SENATE BILL 2

Short Title: Senate Redistricting.

(Public)

1

Sponsors:	Senators Clodfelter, Dannelly, and Lucas.
Referred to:	Redistricting.

November 24, 2003

A BILL TO BE ENTITLED

1 2 AN ACT TO ESTABLISH SENATORIAL DISTRICTS AND TO APPORTION 3 SEATS IN THE SENATE AMONG DISTRICTS AND MAKE CHANGES TO 4 THE ELECTION LAWS AND TO OTHER LAWS RELATED TO 5 **REDISTRICTING.** The General Assembly of North Carolina enacts: 6 7 **SECTION 1.** G.S. 120-1(a) is rewritten to read: 8 District 1: Beaufort County, Camden County, Currituck County, Dare (a) 9 County, Hyde County, Pasquotank County, Tyrrell County, Washington County. 10 District 2: Carteret County, Craven County, Pamlico County. 11 District 3: Edgecombe County, Martin County, Pitt County: Precinct Arthur: Tract 12 16: Block Group 1: Block 1000, Block 1001, Block 1004, Block 1005, Block 1006, 13 Block 1007, Block 1008, Block 1009, Block 1017; Block Group 2: Block 2014, Block 14 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023; Tract 17: Block Group 1: Block 1023, Block 1024, Block 15 16 1025, Block 1026, Block 1027, Block 1049, Block 1050, Block 1051, Block 1052, 17 Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 18 1059, Block 1060, Block 1061, Block 1062, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 19 20 1075, Block 1076, Block 1077; Tract 18: Block Group 4: Block 4000, Block 4001, 21 Block 4002, Block 4003, Block 4004; Precinct Ayden B: Tract 12: Block Group 2: 22 Block 2006, Block 2007; Tract 14: Block Group 2: Block 2038; Block Group 3, 23 Block Group 4: Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 24 4006, Block 4007, Block 4010, Block 4011; Block Group 5: Block 5000, Block 5001, 25 Block 5002, Block 5003, Block 5008, Block 5009, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5017, Block 5018, Block 5019, Block 5020, 26 Block 5021, Block 5022, Block 5023, Block 5024, Block 5031, Block 5032, Block 27 5033; Precinct Belvoir, Precinct Bethel, Precinct Carolina, Precinct Chicod, Precinct 28 Falkland, Precinct Fountain: Tract 19: Block Group 1: Block 1003, Block 1010, Block 29

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35 Block 6019, Block 6020, Block 6021, Block 6022, Block 6023, Block 6024, Block 6026, Block 6027, Block 6028, Block 6029, Block 6030; Precinct Asheville 25, 36 Precinct Asheville 26, Precinct Asheville 27, Precinct Asheville 28, Precinct Black 37 38 Mountain 1, Precinct Black Mountain 2, Precinct Black Mountain 3, Precinct Black 39 Mountain 4, Precinct Black Mountain 5, Precinct Flat Creek, Precinct French Broad, 40 Precinct Hazel 1, Precinct Hazel 2, Precinct Ivy 1 & 2, Precinct Leicester 1, Precinct Leicester 2 & Sandy Mush, Precinct Lower Hominy 2, Precinct North Buncombe, 41 42 Precinct Reems Creek, Precinct Reynolds, Precinct Riceville 1 & Swannanoa 2,

43 Precinct Riceville 2 & Swannanoa 3, Precinct Swannanoa 1, Precinct Upper Hominy 2,

Precinct Weaverville, Precinct West Buncombe 1, Precinct West Buncombe 2, Precinct 1 2 Woodfin, Precinct Woodland Hills. 3 District 50: Cherokee County, Clay County, Graham County, Haywood County: 4 Precinct Cecil, Precinct East Fork, Precinct Pigeon, Precinct Pigeon Center; Jackson 5 County, Macon County, Swain County, Transylvania County." 6 SECTION 2. G.S. 120-1(b) and (c) read as rewritten: The names and boundaries of precincts (voting tabulation districts), tracts, 7 "(b) 8 block groups, and blocks specified in this section are as they were legally defined and 9 recognized in the 2000 United States Census. Boundaries are as shown on the 10 Redistricting Census 2000 TIGER Files, with modifications made by the Legislative Services Office on its computer database as of May 1, 2001, October 20, 2003, to reflect 11 12 precincts divided or renamed updated as outlined in subsection (c) of this section. However, in Robeson County PHILADEPLUS is, in fact, PHILADELPHUS, and in 13 14 Vance County SANDY SCREEK is, in fact, SANDY CREEK. If the boundary line 15 between Iredell and Mecklenburg Counties in the Redistricting Census 2000 TIGER 16 Files conflicts with that provided by Section 1 of Session Law 1998-15 as rewritten by 17 Session Law 2001-429, Section 1 of Session Law 1998-15 as rewritten by Session Law 18 2001-429 prevails to the extent of the conflict. However, the boundary corner between Forsyth, Stokes, and Rockingham Counties is as established by Chapter 23, Public Laws 19 of 1848-49. 20 21 (c) The Legislative Services Office modified on its computer database some of the precincts shown on the Redistricting Census 2000 TIGER Files to reflect precincts 22 23 divided or renamed by county boards of elections after the TIGER Files were 24 completed, with greater accuracy the precincts as they existed as of October 20, 2003, including changes made to precincts after the TIGER Files were completed. As a result, 25 precincts are shown differently on the Legislative Services Office computer database 26 27 from the TIGER Files in the following counties: several counties. Those changes include actions by county boards of elections to divide, merge, and otherwise realign 28 29 precincts. Where a realignment of precinct boundaries by a county board of elections is 30 impossible to reflect in the database using Census geography, the Legislative Services Office modified the database by either merging two precincts or by approximating the 31 32 boundary using Census geography. The following is a list, for informational purposes only, of precincts shown in the TIGER Files, the geography of which has been modified 33 in the Legislative Services Office computer database: 34 35 (1)**Buncombe County:** Precinct Asheville 4 in TIGER is shown as Precincts Asheville 36 a. 4 and Asheville 28. 37 Precinct Asheville 22 in TIGER is shown as Precincts Asheville 38 b. 39 22 and Asheville 27. 40 Precinct Asheville 19 in TIGER is shown as Precincts Asheville e. 19 and Asheville 29. 41 42 Precinct Riceville Swannanoa 2 CRU in TIGER is shown as d. Precincts Riceville Swannanoa 2 CRU and Riceville 43 Swannanoa CRU 2. 44

1		e. Precinct Black Mountain 3 in TIGER is shown as Precincts
2		Black Mountain 3 and Black Mountain 4.
3	(2)	Cabarrus County:
4	(2)	a. Precinct 0202 in TIGER is shown as Precincts 0202 and 0207.
5		b. Precinct 1209 in TIGER is shown as Precincts 1209 and 1212.
6	(3)	Caldwell County: Precinct Lovelady in TIGER is shown as Precincts
7	(\mathbf{J})	Lovelady 1 and Lovelady 2.
8	(4)	Chatham County:
9	(+)	a. Precinct North Williams in TIGER is shown as Precincts North
10		Williams and North Williams 2.
10		b. Precinct East Williams in TIGER is shown as Precincts East
12		Williams and East Williams 2.
12	(5)	Craven County: Precinct Havelock in TIGER is shown as Precincts
13	(\mathbf{J})	Havelock East and Havelock West.
15	(6)	Franklin County: Precinct Harris in TIGER is shown as Precincts East
15	(0)	Harris and West Harris.
10	(7)	Guilford County: Precinct Greensboro 40 in TIGER is shown as
18	(\prime)	Precincts Greensboro 40A and Greensboro 40B.
19	(8)	Johnston County: Precinct East Clayton in TIGER is shown as
20	(0)	Precincts East Clayton and South Clayton.
20 21	(9)	Orange County:
22	())	a. Precinct Frank Porter Graham in TIGER is renamed Precinct
22		Damascus 1.
23		b. Precinct Dogwood Acres in TIGER is shown as Precincts
25		Dogwood Acres and Damascus 2.
26	(10)	Rowan County:
20	(10)	a. Precinct Bostian Crossroads in TIGER is shown as Precincts
28		Bostian Crossroads and Rock Grove.
29		b. Precinct Enochville in TIGER is shown as Precincts Enochville
30		and West Enochville.
31	(11)	Wake County:
32	()	a. Precinct 01-32 in TIGER is shown as Precincts 01-32 and
33		01-49.
34		b. Precinct 07-06 in TIGER is shown as Precincts 07-06 and
35		07-11.
36		c. Precinct 10-01 in TIGER is shown as Precincts 10-01 and
37		10-04.
38		d. Precinct 10-02 in TIGER is shown as Precincts 10-02 and
39		10-03.
40		e. Precinct 01-43 in TIGER is shown as Precincts 01-43 and
41		01-51.
42		f. Precinct 07-02 in TIGER is shown as Precincts 07-02 and
43		07-12.

1		g.	Precinct 08-04 in TIGER is shown as Precincts 08-04 and
2		C	08-08.
3		h.	Precinct 12-02 in TIGER is shown as Precincts 12-02 and
4			12-06.
5		i.	Precinct 18-03 in TIGER is shown as Precincts 18-03 and
6			18-08.
7		j.	Precinct 19-02 in TIGER is shown as Precincts 19-02 and
8			19-06.
9		k.	Precinct 19-03 in TIGER is shown as Precincts 19-03 and
10			19-07.
11		1.	Precinct 19-04 in TIGER is shown as Precincts 19-04 and
12			19-08.
13		m.	Precinct 20-04 in TIGER is shown as Precincts 20-04 and
14			20-10.
15		n.	Precinct 01-32 in TIGER is shown as Precincts 01-32 and
16			01-49.
17	<u>(1)</u>	Ansor	County: All precincts except Burnsville, Peachland, and White
18		Store.	
19	<u>(2)</u>	Bunco	ombe County: Asheville 4, 15, 22, 19, Riceville Swannanoa 2
20		CRU,	and Black Mountain 3.
21	<u>(3)</u>	Cabar	rus County: 0202 and 1209.
22	<u>(4)</u>	Caldw	vell County: Lovelady 2.
23	<u>(5)</u>	Carter	et County: Cape Carteret, Cedar Point, Indian Beach, Salter
24		Path, 1	Newport 1, and Newport 2.
25	<u>(6)</u>	Caswe	ell County: Yanceyville 2 and Yanceyville 4.
26	<u>(7)</u>	<u>Chath</u>	am County: East Williams, North Williams, and West Williams.
27	<u>(8)</u>	Crave	n County: Havelock.
28	<u>(9)</u>	Cumb	erland County: Beaver Dam, Cedar Creek, Arran Hills,
29		Cumb	erland 1, Hope Mills 1, and Stoney Point.
30	<u>(11)</u>	Dare (County: Manteo.
31	(12)	Gates	County: 1 and 5.
32	<u>(13)</u>	Guilfo	ord County: Greensboro 40, North Clay, High Point 19, High
33		Point	20, Center Grove 1, and Summerfield 3.
34	<u>(14)</u>	Hertfo	ord County: Murfreesboro 2 and Murfreesboro 3.
35	(15)	Iredel	County: Coddle Creek 1 through 4 and Statesville 1 through 6.
36	<u>(16)</u>	Johnst	ton County: East Clayton, Pleasant Grove, and Wilders.
37	<u>(17)</u>	Lee C	ounty: West Sanford 2.
38	<u>(18)</u>	Linco	In County: North Brook I/II, Iron Station, Lowesville, Denver,
39		<u>Hicko</u>	ry Grove, Pumpkin Center, and Triangle.
40	<u>(19)</u>	Meck	lenburg County: 77, 97, 121, 122, 138, 140, 142, 143, 144, 202,
41	—		25, 228, 239, 240, and 242.
42	<u>(20)</u>	Moore	e County: Eureka and Knollwood.
43	(21)	New I	Hanover County: Harnett 2 and 8.
44	(21)	Onslo	w County: Voting Districts Not Defined.

1	<u>(22)</u>	Orange County: Booker Creek, Cedar Falls, Dogwood Acres, and
2		Frank Porter Graham.
3	<u>(23)</u>	Pasquotank County: Precincts Mt. Hermon, Providence, 1A, 1B, 2A,
4		<u>2B, 3A, 3B, and 4A.</u>
5	<u>(24)</u>	Robeson County: Fairmont 1 and 2 and Red Springs 1 and 2.
6	<u>(25)</u>	Rowan County: Bostian Crossroads, Enochville, Franklin, and Granite
7		Quarry.
8	<u>(26)</u>	Union County: 22 and 33.
9	<u>(27)</u>	Wake County: 01-22, 01-32, 01-43, 04-09, 04-11, 05-00, 07-02, 07-05,
10		07-06, 08-01, 08-03, 08-04, 09-02, 10-01, 10-02, 12-01, 12-02, 12-04,
11		13-02, 13-03, 15-01, 15-02, 16-01, 16-04, 17-01, 17-02, 17-05, 17-07,
12		18-02, 18-03, 19-02, 19-03, 19-04, 20-01, 20-03, 20-04, and 20-06.
13		e is available for public inspection, and where it differs from the
14		e database prevails.
15		instances, precincts shown in the TIGER Files have not been changed
16		but the names that appear in TIGER have been modified to correct
17		standardize naming, or to reflect more closely the names used by
18		elections and the State Board of Elections."
19		TON 3.(a) If by 10:00 A.M. on February 9, 2004, an act to redistrict
20		of Representatives or the State Senate has not been approved under
21		Voting Rights Act of 1965 or is otherwise prohibited by law from being
22	-	e State Board of Elections shall postpone the primary election for all
23		163-1 until a date the State Board determines to be fair to all parties,
24	-	ates, and voters. The State Board shall make its decision as soon as
25		into account the likelihood of receiving a final approval of any pending
26	redistricting plar	
27		TON 3.(b) If the filing period or primary election or both for all offices
28		e postponed under this section, the State Board of Elections may issue
29		rs pursuant to that postponement that may change, modify, delete,
30		any statute contained in Chapter 163 of the General Statutes, any rules
31		le 8 of the North Carolina Administrative Code, or any other election
32	• •	deline that may affect the 2004 primaries and general election for those
33		orders shall include a primary schedule and if necessary an altered
34	schedule leading	to the general election on November 2, 2004. The orders shall include
35	reset dates for a	absentee balloting that shall as nearly as practical provide the same
36	amount of time f	For voters and election officials set forth in Article 20 of Chapter 163 of
37	the General Stat	utes. The State Board shall, as soon as practical, distribute its orders,
38	-	rised Primary Timetable, to county boards of elections. Adoption of
39		subsection is not subject to Chapter 150B of the General Statutes.
40		TON 3.(c) The State Board of Elections shall be governed by the
41	following limitat	tions:

42 43

44

(1) Any postponement of the candidate filing period or the primary shall apply to all offices in G.S. 163-1 whose primary elections are regularly scheduled on primary day, so that there is one candidate filing period

1	for all those offices and	l one primary election for all those offices. The
2	A A	o apply to any elections to local office held on
3		ections for boards of education under G.S.
4		period for those offices.
5		ections does not have the authority to dispense
6 7	- · ·	. The State Board shall provide for a second
7 8	· ·	to any candidate entitled to call for a second science of G S 163 111
o 9	(3) primary under the provi(3) The State Board shall	set a filing period no shorter than 10 business
9 10	days.	set a ming period no shorter than to business
10	-	ision to postpone a filing period or primary
12		ion, the State Board of Elections shall consult
13		Tempore of the Senate, the Speakers of the
14		ves, and the leaders of both political parties in
15	the House and Senate.	
16	SECTION 3.(d) If the prima	ry election is postponed under subsection (a) of
17		of a board of education elected at the primary
18	which provides that persons elected shall	l take office in July of the year of the election is
19	modified for the 2004 election only to p	rovide that the persons elected shall take office
20	at the next meeting of the board of educa	tion after the certification of the election.
21		4 primary election only, G.S. 163-112 shall be
22	applied by substituting "10 days" for "30	
23	—	sions of this section apply during the 2004
24	5 5	
25		amended by adding a new subsection to read:
26	—	enate or State House of Representatives are
27		ided in subsection (b) of this section for any
28	election year, all primaries under this sec	-
29 20	-	of the General Statutes is amended by adding a
30 31		rticle 26A.
32	—	or Redistricting Challenges.
32 33		actions challenging plans apportioning or
34		
35		lidity of any act of the General Assembly that
36	apportions or redistricts State legislative	e or congressional districts shall be filed in the
37	Superior Court of Wake County and sl	hall be heard and determined by a three-judge
38	panel of the Superior Court of Wake Co	unty organized as provided by subsection (b) of
39		
40	• •	the Superior Court of Wake County any action
41		General Assembly that apportions or redistricts
42		s, a copy of the complaint shall be served upon
43		of Wake County, who shall be the presiding
44	iudge of the three-judge panel required h	v subsection (a) of this section. Upon receipt of

that complaint, the senior resident superior court judge of Wake County shall notify the 1 2 Chief Justice, who shall appoint two additional resident superior court judges to the 3 three-judge panel of the Superior Court of Wake County to hear and determine the action. Before making those appointments, the Chief Justice shall consult with the North 4 5 Carolina Conference of Superior Court Judges, who shall provide the Chief Justice with 6 a list of recommended appointments. No order or judgment shall be entered affecting the validity of any act of the 7 (c) 8 General Assembly that apportions or redistricts State legislative or congressional 9 districts except by the three-judge panel of the Superior Court of Wake County 10 organized as provided by subsection (b) of this section. In the event of disagreement among the three resident superior court judges comprising the three-judge panel, then 11 the opinion of the majority shall prevail." 12 **SECTION 4.(b)** Any action challenging the validity of any act of the 13 14 General Assembly that apportions or redistricts State legislative or congressional 15 districts and pending in a court other than the Superior Court of Wake County on the effective date of this act shall be transferred, with a notice of transfer, by the clerk of 16 17 superior court of the county in which the action is pending to the clerk of Superior Court 18 of Wake County. The clerk of superior court of the county in which the action is pending shall serve the senior resident superior court judge of Wake County with a copy 19 20 of the notice of transfer. Upon receipt of the notice of transfer, the senior resident 21 superior court judge of Wake County shall notify the Chief Justice, who shall appoint two additional resident superior court judges to serve with the senior resident superior 22 23 court judge of Wake County on the three-judge panel of the superior court of Wake 24 County as provided by subsection (a) of this section. **SECTION 5.** Article 1 of Chapter 120 of the General Statutes is amended by 25 adding a new section to read: 26 27 "§ 120-2.3. Contents of judgments invalidating apportionment or redistricting 28 acts. 29 Every order or judgment declaring unconstitutional or otherwise invalid, in whole or in part and for any reason, any act of the General Assembly that apportions or redistricts 30 State legislative or congressional districts shall find with specificity all facts supporting 31 32 that declaration, shall state separately and with specificity the court's conclusions of law on that declaration, and shall, with specific reference to those findings of fact and 33 conclusions of law, identify every defect found by the court, both as to the plan as a 34 whole and as to individual districts." 35 **SECTION 6.** Article 1 of Chapter 120 of the General Statutes is amended by 36 adding a new section to read: 37 38 "§ 120-2.4. Opportunity for General Assembly to remedy defects. If the General Assembly enacts a plan apportioning or redistricting State legislative 39 or congressional districts, in no event may a court impose its own substitute plan unless 40 the court first gives the General Assembly a period of time to remedy any defects 41 identified by the court in its findings of fact and conclusions of law. That period of time 42 shall not be less than two weeks. In the event the General Assembly does not act to 43

1	
1	impose an interim districting plan for use in the next general election only, but that
2	interim districting plan may differ from the districting plan enacted by the General
3	Assembly only to the extent necessary to remedy any defects identified by the court."
4	SECTION 7. Article 1 of Chapter 120 of the General Statutes is amended by
5	adding a new section to read:
6	" <u>§ 120-2.5. Direct appeal to Supreme Court.</u>
7	Appeal lies of right directly to the Supreme Court from any final order or judgment
8	of a court declaring unconstitutional or otherwise invalid in whole or in part and for any
9	reason any act of the General Assembly that apportions or redistricts State legislative or
10	congressional districts."
11	SECTION 8.(a) Article 7 of Chapter 1 of the General Statutes is amended
12	by adding a new section to read:
13	" <u>§ 1-81.1. Venue in apportionment or redistricting cases.</u>
14	(a) Venue in any action concerning any act of the General Assembly
15	apportioning or redistricting State legislative or congressional districts lies exclusively
16	with the Wake County Superior Court.
17	(b) Any action brought concerning an act of the General Assembly apportioning
18	or redistricting the State legislative or congressional districts shall be filed in the
19	Superior Court of Wake County."
20	SECTION 8.(b) Any action challenging the validity of any enactment of the
21	General Assembly that apportions or redistricts State legislative or congressional
22	districts and pending in a court other than the Superior Court of Wake County on the
23	effective date of this act shall be transferred, with a notice of transfer, by the clerk of
24	superior court of the county in which the action is pending to the clerk of Superior Court
25	of Wake County. The clerk of superior court of the county in which the action is
26	pending shall serve the senior resident superior court judge of Wake County with a copy
27	of the notice of transfer.
28	SECTION 9. G.S. 120-30.9B reads as rewritten:
29	"§ 120-30.9B. Statewide statutes; State Board of Elections.
30	(a) The Executive Director of the State Board of Elections shall submit to the
31	Attorney General of the United States: seek approval as required by 42 U.S.C. § 1973c
32	all of the following:
33	(1) Within 30 days of the time they become laws all acts of the General
34	Assembly that amend, delete, add to, modify or repeal any provision of
35	Chapter 163 of the General Statutes or any other statewide legislation,
36	except relating to Chapter 7A of the General Statutes, Statutes or as
37	provided in subsection (b) of this section, which constitutes a "change
38	affecting voting" under Section 5 of the Voting Rights Act of 1965;
39	and
40	(2) Within 30 days all alterations of precinct boundaries under G.S.
41	163-132.2(c) in counties covered by Section 5 of the Voting Rights
42	Act of 1965.
43	(b) With respect to acts of the General Assembly that amend, delete, add to,
44	modify, or repeal any provision relating to apportioning or redistricting of State
	monty, or repear any provision relating to apportioning or redistricting of State

legislative or congressional districts, the Attorney General of North Carolina shall seek 1 approval of the plan as required by 42 U.S.C. § 1973c." 2 3 SECTION 10. G.S. 163-132.3(e) reads as rewritten: 4 During the period beginning October 1, 2002, and ending December 31, "(e) 5 2003, 2004, no county board of elections may change any precinct boundary. However, 6 a county that has a precinct line that does not follow a 2000 Census Block Boundary 7 may change that precinct line to conform to the way that precinct is shown on the General Assembly's redistricting database, provided the total population of the area 8 9 moved from one precinct to another is not greater than ten percent (10%) of the total 10 population of either precinct. A county board of elections proposing a change to a precinct during this period shall submit that change to the Legislative Services Office, 11 12 which shall examine the proposed change and give its opinion of its compliance with this subsection to the Executive Director of the State Board of Elections. If the proposed 13 14 change is in compliance with this subsection, the Executive Director shall approve it." 15 SECTION 11. G.S. 163-278.41 reads as rewritten: 16 "§ 163-278.41. Appropriations in general election years and other years. 17 (a) Following the conclusion of the last primary or nominating convention held 18 by a political party in a general election year in which a presidential election is held, the State chairman chair of that political party may apply to the State Board of Elections 19 20 (State Board) for the disbursement of all funds deposited with the State Treasurer on 21 behalf of such-that party in the North Carolina Political Parties Financing Fund (Political Parties Fund) to be administered by the State Board of Elections and in which 22 23 shall be placed money contributed by taxpayers, as provided in G.S. 105-159.1. If the 24 regular date set for a primary in G.S. 163-1 or nominating convention in G.S. 163-98 is temporarily postponed for one election year, the State party chair may apply for the 25 disbursement after the regular date set in those sections for that party's primary or 26 convention, even though the primary has not occurred under the temporary schedule. 27 Upon receipt of such that application, the State Board shall forthwith, and every 30 days 28 thereafter, pay over to said chairman all funds currently held by the State Treasurer on 29 30 behalf of said chairman's that chair's political party, but provided that all such payments shall cease 30 days after the State Board of Elections has certified all of the results of 31 32 the general election to the Secretary of State. Additionally and upon-Upon receipt of 33 such that application, the State Board shall pay over to the said chairman chair all funds currently held by the State Treasurer in the "Presidential Election Year Candidates 34 35 Fund" of that party, which funds shall be allocated and disbursed during the presidential election year by the same procedure as the funds received from the Political Parties 36 37 Fund are allocated. Any remaining funds of the political party in the hands of the State 38 Treasurer shall thereafter be held by him the State Treasurer until eligible for 39 distribution pursuant to this section. Following the conclusion of the last primary or nominating convention held 40 (b)

(b) Following the conclusion of the last primary or nominating convention held
by a political party in a general election year in which there is not a presidential
election, the State chairman chair of the political party may apply to the State Board for
the disbursement of all funds deposited on behalf of such party in the Political Parties
Fund. If the regular date set for a primary in G.S. 163-1 or nominating convention in

G.S. 163-98 is temporarily postponed for one election year, the State party chair may 1 apply for the disbursement after the regular date set in those sections for that party's 2 3 primary or convention, even though the primary has not occurred under the temporary 4 schedule. Upon receipt of such application, the State Board shall forthwith, and every 5 30 days thereafter, pay over to said chairman all funds currently held by the State 6 Treasurer on behalf of said chairman's that chair's political party provided that all such 7 payments to the said chairman shall cease 30 days after the State Board of Elections has 8 certified all of the results of the general-election to the Secretary of State. election. Any 9 remaining funds of the political party in the hands of the State Treasurer shall thereafter 10 be held by him the State Treasurer until eligible for distribution pursuant to this section.

11 In each year in which no general election is held, each State chairman chair of (c) 12 a political party on behalf of which funds have been deposited in the Political Parties 13 Fund may, on or between August 1 and September 1 thereof, apply to the State Board 14 for payment of an amount not to exceed fifty percent (50%) of the then available funds 15 credited to the account of his-that party. Upon receipt of such application, the State 16 Board shall pay over to said that State chairman chair an amount not to exceed fifty 17 percent (50%) of the then available funds credited to the account of his that party. 18 Additionally and upon receipt of such that application, the State Board shall direct the 19 State Treasurer to place fifty percent (50%) of the said-those available funds in a 20 separate interest bearing account to be known as the "Presidential Election Year 21 Candidates Fund of the (name of the party) Party" to be disbursed in accord with the 22 provisions of subsection (a) above. Any remaining funds of the political party in the 23 hands of the State Treasurer shall thereafter be held by him-the State Treasurer until 24 eligible for distribution by the State Board pursuant to this section. Any interest earned 25 on the funds deposited in such Presidential Election Year Campaign Fund shall be credited thereto." 26

SECTION 12. The provisions of this act are severable. If any provision of this act is held invalid by a court of competent jurisdiction, the invalidity does not affect any other provisions of this act that can be given effect without the invalid provision.

30 **SECTION 13.** Sections 1 and 2 of this act are effective when it becomes 31 law. The remainder of this act is effective when it becomes law and applies to any case 32 pending on or filed after that date, to any case regardless of when the case was filed, and 33 to any action of a court affecting the validity of an act apportioning or redistricting State 34 legislative or congressional districts.