

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 563

Committee Substitute Favorable 4/29/93

Senate Constitution and Election Laws Committee Substitute Adopted 6/10/93

Short Title: Precinct Boundary Cleanup.

(Public)

Sponsors:

Referred to:

March 25, 1993

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN STATUTES CONCERNING PRECINCT AND TOWNSHIP BOUNDARIES.

The General Assembly of North Carolina enacts:

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

"(c) ~~Township~~ The county manager or, where there is no county manager, the chairman of the board of commissioners, shall report township boundaries and changes in those boundaries shall be reported to the United States Bureau of the Census in the Boundary and Annexations Survey. In responding to the surveys, each county manager or, if there is no manager, chairman of the board of commissioners shall consult with the county board of elections and other appropriate local agencies as to the location of township boundaries. boundaries, so that the Census Bureau's mapping of township boundaries does not disagree with any county voting precinct boundaries that may be based on township boundaries."

Sec. 2. G.S. 163-132.2 reads as rewritten:

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

(a) The Legislative Services Office shall send as directed by the schedule contained in subsection (g) of this section the relevant copies of the United States Census Bureau's official census block maps of the 1990 United States Census to each county board of elections. ~~Not later than 90 days after receiving copies of those maps, the~~ The county board of elections shall:

- 1 (1) Alter, where necessary, precinct boundaries to be coterminous with
2 those of:
- 3 a. Townships, as certified by the county manager, or the chairman
4 of the board of county commissioners if there is not a county
5 manager, on the official map of the county;
- 6 b. The census blocks established under the latest United States
7 Census;
- 8 c. ~~Named roads and streets and drainage features of 40 feet or more in~~
9 ~~width.~~ The following visible physical features, readily
10 distinguishable upon the ground:
- 11 1. Roads or streets;
12 2. Water features or drainage features;
13 3. Ridgelines;
14 4. Ravines;
15 5. Jeep trails;
16 6. Rail features; or
17 7. Above-ground power lines
18 as certified by the North Carolina Department of Transportation
19 on its highway maps or the planning department of the relevant
20 ~~county;~~ county on official county maps.
- 21 d. Municipalities, as certified by the city clerk on the official map
22 of the city; or
- 23 e. A combination of these boundaries;
24 Provided that if, as a result of the alteration, the polling place is no
25 longer in the precinct, it may continue to be the polling place as long
26 as the lot or tract on which the polling place is situated adjoins the
27 precinct;
- 28 (1a) Alter, where necessary, precinct boundaries so that each precinct is
29 composed solely of contiguous territory;
- 30 (2) Mark all precinct boundaries on the maps sent by the Legislative
31 Services Office, showing the precinct boundaries in effect as of the
32 time of marking, but with any changes effective at a later time as
33 provided by subsection (d) of this section; and
- 34 (3) ~~File~~ File, at a time deemed necessary by the Executive Secretary-
35 Director of the State Board of ~~Elections~~ Elections, with the State Board
36 and the Legislative Services Office the maps identifying the precinct
37 boundaries. The Executive Secretary-Director may require a county
38 board of elections to file a written description of the boundaries of any
39 precinct or part thereof.
- 40 (b) The Executive Secretary-Director of the State Board of Elections and the
41 Legislative Services Office shall examine the returned maps and their written
42 descriptions. After its examination of the maps and their written descriptions, the
43 Legislative Services Office shall submit to the Executive Secretary-Director of the State
44 Board of Elections its opinion as to whether the county board of elections has complied

1 with the provisions of subsection (a) of this section, with notations as to where those
2 boundaries do not comply with these standards. If the Executive Secretary-Director of
3 the State Board determines that the county board of elections has complied with the
4 provisions of subsection (a) of this section, the Executive Secretary-Director of the State
5 Board shall approve the maps and written descriptions as filed and these precincts shall
6 be the official precincts.

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

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

19 (e), (f) Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1,
20 effective July 1, 1992.

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

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

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

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

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

42 Sec. 3. G.S. 163-132.3(a) reads as rewritten:

43 "(a) No county board of elections of a county listed in G.S. 163-132.1A(b), after
44 January 1, 1990, and no county board of elections of a county listed in G.S. 163-

1 132.2(h), after its precinct boundaries are approved pursuant to G.S. 163-132.2, may
2 change any precinct boundary unless the proposed new precinct consists solely of
3 contiguous territory and its new boundaries are coterminous with those of:

- 4 (1) Townships, as certified by the county manager, or the chairman of the
5 board of county commissioners if there is not a county manager, on the
6 official map of the county;
- 7 (2) The census blocks established under the latest U.S. Census;
- 8 (3) ~~Named roads and streets and drainage features of 40 feet or more in width,~~
9 The following visible physical features, readily distinguishable upon
10 the ground:
- 11 a. Roads or streets;
 - 12 b. Water features or drainage features;
 - 13 c. Ridgelines;
 - 14 d. Ravines;
 - 15 e. Jeep trails;
 - 16 f. Rail features; or
 - 17 g. Above-ground power lines
- 18 as certified by the North Carolina Department of Transportation on its
19 highway maps or the planning department of the relevant ~~county;~~
20 county on official county maps.
- 21 (4) Municipalities, as certified by the city clerk on the official map of the
22 city; or
- 23 (5) A combination of these boundaries.

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

32 Sec. 4. Notwithstanding any deadline set by G.S. 163-132.2, this act validates
33 any resolution of a county board of elections revising precinct lines that the Executive
34 Secretary-Director of the State Board of Elections determines meets the boundary
35 requirements set out in G.S. 163-132.2, if the county is one of those listed in G.S. 163-
36 132.2(g)(1) and the county board of elections has passed that resolution and the
37 Executive Secretary-Director has approved it before January 1, 1994. If the office of
38 Executive Secretary-Director is not filled, the requirement of approval in this section
39 will be met if the county's resolution is approved by an official designated by the State
40 Board of Elections as either Executive Secretary of the State Board of Elections or as
41 Acting Director of Elections.

42 Sec. 5. This act is effective upon ratification.