

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 21
Committee Substitute Favorable 3/10/11

Short Title: County Administration of Municipal Elections.

(Public)

Sponsors:

Referred to:

February 2, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL
3 ELECTIONS BY COUNTY BOARDS OF ELECTIONS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 163-280 is repealed.

6 **SECTION 2.** G.S. 163-280.1 is repealed.

7 **SECTION 3.** G.S. 163-281 is repealed.

8 **SECTION 4.** G.S. 163-284 reads as rewritten:

9 **"§ 163-284. Mandatory administration by county boards of elections.**

10 (a) ~~No later than 30 days after January 1, 1973, every municipality which conducts its~~
11 ~~elections on a partisan basis, and every special district shall deliver its registration books to the~~
12 ~~county board of elections which shall, forthwith, assume the responsibility for administration of~~
13 ~~the registration and election process in such municipalities and special districts. The county~~
14 ~~boards of elections shall have authority to compare the registration books of such~~
15 ~~municipalities and special districts with the county registration books. Any person found to be~~
16 ~~registered for municipal or special district elections but not registered on the county registration~~
17 ~~records shall be required to register with the county board of elections in order to maintain his~~
18 ~~municipal or special district registration. The county board of elections shall forthwith notify~~
19 ~~any such person by mail to the address appearing on the municipal or special district~~
20 ~~registration records that he must reregister. The county board of elections shall have authority~~
21 ~~to require maps or definitive outlines of the boundaries constituting such municipality or~~
22 ~~special district and shall be immediately advised of any change or relocation of such~~
23 ~~boundaries.~~

24 (b) The registration of voters and the conduct of all elections in municipalities and
25 special districts ~~covered under this section~~ shall be under the authority of the county board of
26 elections. Any contested election or allegations of irregularities shall be made to the county
27 board of elections and appeals from such rulings may be made to the State Board of Elections
28 under existing statutory provisions and rules or regulations adopted by the State Board of
29 Elections.

30 Each municipality and special district shall reimburse the county board of elections for the
31 actual cost involved in the administration required under ~~(a) and (b)~~ of this section."

32 **SECTION 5.** G.S. 163-285 is repealed.

33 **SECTION 6.** G.S. 163-286(b) is repealed.

34 **SECTION 7.** G.S. 163-287 reads as rewritten:

35 **"§ 163-287. Special elections; procedure for calling.**

36 Any city, whether its elections are conducted by the county board of elections or the
37 municipal board of elections, municipality or any special district shall have authority to call



1 special elections as permitted by law. Prior to calling a special election, the city council or the
2 governing body of the special district shall adopt a resolution specifying the details of the
3 election, and forthwith deliver the resolution to the appropriate board of elections. The
4 resolution shall call on the board of elections to conduct the election described in the resolution
5 and shall state the date on which the special election is to be conducted. The special election
6 may be held at the same time as any other State, county or municipal primary, election or
7 special election or referendum, but may not otherwise be held within the period of time
8 beginning 30 days before and ending 30 days after the date of any other primary, election,
9 special election or referendum held for that city or special district.

10 Legal notice of the special election shall be published no less than 45 days prior to the
11 special election. The ~~appropriate~~ board of elections shall be responsible for publishing the legal
12 notice. The notice shall state the date and time of the special election, the issue to be submitted
13 to the voters, and the precincts in which the election will be held. This paragraph shall not
14 apply to bond elections."

15 **SECTION 8.** G.S. 163-288 reads as rewritten:

16 "**§ 163-288. Registration for city elections; county and municipal boards of elections.**

17 ~~Regardless of whether the municipal election is conducted by the county board of elections~~
18 ~~or by a municipal board of elections, the~~The registration record of the county board of elections
19 shall be the official registration record for voters to vote in all elections, city, district, county,
20 State or national."

21 **SECTION 9.** G.S. 163-288.1(a) reads as rewritten:

22 "(a) Whenever any new city or special district is incorporated or whenever an existing
23 city or district annexes any territory, the city or special district shall cause a map of the
24 corporate or district limits to be prepared from the boundary descriptions in the act, charter or
25 other document creating the city or district or authorizing or implementing the annexation. The
26 map shall be delivered to the county ~~or municipal~~ board of elections conducting the elections
27 for the city or special district. The board of elections shall then activate for city or district
28 elections each voter eligible to vote in the city or district who is registered to vote in the county
29 to the extent that residence addresses shown on the county registration certificates can be
30 identified as within the limits of the city or special district. Each voter whose registration is
31 thus activated for city or special district elections shall be so notified by mail. The cost of
32 preparing the map of the newly incorporated city or special district or of the newly annexed
33 area, and of activating voters eligible to vote therein, shall be paid by the city or special district.
34 In lieu of the procedures set forth in this section, the county board of elections may use either
35 of the methods of registration of voters set out in G.S. 163-288.2 when activating voters
36 pursuant to the incorporation of a new city or election of city officials or both under authority
37 of an act of the General Assembly or when activating voters after an annexation of new
38 territory by a city or special district under Chapter 160A, Article 4A, or other general or local
39 law."

40 **SECTION 10.** G.S. 163-289(c) is repealed.

41 **SECTION 11.** G.S. 115C-507 reads as rewritten:

42 "**§ 115C-507. Rules governing elections.**

43 All elections under this Chapter shall be held and conducted by the appropriate county ~~or~~
44 ~~municipal~~ board of elections.

45 If the purpose of the election is to enlarge a city administrative unit, the notice of election
46 shall include the following: a statement of the purpose of the election; a legal description of the
47 area within which the election is to be held; and a statement that if a majority of those who
48 shall vote in the area proposed to be consolidated with the city administrative unit shall vote in
49 favor of such enlargement such area shall be consolidated with the city administrative unit,
50 effective July 1 next following such election, and there shall thereafter be levied in such area so
51 consolidated with the city administrative unit the same school taxes as shall be levied in the

1 other portions of the city administrative unit, including any tax levy to provide for the payment
2 of school bonds theretofore issued by or for such city administrative unit or for all or some part
3 of the school area annexed to such city administrative unit, unless payment of such bonds has
4 otherwise been provided for.

5 The notice of the election shall be given as provided in G.S. 163-33(8) and in addition
6 include a legal description of the area within which the election is to be held, and, if any
7 additional tax is proposed to be levied, the maximum rate of tax to be levied which shall not
8 exceed the maximum prescribed by this Article, and the purpose of the tax.

9 No new registration of voters is required, but the board of elections, in its discretion, may
10 use either Method A or Method B set forth in G.S. 163-288.2 in activating the voters in the
11 territory.

12 The ballot in such election shall contain the words "FOR local tax and AGAINST local
13 tax" except when the election is held under subsection (c) of G.S. 115C-501, in which case the
14 ballots shall contain the words "FOR enlargement of the _____ City Administrative
15 Unit and school tax of the same rate," and "AGAINST enlargement of the _____ City
16 Administrative Unit and school tax of the same rate."

17 The elections shall be held in accordance with the applicable provisions of Chapter 163 and
18 the expense of the election shall be paid by the board of education of the administrative unit in
19 which the election is held, provided that when territory is proposed to be added to a city
20 administrative unit, that unit shall bear the expense.

21 No election held under this Article shall be open to question except in an action or
22 proceeding commenced within 30 days after the board of elections has certified the results."

23 **SECTION 12.** G.S. 120-30.9F reads as rewritten:

24 **"§ 120-30.9F. Municipalities; municipal attorney.**

25 The municipal attorney of any municipality covered by the Voting Rights Act of 1965 shall
26 submit to the Attorney General of the United States within 30 days:

- 27 (1) Of the time they become laws, any local acts of the General Assembly; and
- 28 (2) Of adoption actions of the municipal governing body or ~~municipal~~ board of
29 elections or any other municipal agency which constitutes a "change
30 affecting voting" under Section 5 of the Voting Rights Act of 1965 in that
31 municipality; provided that, if required or allowed by regulations or
32 practices of the United States Department of Justice, a municipal attorney
33 may delay submission of any annexation ordinance or group of ordinances
34 until all previously submitted annexation ordinances have been precleared or
35 otherwise received final disposition."

36 **SECTION 13.** G.S. 128-1.1(d) reads as rewritten:

37 "(d) The term "elective office," as used herein, shall mean any office filled by election
38 by the people when the election is conducted by a county or ~~municipal~~ board of elections under
39 the supervision of the State Board of Elections."

40 **SECTION 14.** G.S. 162A-35 reads as rewritten:

41 **"§ 162A-35. Procedure for inclusion of additional political subdivision or unincorporated
42 area; notice and hearing; elections; actions questioning validity of elections.**

43 If, at any time subsequent to the creation of a district, there shall be filed with the district
44 board a resolution of the governing body of a political subdivision, or a petition, signed by not
45 less than fifteen per centum (15%) of the voters resident within an unincorporated area,
46 requesting inclusion in the district of such political subdivision or unincorporated area, and if
47 the district board shall favor the inclusion in the district of such political subdivision or
48 unincorporated area, the district board shall notify the board of commissioners and the board of
49 commissioners, through its chairman, shall thereupon request that a representative of the
50 Department of Environment and Natural Resources hold a joint public hearing with the board
51 of commissioners concerning the inclusion of such political subdivision or unincorporated area

1 in the district. The Secretary of Environment and Natural Resources and the chairman of the
2 board of commissioners shall name a time and place within the district at which the public
3 hearing shall be held. The chairman of the board of commissioners shall give prior notice of
4 such hearing by posting a notice at the courthouse door of the county and also by publication in
5 a newspaper circulating in the district and in any such political subdivision or unincorporated
6 area at least once a week for four successive weeks, the first publication to be at least 30 days
7 prior to such hearing. In the event all matters pertaining to the inclusion of such political
8 subdivision or unincorporated area cannot be included at such hearing, such hearing may be
9 continued to a time and place within the district determined by the board of commissioners
10 with the concurrence of the representative of the Department of Environment and Natural
11 Resources.

12 If, after such hearing, the Commission for Public Health and the board of commissioners
13 shall determine that the preservation and promotion of the public health and welfare require
14 that such political subdivision or unincorporated area be included in the district, the
15 Commission for Public Health shall adopt a resolution to that effect, defining the boundaries of
16 the district including such political subdivision or unincorporated area which has filed a
17 resolution or petition as provided for in this section, and declaring such political subdivision or
18 unincorporated area to be included in the district, subject to the approval, as to the inclusion of
19 such political subdivision, of a majority of the qualified voters of such political subdivision, or
20 as to the inclusion of such unincorporated area, of a majority of the qualified voters of such
21 unincorporated area, voting at an election thereon to be called and held in such political
22 subdivision or unincorporated area. When an election is required to be held within both a
23 political subdivision and an unincorporated area, a separate election shall be called and held for
24 the unincorporated area and a separate election shall be called and held for the political
25 subdivision. Such separate elections, although independent one from the other, shall be called
26 and held within each political subdivision and within the unincorporated area simultaneously
27 on the same date.

28 If, at or prior to such public hearing, there shall be filed with the district board a petition
29 signed by not less than fifteen percent (15%) of the registered voters of the district requesting
30 an election to be held on the question of including the political subdivision or unincorporated
31 area in the district, the district board shall certify the petition and if found adequate, shall
32 request the county board of elections to hold the election in the district. The election in the
33 district may be held at the same time as the election in the political subdivision or
34 unincorporated area seeking to become a part of the district.

35 The county board of elections shall give notice of the elections as required in
36 G.S. 163-33(8) and shall conduct the election in the unincorporated area and within the political
37 subdivision unless there is a municipal board of elections which conducts the elections for the
38 municipality election.

39 The cost of the election in the district shall be paid by the district board and the cost of the
40 municipal election by the municipality. The county shall pay the cost of an election in the
41 unincorporated area. The governing body of the political subdivision shall file an accurate
42 description of its boundaries, and those persons signing the petition for an unincorporated area
43 shall file an accurate description of its boundaries with the board of elections at the time the
44 petition is filed with the district board.

45 The elections shall be held and conducted in accordance with the applicable provisions of
46 Articles 23 and 24 of Chapter 163 of the General Statutes.

47 The ballot shall contain the words:

48 "FOR inclusion in the ____ Metropolitan Water District of ____ County that area known
49 as ____."

50 "AGAINST inclusion in the ____ Metropolitan Water District of ____ County that area
51 known as ____."

1 If a majority of the votes cast in a political subdivision or unincorporated areas proposed to
2 be included are in favor of inclusion, and a majority of the votes cast in the district favor
3 inclusion, then from and after the date of the certification of the results such area or areas shall
4 be a part of the district and subject to the debts of the district.

5 The results of the elections shall be certified to the district board.

6 If no election is required to be held in the district, then a favorable vote for inclusion in the
7 political subdivision or unincorporated area shall be deemed to include such area or political
8 subdivision as a part of the district and they shall be subject to the debts of the district.

9 No right of action or defense founded upon the invalidity of any such election shall be
10 asserted, or open to question in any court upon any grounds unless the action or proceeding is
11 commenced within 30 days after the results have been certified by the board of elections."

12 **SECTION 15.** G.S. 163-22 reads as rewritten:

13 **"§ 163-22. Powers and duties of State Board of Elections.**

14 (a) The State Board of Elections shall have general supervision over the primaries and
15 elections in the State, and it shall have authority to make such reasonable rules and regulations
16 with respect to the conduct of primaries and elections as it may deem advisable so long as they
17 do not conflict with any provisions of this Chapter.

18 (b) From time to time, the Board shall publish and furnish to the county ~~and municipal~~
19 boards of elections and other election officials a sufficient number of indexed copies of all
20 election laws and Board rules and regulations then in force. It shall also publish, issue, and
21 distribute to the electorate such materials explanatory of primary and election laws and
22 procedures as the Board shall deem necessary.

23 (c) The State Board of Elections shall appoint, in the manner provided by law, all
24 members of the county boards of elections and advise them ~~and municipal elections board~~
25 ~~members~~ as to the proper methods of conducting primaries and elections. The Board shall
26 require such reports from the county ~~and municipal~~ boards and election officers as are provided
27 by law, or as are deemed necessary by the Board, and shall compel observance of the
28 requirements of the election laws by county ~~and municipal~~ boards of elections and other
29 election officers. In performing these duties, the Board shall have the right to hear and act on
30 complaints arising by petition or otherwise, on the failure or neglect of a county ~~or municipal~~
31 board of elections to comply with any part of the election laws imposing duties upon such a
32 board. The State Board of Elections shall have power to remove from office any member of a
33 county ~~or municipal~~ board of elections for incompetency, neglect or failure to perform duties,
34 fraud, or for any other satisfactory cause. Before exercising this power, the State Board shall
35 notify the county ~~or municipal~~ board member affected and give ~~him~~ that member an
36 opportunity to be heard. When any county board member shall be removed by the State Board
37 of Elections, the vacancy occurring shall be filled by the State Board of Elections. ~~When any~~
38 ~~municipal board member shall be removed by the State Board of Elections, the vacancy~~
39 ~~occurring shall be filled by the city council of the city appointing members of that board.~~

40 ...

41 (f) The State Board of Elections shall prepare, print, distribute to the county ~~and~~
42 ~~municipal~~ boards of elections all ballots for use in any primary or election held in the State
43 which the law provides shall be printed and furnished by the State to the counties. The Board
44 shall instruct the county boards of elections as to the printing of county and local ballots.

45"

46 **SECTION 16.** G.S. 163-25 reads as rewritten:

47 **"§ 163-25. Authority of State Board to assist in litigation.**

48 The State Board of Elections shall possess authority to assist any county ~~or municipal~~ board
49 of elections in any matter in which litigation is contemplated or has been initiated, provided,
50 the county ~~or municipal~~ board of elections in such county petitions, by majority resolution, for
51 such assistance from the State Board of Elections and, provided further, that the State Board of

1 Elections determines, in its sole discretion by majority vote, to assist in any such matter. It is
2 further stipulated that the State Board of Elections shall not be authorized under this provision
3 to enter into any litigation in assistance to counties, except in those instances where the uniform
4 administration of Chapter 163 of the General Statutes of North Carolina has been, or would be
5 threatened.

6 The Attorney General shall provide the State Board of Elections with legal assistance in
7 execution of its authority under this section or, in ~~his~~the Attorney General's discretion,
8 recommend that private counsel be employed.

9 If the Attorney General recommends employment of private counsel, the State Board may
10 employ counsel with the approval of the Governor."

11 **SECTION 17.** G.S. 163-38 reads as rewritten:

12 **"§ 163-38. Applicability of Article.**

13 This Article applies to members and employees of the State Board of Elections and of each
14 county ~~and municipal~~ board of elections. With regard to prohibitions in this Article concerning
15 candidates, referenda, and committees, the prohibitions do not apply if the candidate or
16 referendum will not be on the ballot in an area within the jurisdiction of the board, or if the
17 political committee or referendum committee is not involved with an election or referendum
18 that will be on the ballot in an area within the jurisdiction of the board."

19 **SECTION 18.** G.S. 163-40 reads as rewritten:

20 **"§ 163-40. Violation may be ground for removal.**

21 A violation of this Article may be a ground to remove a State Board of Elections member
22 under G.S. ~~143B-16, 143B-16~~ or a county board of elections member under ~~G.S. 163-22(e), or~~
23 ~~a municipal board of elections member under G.S. 163-280(i).~~ G.S. 163-22(c). A violation of
24 this Article may be a ground for dismissal of an employee of the State Board of Elections or of
25 a county board of elections. No criminal penalty shall be imposed for a violation of this
26 Article."

27 **SECTION 19.** G.S. 163-42 reads as rewritten:

28 **"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of office.**

29 **(a)** Each county ~~and municipal~~ board of elections is authorized, in its discretion, to
30 appoint two or more assistants for each precinct to aid the chief judge and judges. Not more
31 than two assistants shall be appointed in precincts having 500 or less registered voters.
32 Assistants shall be qualified voters of the county in which the precinct is located. When the
33 board of elections determines that assistants are needed in a precinct an equal number shall be
34 appointed from different political parties, unless the requirement as to party affiliation cannot
35 be met because of an insufficient number of voters of different political parties within the
36 county.

37 In the discretion of the county board of elections, a precinct assistant may serve less than
38 the full day prescribed for chief judges and judges in G.S. 163-47(a).

39 **(b)** The chairman of each political party in the county shall have the right to recommend
40 from three to 10 registered voters in each precinct for appointment as precinct assistants in that
41 precinct. If the recommendations are received by it no later than the thirtieth day prior to the
42 primary or election, the board shall make appointments of the precinct assistants for each
43 precinct from the names thus recommended. If the recommendations of the party chairs for
44 precinct assistant in a precinct are insufficient, the county board of elections by unanimous vote
45 of all of its members may name to serve as precinct assistant in that precinct registered voters
46 in that precinct who were not recommended by the party chairs. If, after diligently seeking to
47 fill the positions with registered voters of the precinct, the county board still has an insufficient
48 number of precinct assistants for the precinct, the county board by unanimous vote of all of its
49 members may appoint to the positions registered voters in other precincts in the same county
50 who meet the qualifications other than residence to be precinct officials in the precinct. In
51 making its appointments, the county board shall assure, wherever possible, that no precinct has

1 precinct officials all of whom are registered with the same party. In no instance shall the county
2 board appoint nonresidents of the precinct to a majority of the positions as precinct assistant in
3 a precinct.

4 (c) In addition, a county board of elections by unanimous vote of all of its members
5 may appoint any registered voter in the county as emergency election-day assistant, as long as
6 that voter is otherwise qualified to be a precinct official. The State Board of Elections shall
7 determine for each election the number of emergency election-day assistants each county may
8 have, based on population, expected turnout, and complexity of election duties. The county
9 board by unanimous vote of all of its members may assign emergency election-day assistants
10 on the day of the election to any precinct in the county where the number of precinct officials is
11 insufficient because of an emergency occurring within 48 hours of the opening of the polls that
12 prevents an appointed precinct official from serving. A person appointed to serve as emergency
13 election-day assistant shall be trained and paid like other precinct assistants in accordance with
14 G.S. 163-46. A county board of elections shall apportion the appointments as emergency
15 election-day assistant among registrants of each political party so as to make possible the
16 staffing of each precinct with officials of more than one party, and the county board shall make
17 assignments so that no precinct has precinct officials all of whom are registered with the same
18 party.

19 (d) Before entering upon the duties of the office, each assistant shall take the oath
20 prescribed in G.S. 163-41(a) to be administered by the chief judge of the precinct for which the
21 assistant is appointed. Assistants serve for the particular primary or election for which they are
22 appointed, unless the county board of elections appoints them for a term to expire on the date
23 appointments are to be made pursuant to G.S. 163-41."

24 **SECTION 20.** G.S. 163-278.6(1) reads as rewritten:

25 "(1) The term "board" means the State Board of Elections with respect to all
26 candidates for State, legislative, and judicial offices and the county ~~or~~
27 ~~municipal~~ board of elections with respect to all candidates for county and
28 municipal offices. The term means the State Board of Elections with respect
29 to all statewide referenda and the county ~~or municipal~~ board of elections
30 conducting all local referenda."

31 **SECTION 21.** G.S. 163-298 reads as rewritten:

32 **"§ 163-298. Municipal primaries and elections.**

33 The phrases "county board of elections," and "chairman of the board of elections" as used in
34 this Article, with respect to all municipal primaries and elections, shall mean the ~~municipal~~
35 ~~board of elections and its chairman in those cities and towns which conduct their own elections,~~
36 ~~and the county board of elections and its chairman in those all cities and towns whose elections~~
37 ~~are conducted by the county board of elections.~~ municipalities. The words "general election," as
38 used in this Article, shall include regular municipal elections, runoff elections, and nonpartisan
39 primaries, except where specific provision is made for municipal elections and nonpartisan
40 primaries."

41 **SECTION 22.** G.S. 163-299(g) reads as rewritten:

42 "(g) The county ~~or municipal~~ board of elections shall, in addition to the requirements
43 contained in G.S. 163-182.5 canvass the results in a nonpartisan municipal primary, election or
44 runoff election, and in a special district election, the number of legal votes cast in each precinct
45 for each candidate, the name of each person voted for, and the total number of votes cast in the
46 municipality or special district for each person for each different office."

47 **SECTION 23.** G.S. 163-300 reads as rewritten:

48 **"§ 163-300. Disposition of duplicate abstracts in municipal elections.**

49 Within nine days after a primary or election is held in any municipality, the chairman of the
50 county ~~or municipal~~ board of elections shall mail to the chairman of the State Board of
51 Elections, the duplicate abstract prepared in accordance with G.S. 163-182.6. One copy shall be

1 retained by the county ~~or municipal~~ board of elections as a permanent record and one copy
2 shall be filed with the city clerk."

3 **SECTION 24.** G.S. 163-301 reads as rewritten:

4 **"§ 163-301. Chairman of election board to furnish certificate of elections.**

5 Not earlier than five days nor later than 10 days after the results of any municipal election
6 have been officially determined and published in accordance with G.S. 163-182.5, the chairman
7 of the county ~~or municipal~~ board of elections shall issue certificates of election, under the hand
8 and seal of the chairman, to all municipal and special district officers. In issuing such
9 certificates of election the chairman shall be restricted by the provisions of G.S. 163-182.14."

10 **SECTION 25.** G.S. 163-304 reads as rewritten:

11 **"§ 163-304. State Board of Elections to have jurisdiction over municipal elections and
12 election officials, and to advise; emergency and ongoing administration by
13 county board.**

14 (a) Authority and Duty of State Board. – The State Board of Elections shall have the
15 same authority over municipal elections and election officials as it has over county and State
16 elections and election officials. The State Board of Elections shall advise and assist cities,
17 towns, incorporated villages and special districts, ~~municipal boards of elections,~~ their members
18 and legal officers on the conduct and administration of their elections and registration
19 procedure.

20 ~~The municipal council shall provide written notification to the State Board of Elections of
21 the appointment of each member of its municipal board of elections within five days after the
22 appointment. The municipal board of elections and the municipal council shall provide such
23 other information about the municipal board of elections as the State Board may require.
24 Members of the municipal board of elections and municipal elections officials shall participate
25 in training provided by the State Board pursuant to G.S. 163-82.24. The State Board shall
26 provide the same training, materials, and assistance to municipal boards of elections that it
27 provides to county boards of elections.~~

28 The county ~~and municipal~~ boards of elections shall be governed by the same rules for
29 settling controversies with respect to counting ballots or certification of the returns of the vote
30 in any municipal or special district election as are in effect for settling such controversies in
31 county and State elections.

32 (b) ~~Emergency Administration if Municipal Board Is Not Appointed. — If a municipal
33 council in a municipality that has elected pursuant to G.S. 163-285 to conduct its own elections
34 has not appointed a municipal board of elections and reported the appointments to the
35 Executive Director by June 1 in the year in which the municipal election is to occur, the
36 Executive Director shall notify the municipal council that, unless a municipal board of elections
37 is appointed and the Executive Director notified of its appointment by June 15 of that year, the
38 county board of elections shall be ordered to conduct that municipality's elections that year on
39 an emergency basis. If the municipal council does not so appoint and so notify by June 15, the
40 Executive Director shall order the county board of elections to conduct the municipality's
41 elections that year on an emergency basis.~~

42 (c) ~~Emergency Administration Due to Serious Violations. — If a municipal council or
43 municipal board of elections has committed violations of the applicable portions of this Chapter
44 prior to a municipal election and those violations are of such magnitude as to give rise to
45 reasonable doubt as to the ability of the municipal board of elections to conduct that election
46 with competence and fairness, the Executive Director of the State Board, with the approval of
47 at least four members of the State Board, may order the county board of elections to conduct
48 the remainder of that election on an emergency basis. Before an order is made under this
49 subsection, the municipal council and municipal board of elections shall be given an
50 opportunity to be heard by the State Board.~~

1 ~~(d) Permanent County Administration.—The State Board of Elections may designate~~
2 ~~the county board of elections as the permanent agency to conduct a municipality's elections if~~
3 ~~all the following conditions are met:~~

4 ~~(1) In more than one election conducted by that municipality either (i) the~~
5 ~~municipality's elections have been administered on an emergency basis~~
6 ~~pursuant to subsection (b) or (c) of this section or (ii) a new election has~~
7 ~~been ordered because of irregularities in the municipality's administration of~~
8 ~~the election.~~

9 ~~(2) The State Board finds that the interest of the residents of the municipality in~~
10 ~~fair and competent administration of elections requires that the municipality~~
11 ~~not conduct its own elections.~~

12 ~~(3) The municipal council and municipal board of elections are given an~~
13 ~~opportunity to be heard before the State Board.~~

14 ~~(4) The State Board by a vote of at least four of its members designates the~~
15 ~~county board of elections as the permanent agency to conduct that~~
16 ~~municipality's elections.~~

17 ~~The municipal council may not elect to conduct its own elections under G.S. 163-285 if the~~
18 ~~State Board has designated the county board of elections under this subsection as the permanent~~
19 ~~agency to conduct the municipality's elections.~~

20 ~~(e) Reimbursement.—If the county board of elections administers a municipality's~~
21 ~~elections pursuant to subsection (b), (c), or (d) of this section, the municipality shall reimburse~~
22 ~~the county board of elections in the manner set forth in G.S. 163-285."~~

23 **SECTION 26.** This act is effective when it becomes law.