

GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND EXTRA SESSION 1984

CHAPTER 2
HOUSE BILL 3

AN ACT TO PROVIDE FOR PRIMARY ELECTIONS IN DISTRICTS
REAPPORTIONED BY THE 1984 EXTRA SESSION OF THE GENERAL
ASSEMBLY.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provisions of law to the contrary, the primary election schedule, for 1984 only, for districts of the North Carolina House of Representatives or North Carolina Senate reapportioned by the 1984 Extra Session of the General Assembly shall be postponed and conducted in accordance with the schedule as hereinafter provided.

Sec. 2. The primary elections in 1984 for offices reapportioned by the 1984 Extra Session of the General Assembly shall be ordered by the State Board of Elections in accordance with the following schedule and shall be conducted on one of the alternative dates set forth herein, as computed in Section 3:

Schedule Number	First Primary	Second Primary	Filing Date
1	June 5	July 17	April 23-30
2	July 17	August 14	May 18-25

Sec. 3. Schedule 1 above shall be used if approval from a court of competent jurisdiction (and if also necessary, clearance by the United States Department of Justice or the United States District Court for the District of Columbia) has been received for a district by 5:00 p.m. on April 20, 1984. Schedule 2 shall be used if such approval has not been received by that time but has been received by 5:00 p.m. on May 17, 1984.

For the purposes of this section, approval of a district means approval of all the new districts reapportioned from an old district. For instance, if Senate District 22 is reapportioned into Senate Districts 22, 33, 34, and 35, approval of all four districts is required; provided that for the purposes of this section, in an act reapportioning Senate District 2 and other districts, it means approval of all districts covered by that act.

Sec. 4. Filing shall open and close at 12:00 noon on the dates indicated in Section 2 of this act.

Sec. 5. If approval has not been received by 5:00 p.m. on May 17, 1984, then the primary election dates for the offices involved shall be set by the 183 Regular Session of the General Assembly when next it reconvenes.

Sec. 6. All candidate filing during the regular filing period January 2, 1984, through February 6, 1984, for any district of the North Carolina House of Representatives or the North Carolina Senate reapportioned by the 1984 Extra Session

of the General Assembly is hereby voided, and the filing fee for any candidate whose filing is voided by this section shall, upon application, be refunded or, if the candidate chooses to file for a district reapportioned by the 1984 Extra Session, be credited by the county board of elections toward such new filing.

Sec. 7. The State Board of Elections shall prepare and distribute to the county boards of elections a Revised Primary Election Timetable - 1984, setting out the applicable filing period for candidates along with all other pertinent dates relative to the primary election timetable for primary elections rescheduled by this act.

Sec. 8. 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 1984 primary elections rescheduled by this act.

Sec. . For the 1984 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 North Carolina Senate or North Carolina House of Representatives for districts reapportioned by the 1984 Extra Session of the General Assembly are concerned.

Sec. 10. The State Board of Elections shall adopt regulations to implement this act. Adoption of such regulations is not subject to Chapter 150A of the General Statutes except as to filing, publication, and judicial review of the rules. In lieu of the notice requirements of G.S. 163-33(8), the State Board of Elections shall prescribe an abbreviated notice procedure of the primary. The State Board of Elections may modify the filing dates set by Section 2 of this act if necessary to meet objections of the court or United States Department of Justice, and may likewise modify the deadline for filing a petition in lieu of fee under G.S. 163-107.1.

Sec. 11. Absentee voting shall be allowed for any primaries scheduled by this act, but the State Board of Elections is authorized to modify the beginning period for absentee voting to allow for the abbreviated election timetable and to coordinate absentee voting for the 1984 second primary for other offices on June 5 with absentee voting for legislative primaries on June 5.

Sec. 12. Whenever in any apportionment plan for the 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 1984 primary election:

- (1) Divide the precinct into two or more precincts.
- (2) Change precinct lines to place part or parts 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 20 days prior to the primary election instead of 20 days prior to the close of registration.

Sec. 13. In any county where General Assembly districts were reapportioned by the 1984 Extra Session of the General Assembly and where 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 at the same time as the primary for members of the General Assembly, it shall in 1984 instead be held on the same date as the primary for Governor.

Sec. 14. The Legislative Services Officer shall mail a copy of this act to the County Board of Elections in each county affected by this act.

Sec. 15. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 8th day of March, 1984.