

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION
SECOND EXTRA SESSION 1982

CHAPTER 3
HOUSE BILL 2

AN ACT OF LIMITED DURATION TO SCHEDULE THE PRIMARY ELECTIONS IN 1982 ONLY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary, the primary election schedule, pursuant to G.S. 1631(b), to be conducted in North Carolina in 1982 only, shall be postponed and conducted on Thursday, June 10, 1982, with a second primary, if necessary, to be conducted on Thursday, July 8, 1982, consistent with the schedule hereinafter prescribed.

Sec. 2. The primary elections in 1982 for all offices scheduled to be nominated in North Carolina shall be ordered by the State Board of Elections and all county boards of elections in accordance with the primary election dates specified in Section 1 herein and in accordance with the attendant dates set forth below:

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| Friday, April 30, 1982 | - | At 12:00 noon candidates for U.S. House of Representatives, State Senate and State House of Representatives may commence filing for office. |
| Friday, May 7, 1982 | - | At 12:00 noon the filing period for candidates for U.S. House of Representatives, State Senate and State House of Representatives shall expire. |

Each county board of elections shall publish notice of the date of the primary election and other elections to be held on that date as well as the opening and closing dates for filing for the offices of U.S. House of Representatives, State Senate and State House of Representatives as quickly as possible following the ratification of this act. This act does not reopen the filing period for any other office.

Sec. 3. The registration books for persons to be eligible to vote in the primary election shall be closed on May 17, 1982.

Sec. 4. The State Board of Elections is hereby authorized, consistent with provisions in G.S. 163-188, to set the dates on which it shall conduct the canvass and issue its certification of the results of the 1982 primary elections.

Sec. 5. The county boards of elections shall conduct the canvass of the results of the 1982 primary elections at 11:00 a.m. on the Saturday following the Thursday on which the first and second primaries are conducted and are hereby authorized to utilize the necessary county government facilities and accommodations in order to complete said responsibilities.

Sec. 6. The State Board of Elections shall prepare and distribute to the county boards of elections a Revised Primary Election Timetable 1982, setting out the applicable filing period for candidates for U.S. House of Representatives, State Senate and State House of Representatives along with all other pertinent dates relative to the primary election timetable as required by provisions specified in this act. Each county board of elections shall make a copy of the timetable available to the news media.

Sec. 7. The State Board of Elections shall implement the provisions of this act and shall be authorized to assign responsibilities attendant thereto pursuant to provisions contained in G.S. 163-26 and G.S. 163-27.

Sec. 8. Applications for absentee ballots shall be received consistent with the schedule specified in G.S. 163109(b), G.S. 163227.2(b) and G.S. 163-227, and absentee ballots for all offices except North Carolina State Senate and North Carolina State House of Representatives shall be issued promptly consistent with statutory requirements. The State Board of Elections shall instruct all county boards of elections to the end that all requirements contained in this act are adhered to.

Sec. 9. Absentee ballots are authorized for the office of U.S. House of Representatives and shall be issued as quickly as the ballots can be made available. The requirement that absentee ballots shall be available for voting at least 60 days prior to the date of the primary shall not apply with regard to the 1982 primary elections only. The State Board of Elections shall instruct the county boards of elections on the procedure to follow to ensure expeditious supplemental issuance by mail to each voter who previously was issued absentee ballots, as promptly as possible after the ballots for U.S. House of Representatives are available if those ballots are not yet available when the voter applies. No additional application shall be required from any voter whose application was approved and to whom all other ballots available were previously mailed or otherwise issued.

Sec. 10. Absentee ballots shall be authorized for the offices of North Carolina State Senate and North Carolina House of Representatives for the 1982 primary, and for the first primary shall be issued supplementally to all persons who were previously issued ballots as soon as the ballots for those offices are prepared.

Sec. 11. No person shall be permitted to file as a candidate in the primary for U.S. House of Representatives, North Carolina State Senate or North Carolina House of Representatives who has changed his political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 16374(b) unless such person shall have affiliated with the political party in which he seeks to be a candidate for at least three months prior to the filing deadline specified in G.S. 163106(c) as was applicable to all candidates for State and district judicial offices and all county offices which filing period expired at 12:00 noon on February 1, 1982.

Sec. 12. Whenever in accordance with the provisions of any local or general law a primary or election for a board of education or other office is to be held on the date of the primary election, or it is set to be on the Tuesday after the first Monday in May in 1982, it shall be held on the date provided in

Section 1 of this act, and any election or runoff scheduled for four weeks later shall be held on the date specified in Section 1 for the second primary.

Sec. 13. Whenever in any apportionment plan for the U.S. House of Representatives, North Carolina Senate or North Carolina House of Representatives, a precinct is placed in two or more districts, and there is a primary, then the county board of elections, with the approval of the State Board of Elections may, for the 1982 primary election:

- (1) Divide the precinct into two or more precincts.
- (2) Change precinct lines to place part of the precinct with a precinct which has the same election district.
- (3) Keep the same precinct but ascertain either in advance or on the date of the primary which district the voter resides in, and if a primary is being held in that district, give the voter the ballots for the appropriate district. This may be accomplished by a paper ballot for the office even if a machine is used for other offices or other voters.
- (4) Provide some other procedure to ensure that each voter does not cast ballots in more than one district.

In adopting a procedure under this section, the Board shall attempt to use the method which is least disruptive to the voter, and any action to change precinct lines shall be taken in accordance with G.S. 163-28 except that notice shall be given not less than 15 days prior to the primary election instead of 20 days prior to the close of registration.

Sec. 14. In case the area in any military reservation has been placed in several precincts without definite lines having been drawn, the county board of elections may provide for the entire military reservation to be in one election precinct, irrespective of township lines in accordance with Section 13 of this act, or it may use an alternative stated in Section 13 of this act. Any action under this section must be approved by the State Board of Elections.

Sec. 15. In the case of a district executive committee under G.S. 163-114 to fill vacancies among party nominees occurring after nomination and before election, in cases where part of the county is in a U.S. House, North Carolina Senate, or North Carolina House district with all or part of another county, a county political party, in choosing members, shall allow only delegates from precincts within the district to vote in electing the members of the district executive committee. In a case where a district constitutes part of a county standing alone, and the county executive committee is to vote to fill the nomination, only members of the committee who reside within the district may vote. Rules for voting shall be prescribed by the State party chairman unless the State party provides otherwise.

Sec. 16. For the 1982 primary election only, G.S. 163-112 shall be applied by substituting "10 days" for "30 days" wherever it appears, insofar as the offices of U.S. House of Representatives, North Carolina Senate, or North Carolina House are concerned.

Sec. 17. In the event of any delay in the conduct of the primary election in 1982 for the offices of State Senate or State House of Representatives by order of any court of competent jurisdiction or because either or both plans of apportionment have not been approved under the Voting Rights Act, then the primary for North Carolina House or North Carolina Senate, as appropriate, shall not be held on June 10, 1982, but shall be held on a date ordered by the General Assembly or by a court of competent jurisdiction. A delay in the primary for one house does not automatically delay the primary for the other house.

Sec. 18. The provisions of this act shall be temporary and shall apply only to the 1982 primary elections conducted in North Carolina and its provisions shall expire on September 1, 1982; however, its provisions shall temporarily suspend all requirements in law to the contrary until the date of expiration.

Sec. 19. A copy of this act shall be mailed to each county board of elections by the Legislative Services Office immediately upon ratification.

Sec. 19.1. G.S. 163-22.2 is amended by rewriting the first two lines to read:

"In the event any portion of Chapter 163 of the General Statutes or any State election law or form of election of any county board of commissioners is held unconstitutional or invalid by a State or Federal Court or is unenforceable because of objection interposed by the United States Justice Department under the Voting Rights Act and such ruling".

Sec. 19.2. In the case of any local election to be held under G.S. 163-287 or G.S. 159-61 on June 10, 1982, first notice shall be published at least seven days before registration books are to close, rather than 20 days or 14 days, respectively. The registration books for all elections to be held on June 10, 1982, shall close on May 17, 1982.

Sec. 19.3. Notwithstanding anything in Article 20 of Chapter 163 of the General Statutes, the deadline for issuance of absentee ballot applications and for one-stop absentee voting shall be Monday, June 7, 1982, for the first primary, and Tuesday, July 6, 1982, for the second primary.

Sec. 20. Section 3 of Chapter 1130, Session Laws of 1981, and Chapter 3 of Extra Session Laws of 1982, First Extra Session, in its entirety, are repealed.

Sec. 21. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 27th day of April, 1982.