

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 74

Short Title: ETJ Voting.

(Public)

Sponsors: Representatives Ellis; and Capps.

Referred to: Local and Regional Government I.

January 31, 1995

A BILL TO BE ENTITLED

AN ACT TO ALLOW RESIDENTS OF THE EXTRATERRITORIAL PLANNING
JURISDICTION OF A CITY TO VOTE IN ELECTIONS OF THAT CITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-282 reads as rewritten:

"§ 163-282. **Residency defined for voting in municipal elections.**

The rules for determining residency within a municipality shall be the same as prescribed in G.S. 163-57 for determining county residency. For the purpose of eligibility to vote in elections for officers of the city, any person who is a resident of an area outside the corporate limits of the municipality where the city exercises extraterritorial jurisdiction under Article 19 of Chapter 160A of the General Statutes (whether by G.S. 160A-360 or by local act) is a resident of the city. A person whose residence in the city is because of the previous sentence is eligible to vote only in elections for officers of the city, and not for other types of elections. No person shall be entitled to reside in more than one city or town at the same time."

Sec. 2. G.S. 163-288.1(a) reads as rewritten:

"(a) Whenever any new city or special district is incorporated or whenever an existing city or district annexes any territory, or adds any territory to its extraterritorial planning jurisdiction under G.S. 160A-360 or by local act, the city or special district shall cause a map of the corporate or district limits, or extraterritorial area to be prepared from

1 the boundary descriptions in the act, charter or other document creating the city or district
2 or authorizing or implementing the annexation or extension of extraterritorial jurisdiction.
3 The map shall be delivered to the county or municipal board of elections conducting the
4 elections for the city or special district. The board of elections shall then activate for city
5 or district elections each voter eligible to vote in the city or district who is registered to
6 vote in the county to the extent that residence addresses shown on the county registration
7 certificates can be identified as within the limits of the city or special district, or within
8 the extraterritorial area, provided that when a voter in an area that is annexed was already
9 a voter because that area had been in the extraterritorial area, no further action is
10 required. Each voter whose registration is thus activated for city or special district
11 elections shall be so notified by mail. The cost of preparing the map of the newly
12 incorporated city or special district or of the newly annexed area, and of activating voters
13 eligible to vote therein, shall be paid by the city or special district. In lieu of the
14 procedures set forth in this section, the county board of elections may use either of the
15 methods of registration of voters set out in G.S. 163-288.2 when activating voters
16 pursuant to the incorporation of a new city or election of city officials or both under
17 authority of an act of the General Assembly or when activating voters after an annexation
18 of new territory by a city or special district under Chapter 160A, Article 4A, or other
19 general or local law.

20 No later than August 1, 1995, each city which has any extraterritorial jurisdiction
21 under Article 19 of Chapter 160A of the General Statutes shall provide a map of such
22 area to the county board of elections. Voters in such area shall be activated for city
23 elections under the procedures of this section."

24 Sec. 3. G.S. 163-288.2 is amended by adding a new subsection to read:

25 "(c) Whenever any area is added to the extraterritorial jurisdiction of a city under
26 G.S. 160A-360 or by local act, or when the county board of elections receives notice of
27 an existing extraterritorial area under G.S. 163-288.1(a), registration in the area shall be
28 conducted as provided in this section as if the area had been annexed."

29 Sec. 3.1. (a) G.S. 160A-23(b) reads as rewritten:

30 "(b) The council shall have authority to revise electoral district boundaries from
31 time to time. If district boundaries are set out in the city charter and the charter does not
32 provide a method for revising them, the council may revise them only for the purpose of
33 (i) accounting for territory annexed to or excluded from the city, or added or excluded
34 from the extraterritorial jurisdiction of the city, and (ii) correcting population imbalances
35 among the districts shown by a new federal census or caused by exclusions or
36 ~~annexations~~ annexations, or additions or exclusions from the extraterritorial jurisdiction
37 of the city. When district boundaries have been established in conformity with the
38 federal Constitution, the council shall not be required to revise them again until a new
39 federal census of population is taken or territory is annexed to or excluded from the city,
40 whichever event first occurs. In establishing district boundaries, the council may use data
41 derived from the most recent federal census and shall not be required to use any other
42 population estimates."

1 (b) Any city which nominates or elects council members where only the residents
2 of the district nominate or elect, and which has any extraterritorial jurisdiction, shall
3 immediately upon ratification of this act realign its districts under G.S. 160A-23 to
4 account for the population in the extraterritorial area.

5 Sec. 4. This act becomes effective with respect to elections held on and after
6 September 1, 1995.