



1	Judge of district court	Appropriate district executive
2	District Attorney	committee of political party
3	State Senator in a multi-	in which vacancy occurs
4	county senatorial district	
5	Member of State House of	
6	Representatives in a multi-	
7	county representative	
8	district	
9		
10	State Senator in a single-	County executive committee
11	county senatorial district	of political party in which
12	Member of State House of	vacancy occurs, provided, in
13	Representatives in a	the case of the State
14	single-county	Senator or State
15	representative district	Representative in a
16	Any elective county office	single-county district where
17		not all the county is
18		located in that district,
19		then in voting, only those
20		members of the county
21		executive committee who
22		reside within the
23		district shall vote
24		

25 The party executive making a nomination in accordance with the provisions of this  
 26 section shall certify the name of its nominee to the chairman of the board of elections,  
 27 State or county, charged with the duty of printing the ballots on which the name is to  
 28 appear. If at the time a nomination is made under this section the general election ballots  
 29 have already been printed, the provisions of G.S. 163-139 shall apply. If ~~any person~~  
 30 ~~nominated as a candidate of a vacancy occurs in a nomination of a political party~~  
 31 ~~vacates such nomination and such that~~ vacancy arises from a cause other than death and  
 32 the vacancy in nomination occurs more than 120 days before the general election, the  
 33 vacancy in nomination may be filled under this section only if the appropriate executive  
 34 committee certifies the name of the nominee in accordance with this paragraph at least  
 35 75 days before the general election.

36 In a county not all of which is located in one congressional district, in choosing the  
 37 congressional district executive committee member or members from that area of the  
 38 county, only the county convention delegates or county executive committee members  
 39 who reside within the area of the county which is within the congressional district may  
 40 vote.

41 In a county which is partly in a multi-county senatorial district or which is partly in a  
 42 multi-county House of Representatives district, in choosing that county's member or  
 43 members of the senatorial district executive committee or House of Representatives

1 district executive committee for the multi-county district, only the county convention  
2 delegates or county executive committee members who reside within the area of the  
3 county which is within that multi-county district may vote."

4 **SECTION 2.** G.S. 163-128 reads as rewritten:

5 **"§ 163-128. Election precincts and voting places established or altered.**

6 (a) Each county shall be divided into a convenient number of precincts for the  
7 purpose of voting. Upon a resolution adopted by the county board of elections and  
8 approved by the Secretary-Director of the State Board of Elections voters from a given  
9 precinct may be temporarily transferred, for the purpose of voting, to an adjacent  
10 precinct. Any such transfers shall be for the period of time equal only to the term of  
11 office of the county board of elections making such transfer. When such a resolution has  
12 been adopted by the county board of elections to assign voters from more than one  
13 precinct to the same precinct, then the county board of elections shall maintain separate  
14 registration and voting records, consistent with the procedure prescribed by the State  
15 Board of Elections, so as to properly identify the precinct in which such voters reside.  
16 The polling place for a precinct shall be located within the precinct or on a lot or tract  
17 adjoining the precinct.

18 Except as provided by Article 12A of this Chapter, the county board of elections  
19 shall have power from time to time, by resolution, to establish, alter, discontinue, or  
20 create such new election precincts or voting places as it may deem expedient. Upon  
21 adoption of a resolution establishing, altering, discontinuing, or creating a precinct or  
22 voting place, the board shall give 45 days' notice thereof prior to the next primary or  
23 election. Notice shall be given by advertisement in a newspaper having general  
24 circulation in the county, by posting a copy of the resolution at the courthouse ~~door,~~  
25 door and at the office of the county board of elections, and by mailing a copy of the  
26 resolution to the chairman of every political party in the county. Notice may  
27 additionally be made on a radio or television station or both, but such notice shall be in  
28 addition to the newspaper and other required notice. No later than 30 days prior to the  
29 primary or election, the county board of elections shall mail a notice of precinct change  
30 to each registered voter who as a result of the change will be assigned to a different  
31 voting place.

32 (b) Each county board of elections shall prepare a map of the county on which  
33 the precinct boundaries are drawn or described, shall revise the map when boundaries  
34 are changed, and shall keep a copy of the current map on file and posted for public  
35 inspection at the office of the Board of Elections, and shall file a copy with the State  
36 Board of Elections."

37 **SECTION 3.** G.S. 163-254 reads as rewritten:

38 **"§ 163-254. Registration and voting on primary or election day.**

39 Notwithstanding any other provisions of Chapter 163 of the General Statutes, any  
40 person entitled to vote an absentee ballot pursuant to G.S. 163-245 who is absent in any  
41 of the capacities specified in that section on the day the registration records close for an  
42 election but who returns to that person's county of residence in North Carolina thereafter  
43 shall be permitted to register in person at any time including the day of a primary or

1 election. Should such person's eligibility to register or vote as provided in G.S. 163-245  
2 terminate after the twenty-fifth day prior to a primary or election, such person, if he  
3 appears in person, shall be entitled to register if otherwise qualified after the  
4 twenty-fifth day before the primary or election, or on the primary or election day, and  
5 shall be permitted to vote if such person is otherwise qualified."

6 **SECTION 4.** G.S. 163-227.3 reads as rewritten:

7 "**§ 163-227.3. Date by which absentee ballots must be available for voting.**

8 (a) The State Board of Elections shall provide absentee ballots of the kinds to be  
9 furnished by the State Board, to the county boards of elections 50 days prior to the date  
10 on which the election shall be conducted unless there shall exist an appeal before the  
11 State Board or the courts not concluded, in which case the State Board shall provide the  
12 ballots as quickly as possible upon the conclusion of such an appeal. In every instance  
13 the State Board shall exert every effort to provide absentee ballots, of the kinds to be  
14 furnished by the State Board, to each county by the date on which absentee voting is  
15 authorized to commence. In any case where absentee ballots are printed by the county  
16 board of elections, that county board shall follow the direction of the State Board in  
17 delaying absentee ballots while an appeal is pending and in providing them as soon as  
18 possible thereafter.

19 (b) Second Primary. -- The State Board of Elections shall provide absentee  
20 ballots, of the kinds to be furnished by the State Board, as quickly as possible after the  
21 ballot information has been determined."

22 **SECTION 5.** G.S. 163-278.39(a)(3) is repealed.

23 **SECTION 6.** G.S. 120-163 reads as rewritten:

24 "**§ 120-163. Petition.**

25 (a) The process of seeking the recommendation of the Commission is  
26 commenced by filing with the Commission a petition signed by fifteen percent (15%) of  
27 the registered voters of the area proposed to be incorporated, but by not less than 25  
28 registered voters of that area, asking for incorporation. The voter shall sign the petition  
29 and also clearly print that voter's name adjacent to the signature. The petition must also  
30 contain the voter's residence address and date of birth.

31 (b) The petition must be verified by the county board of elections of the county  
32 where the voter is alleged to be registered. The board of elections shall cause to be  
33 examined the signature, shall place a check mark beside the name of each signer who is  
34 qualified and registered to vote in that county in the area proposed to be incorporated,  
35 and shall attach to the petition a certificate stating the number of voters registered in that  
36 county in the area proposed to be incorporated, and the total number of registered voters  
37 who have been verified. The county board of elections shall return the petition to the  
38 person who presented it within 15 working days of receipt. That period of 15 working  
39 days shall be tolled for any period of time that is also either two weeks before or one  
40 week after a primary or election being conducted by the county board of elections.

41 (c) The petition must include a proposed name for the city, a map of the city, a  
42 list of proposed services to be provided by the proposed municipality, the names of  
43 three persons to serve as interim governing board, a proposed charter, a statement of the

1 estimated population, assessed valuation, degree of development, population density,  
2 and recommendations as to the form of government and manner of election. The  
3 petition must contain a statement that the proposed municipality will have a budget  
4 ordinance with an ad valorem tax levy of at least five cents (5¢) on the one hundred  
5 dollar (\$100.00) valuation upon all taxable property within its corporate limits. The  
6 petition must contain a statement that the proposed municipality will offer four of the  
7 following services no later than the first day of the third fiscal year following the  
8 effective date of the incorporation: (i) police protection; (ii) fire protection; (iii) solid  
9 waste collection or disposal; (iv) water distribution; (v) street maintenance; (vi) street  
10 construction or right-of-way acquisition; (vii) street lighting; and (viii) zoning. In order  
11 to qualify for providing police protection, the proposed municipality must propose  
12 either to provide police service or to have services provided by contract with a county or  
13 another municipality that proposes that the other government be compensated for  
14 providing supplemental protection. The proposed municipality may not contain any  
15 noncontiguous areas.

16 (d) The petitioners must present to the Commission the verified petition from the  
17 county board of elections.

18 (e) A petition must be submitted to the Commission at least 60 days prior to  
19 convening of the next regular session of the General Assembly in order for the  
20 Commission to make a recommendation to that session."

21 **SECTION 7.** G.S. 163-192.1 reads as rewritten:

22 "**§ 163-192.1. Mandatory recounts.**

23 (a) Whenever, according to the canvass made under this Article, the difference  
24 between the number of votes received by a candidate who:

- 25 (1) Has received the number of votes necessary to be declared nominated  
26 for an office in a primary election with a majority; or  
27 (2) Received the number of votes necessary to be declared nominated for  
28 an office in a second primary election

29 and the number of votes received by any candidate in the race is not more than one  
30 percent (1%) of the total votes which were cast for that office, except in multi-seat races  
31 one percent (1%) of the total votes cast for those two candidates, the State Board of  
32 Elections shall, before declaring the person nominated, order a recount of the primary if  
33 a candidate whose votes, according to a tally of the canvasses made under Article 15 of  
34 this Chapter, fell within one percent (1%) of a successful candidate shall, by noon on  
35 the ~~eight day (Saturdays and Sundays included)~~ second Wednesday following the  
36 election, request in writing such a recount. ~~Provided, however, that in~~ If, however, in  
37 a statewide contest, no candidate shall be entitled to an automatic recount under this  
38 section unless the difference is ~~at least~~ no greater than one-half of one percent (0.5%)  
39 of the votes cast, or 10,000 votes, whichever is less. ~~Provided further that~~ Further, if the  
40 canvass made under this Article determines that a candidate who was not originally  
41 thought to be within the percentage entitling him to a recount based on the tally of  
42 canvasses made under Article 15 of this Chapter is in fact within the percentage  
43 entitling him to a recount, the Executive Secretary-Director of the State Board of

1 Elections shall immediately notify the candidate and the candidate shall be entitled to a  
2 recount if he so requests within 48 hours of notification.

3 (b) Whenever, according to the canvass made under this Article, the difference  
4 between the number of votes received by a candidate who has been declared elected to  
5 an office in a general election and the number of votes received by any other candidate  
6 in the race shall be not more than one percent (1%) of the total votes which were cast  
7 for that office, except in multi-seat races one percent (1%) of the total votes cast for  
8 those two candidates, or where there is a tie vote between those candidates, the State  
9 Board of Elections shall, before certifying the result to the Secretary of State under G.S.  
10 163-193, order a recount of the election if a candidate whose votes, according to a tally  
11 of the canvasses made under Article 15 of this Chapter, fell within one percent (1%) of  
12 a successful candidate (or in the case of a tie, either candidate) shall, by noon on the  
13 ~~eight day (Saturdays and Sundays included)~~ second Wednesday following the election,  
14 request in writing such a recount. ~~Provided, however, that~~ If, however, in a statewide  
15 contest, no candidate shall be entitled to an automatic recount under this section unless  
16 the difference is ~~at least~~ no greater than one-half of one percent (0.5%) of the votes  
17 cast, or 10,000 votes, whichever is less. ~~Provided further that~~ Further, if the canvass  
18 made under this Article determines that a candidate who was not originally thought to  
19 be within the percentage entitling him to a recount based on the tally of canvasses made  
20 under Article 15 of this Chapter is in fact within the percentage entitling him to a  
21 recount, the Executive Secretary-Director of the State Board of Elections shall  
22 immediately notify the candidate and the candidate shall be entitled to a recount if he so  
23 requests within 48 hours of notification.

24 (c) The recount shall be conducted under the supervision of the State Board of  
25 Elections.

26 (d) This section applies to the offices listed in G.S. 163-192."

27 **SECTION 8.** This act is effective when it becomes law.