

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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1

HOUSE BILL 248

Short Title: Precinct Boundaries.

(Public)

Sponsors: Representatives Alexander, Bonner; and Wainwright.

Referred to: Election Law and Campaign Finance Reform.

March 4, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTES CONCERNING PRECINCT BOUNDARIES.

The General Assembly of North Carolina enacts:

Section 1. Article 12A of Chapter 163 of the General Statutes reads as rewritten:

"ARTICLE 12A.

"PRECINCT BOUNDARIES.

"§ 163-132.1. Participation in 2000 Census Redistricting Data Program of the United States Bureau of the Census.

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

(b) Phase I (Block Boundary Suggestion Program). – The State shall participate in the Block Boundary Suggestion Program of the United States Bureau of the Census so that the maps the Census Bureau will use in the 2000 Census will contain adequate features to permit reporting of Census data by precinct for use in the 2001 redistricting

1 efforts. The Legislative Services Office shall send preliminary maps produced by the
2 Census Bureau in preparation for the 2000 Census, as soon as practical after the maps are
3 available, to the county boards of elections to determine which of their precincts have
4 boundaries that are not coterminous with a physical feature, a current township boundary,
5 or a current municipal boundary, as shown on those preliminary 2000 Census maps. The
6 Legislative Services Office shall:

- 7 (1) Assist county boards of elections in identifying the precincts with
8 boundaries not shown on the preliminary Census maps and in
9 identifying physical features the county boards may wish to have
10 available for future precinct boundaries;
- 11 (2) Place those boundaries and features on maps deemed appropriate by the
12 State Board;
- 13 (3) Request the U.S. Census Bureau to hold for census block identification
14 in the 2000 U.S. Census all physical features the county boards have
15 identified as current or potential precinct boundaries; and
- 16 (4) Request the U.S. Census Bureau to hold for census block identification
17 in the 2000 U.S. Census all other physical features already on 1990
18 Census maps.

19 (c) Phase II. – The State shall participate in Phase II of the 2000 Census
20 Redistricting Data Program so that, to the extent practical, the precinct boundaries of all
21 North Carolina counties will appear on the 2000 Census maps or database. The State's
22 effort shall be conducted as follows:

- 23 (1) By January 1, 1998, or as soon thereafter as they become available, the
24 Legislative Services Office shall ~~send to the county boards of elections~~
25 ~~the Census Bureau's official block maps, on paper or electronically, to~~
26 ~~be used in the 2000 Census.~~ provide the county boards of elections with
27 access, on paper or electronically, to the Census Bureau's maps for
28 Phase II of the Census Redistricting Data Program.
- 29 (2) After receiving the maps, the county boards of elections shall designate
30 their precinct lines along the ~~block boundary lines on the maps.~~ lines the
31 Census Bureau indicates on the maps it will hold as block boundaries
32 for the 2000 Census. Where necessary, the county boards of elections
33 shall alter precincts, including any precincts approved under the
34 provisions of G.S. 163-132.1A, 163-132.2, or 163-132.3 or designated
35 by local act, to conform to lines the Census Bureau indicates it will hold
36 as Census block boundaries as shown on the official block maps to be
37 used for the 2000 Census and to consist only of contiguous territory.
38 The county boards of elections, at a time deemed necessary by the
39 Executive Secretary-Director of the State Board of Elections, shall file
40 with the Legislative Services Office the maps ~~sent to them and marked by~~
41 ~~them~~ on which they have designated their precincts pursuant to this
42 subsection.

- 1 (3) After examining the ~~returned~~-maps, the Legislative Services Office shall
2 submit to the Executive Secretary-Director of the State Board of
3 Elections its opinion as to whether the county board of elections has
4 complied with the provisions of this subsection, with notations as to
5 where those boundaries do not comply with these standards.
- 6 (4) If the Executive Secretary-Director determines that the county board of
7 elections has complied, he shall approve the precinct boundaries as filed
8 and those precincts shall be the official precincts.
- 9 (5) If the Executive Secretary-Director determines that the county board of
10 elections has not complied, he shall not approve those precinct
11 boundaries but shall alter the precinct boundaries so that each precinct
12 consists solely of contiguous territory and that each precinct's
13 boundaries are coterminous with 2000 Census block boundaries nearest
14 to the precinct boundaries shown by the county boards on the maps.
15 These altered precincts shall then be the official precincts.
- 16 (6) Upon the adoption of a resolution by a county board of elections and
17 instead of altering precinct lines as required by G.S. 163-132.1(c)(5),
18 the Executive Secretary-Director may combine for Census reporting
19 purposes only two or more adjacent precincts of the county into a
20 Combined Reporting Unit, if the Executive Secretary-Director finds
21 that:
- 22 a. The boundaries of the Combined Reporting Unit conform with
23 the Census block boundaries as shown on the official block maps
24 to be used in the 2000 Census;
- 25 b. The Combined Reporting Unit consists only of contiguous
26 territory;
- 27 c. The precincts of which the Combined Reporting Unit consists
28 were bounded as of January 1, 1996, by ridgelines, as certified on
29 official county maps by the county manager of the relevant
30 county, or if there is no county manager the chair of the board of
31 commissioners, and the boundaries failed to comply with
32 subdivision (2) of this subsection only because those ridgelines
33 were unrecognized as Census block boundaries in the 2000
34 official Census maps;
- 35 d. The Combined Reporting Unit does not contain a majority of the
36 territory of more than one township; and
- 37 e. To alter those precinct boundaries would result in significant
38 voter dislocation.

39 If the Executive Secretary-Director recognizes a Combined
40 Reporting Unit for specific precincts, the official boundaries of those
41 individual precincts forming the Combined Reporting Unit shall be
42 those which the Legislative Services Office submitted to the Executive
43 Secretary-Director under subdivision (3) of this subsection.

1 (7) The Executive Secretary-Director shall file the completed maps with the
2 Census Bureau and request that the Census Bureau provide summaries
3 of 2000 Census data by precinct and Combined Reporting Units.

4 (d) Freezing of Precincts. – Notwithstanding the provisions of G.S. 163-132.3,
5 after the Executive Secretary-Director approves the precincts in accordance with
6 subsection (c) of this section and before January 2, ~~2000~~, 2002, no county board of
7 elections may establish, alter, discontinue, or create any precinct except by division of
8 one precinct into two or more precincts using 2000 Census block boundaries for that
9 division. Provided that, whenever an annexation ordinance adopted under Parts 1, 2, or 3
10 of Article 4A of Chapter 160A of the General Statutes, or a local act of the General
11 Assembly annexing property to a municipality, becomes effective during the period
12 beginning with the date of the annexation as reported through the U.S. Census Bureau's
13 1998 Boundary and Annexation Survey and ending January 2, ~~2000~~, 2002, and any part
14 of the boundary of the area being annexed which is actually contiguous to the city is also
15 a precinct boundary for elections administered by the county board of elections then the
16 county board of elections may exercise one of the following options:

17 (1) Direct by resolution that the annexed area is automatically moved into
18 the 'city precinct', provided that if the annexed area is adjacent to more
19 than one city precinct, the board of elections shall place the area in any
20 one or more of the adjacent city precincts.

21 (2) Adopt a resolution moving the precinct boundary to a visible feature
22 that the Census Bureau has indicated it will use as a 2000 block
23 boundary.

24 The county board of elections shall submit any proposed change made during the freeze
25 under this subsection to the Legislative Services Office, which shall review the proposal
26 and write a letter advising the Executive Secretary-Director of its opinion as to the legal
27 compliance of the proposal. If the proposal complies with the law, the Executive
28 Secretary-Director shall approve the proposal. The county board of elections may delay the
29 effective date of any change under this subsection to a date not later than January 1, 2002.

30 (e) Municipal and Township Boundaries. – Notwithstanding the provisions of
31 subsections (c) and (d) of this section, the county boards of elections may designate
32 precinct boundaries on municipal or township boundaries that are not designated on the
33 2000 official Census block maps, according to directives promulgated by the Executive
34 Secretary-Director of the State Board of Elections and adopted to insure that all precincts
35 shall be included on the 2000 Census database.

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

39 ~~§ 163-132.1A. Precinct boundaries for certain counties.~~

40 (a) ~~The boundaries of precincts for the counties listed in subsection (b) of this~~
41 ~~section are those recorded in the Legislative Services Office's automated redistricting~~
42 ~~system as of May 1, 1991, except as changed in accordance with G.S. 163-132.3, and~~
43 ~~except in Caldwell County, the boundaries of Lenoir #3, North Catawba, Gamewell #1,~~

1 and Gamewell #2 Precincts shall be as provided on the precinct map of the county
2 adopted by the Caldwell County Board of Elections and in effect on January 1, 1992,
3 unless changed in accordance with G.S. 163-132.1 or G.S. 163-132.3, whichever occurs
4 later.

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

12 **§ 163-132.2. Precinct boundaries for other counties.**

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

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

19 a. Townships, as certified by the county manager, or the chairman
20 of the board of county commissioners if there is not a county
21 manager, on the official map of the county;

22 b. The census blocks established under the latest U.S. Census;

23 c. The following visible physical features, readily distinguishable
24 upon the ground:

25 1. Roads or streets;

26 2. Water features or drainage features;

27 3. Ridgelines;

28 4. Ravines;

29 5. Jeep trails;

30 6. Rail features;

31 7. Above-ground power lines; or

32 8. Major footpaths

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

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

39 e. A combination of these boundaries;

40 (1a) Alter, where necessary, precinct boundaries so that each precinct is
41 composed solely of contiguous territory;

42 (2) Mark all precinct boundaries on the maps sent by the Legislative
43 Services 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.~~

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

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

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

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

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

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

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

12 (i) ~~Any county board of elections whose precincts were not approved by the~~
13 ~~Executive Secretary Director under the provisions of this section during the year by~~
14 ~~which maps were to be sent to the county under subsection (g) of this section shall submit~~
15 ~~precinct boundary changes that comply with subsection (a) of this section to the~~
16 ~~Legislative Services Office before January 1, 1996, according to directives promulgated~~
17 ~~by the Executive Secretary Director.~~

18 **"§ 163-132.3. Alterations to approved precinct boundaries.**

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

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

40 as certified by the North Carolina Department of Transportation on its
41 highway maps or the county manager of the relevant county or, if there
42 is no county manager, the chair of the county board of commissioners,
43 on 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 new
8 boundaries of these precincts. The Executive Secretary-Director may require a county
9 board of elections to file a written description of the boundaries of any precinct or part
10 thereof. No newly created or altered precinct boundary is effective until approved by the
11 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 **"§ 163-132.4. Directives.**

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

34 **"§ 163-132.5. Cooperation of State and local agencies.**

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

39 **"§ 163-132.5A: Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1.**

40 **"§ 163-132.5B. Exemption from Administrative Procedure Act.**

41 The State Board of Elections is exempt from the provisions of Chapter 150B of the
42 General Statutes while acting under the authority of this Article. Appeals from a final
43 decision of the Executive Secretary-Director of the State Board of Elections under this

1 Article shall be taken to the State Board of Elections within 30 days of that decision. The
2 State Board shall approve, disapprove or modify the Executive Secretary's decision
3 within 30 days of receipt of notice of appeal. Failure of the State Board to act within 30
4 days of receipt of notice of appeal shall constitute a final decision approving that of the
5 Executive Secretary. Appeals from a final decision of the State Board under this Article
6 shall be taken to the Superior Court of Wake County.

7 **"§ 163-132.5C. Local acts and township lines.**

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

11 (b) Precinct boundaries established, retained or changed under this Article, or
12 changed to follow a district line where a precinct has been divided in a districting plan,
13 may cross township lines.

14 **"§ 163-132.5D. Retention of precinct maps.**

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

17 ~~**§ 163-132.5E. Precinct maps and voter statistics filed with the Legislative Services**~~
18 ~~**Office.**~~

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

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

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

37 **"§ 163-132.5F. U.S. Census data by precinct.**

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

41 **"§ 163-132.6: Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1."**

42 Section 2. G.S. 163-132.3(a), as amended by Chapter 423 of the 1995 Session
43 Laws, reads as rewritten:

1 (a) No county board of elections may change any precinct boundary unless the
2 proposed new precinct consists solely of contiguous territory and its new boundaries are
3 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 or the
8 boundaries contained on the latest preliminary U.S. Census maps, issued
9 under P.L. 94-171, whichever occurs later;
- 10 (3) The following visible physical features, readily distinguishable upon the
11 ground:
- 12 a. Roads or streets;
- 13 b. Water features or drainage features;
- 14 c., d., and e. Repealed by Session Laws 1995, c. 423, s. 3, effective
15 January 2, 2000.
- 16 f. Rail features; or
- 17 g. ~~Above-ground~~ Major above-ground power lines
- 18 h. Repealed by Session Laws 1995, c. 423, s. 3, effective January 2,
19 2000.

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

- 24 (4) Municipalities, as certified by the city clerk on the official map of the
25 city; or
- 26 (5) A combination of these boundaries.

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

36 Section 3. Notwithstanding Sections 2 and 3 of Chapter 423 of the 1995
37 Session Laws, the version of G.S. 163-132.3(a) enacted by Section 3 of that act and
38 amended by Section 2 of this act becomes effective January 2, 2002, and the previous
39 version of G.S. 163-132.3(a) expires January 2, 2000. G.S. 163-132.3(a) is suspended
40 from January 2, 2000, to January 2, 2002.

41 Section 4. This act is effective when it becomes law.