campaign Finance Reform.

February 24, 2005

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW RESIDENTS OF THE EXTRATERRITORIAL PLANNING  
2 JURISDICTION OF A CITY TO VOTE IN ELECTIONS FOR OFFICERS OF  
3 THAT CITY.  
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 163-282 reads as rewritten:

7 "**§ 163-282. Residency defined for voting in municipal elections.**

8 The rules for determining residency within a municipality shall be the same as  
9 prescribed in G.S. 163-57 for determining county residency. For the purpose of  
10 eligibility to vote in elections for officers of the city, any person who is a resident of an  
11 area outside the corporate limits of the municipality where the city exercises  
12 extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes  
13 (whether by G.S. 160A-360 or by local act) is a resident of the city. A person whose  
14 residence in the city is because of the previous sentence is eligible to vote only in  
15 elections for officers of the city and not for other types of elections. No person shall be  
16 entitled to reside in more than one city or town at the same time."

17 **SECTION 2.** G.S. 163-288.1(a) reads as rewritten:

18 "(a) Whenever any new city or special district is incorporated or whenever an  
19 existing city or district annexes any territory, or adds any territory to its extraterritorial  
20 planning jurisdiction under G.S. 160A-360 or by local act, the city or special district  
21 shall cause a map of the corporate or district limits or extraterritorial area to be prepared  
22 from the boundary descriptions in the act, charter or other document creating the city or  
23 district or authorizing or implementing the annexation or extension of extraterritorial  
24 jurisdiction. The map shall be delivered to the county or municipal board of elections  
25 conducting the elections for the city or special district. The board of elections shall then  
26 activate for city or district elections each voter eligible to vote in the city or district who  
27 is registered to vote in the county to the extent that residence addresses shown on the  
28 county registration certificates can be identified as within the limits of the city or special

1 district or within the extraterritorial area, provided that when a voter in an area that is  
2 annexed was already a voter because that area had been in the extraterritorial area, no  
3 further action is required. Each voter whose registration is thus activated for city or  
4 special district elections shall be so notified by mail. The cost of preparing the map of  
5 the newly incorporated city or special district or of the newly annexed area, and of  
6 activating voters eligible to vote therein, shall be paid by the city or special district. In  
7 lieu of the procedures set forth in this section, the county board of elections may use  
8 either of the methods of registration of voters set out in G.S. 163-288.2 when activating  
9 voters pursuant to the incorporation of a new city or election of city officials or both  
10 under authority of an act of the General Assembly or when activating voters after an  
11 annexation of new territory by a city or special district under Chapter 160A, Article 4A,  
12 or other general or local law.

13 No later than August 1, 2005, each city which has any extraterritorial jurisdiction  
14 under Article 19 of Chapter 160A of the General Statutes shall provide a map of such  
15 area to the county board of elections. Voters in such area shall be activated for city  
16 elections under the procedures of this section."

17 **SECTION 3.** G.S. 163-288.2 is amended by adding a new subsection to  
18 read:

19 "(c) Whenever any area is added to the extraterritorial jurisdiction of a city under  
20 G.S. 160A-360 or by local act, or when the county board of elections receives notice of  
21 an existing extraterritorial area under G.S. 163-288.1(a), registration in the area shall be  
22 conducted as provided in this section as if the area had been annexed."

23 **SECTION 4.** This act becomes effective with respect to elections held on  
24 and after September 1, 2005.