

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 21
PROPOSED COMMITTEE SUBSTITUTE H21-PCS80070-ST-4

Short Title: County Administration of Municipal Elections.

(Public)

Sponsors:

Referred to:

February 2, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE ADMINISTRATION OF NONPARTISAN MUNICIPAL
3 ELECTIONS BY COUNTY BOARDS OF ELECTIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 163-280 is repealed.

6 SECTION 2. G.S. 163-280.1 is repealed.

7 SECTION 3. G.S. 163-281 is repealed.

8 SECTION 4. G.S. 163-284 reads as rewritten:

9 "§ 163-284. **Mandatory administration by county boards of elections.**

10 (a) ~~No later than 30 days after January 1, 1973, every municipality which conducts its~~
11 ~~elections on a partisan basis, and every special district shall deliver its registration books to the~~
12 ~~county board of elections which shall, forthwith, assume the responsibility for administration of~~
13 ~~the registration and election process in such municipalities and special districts. The county~~
14 ~~boards of elections shall have authority to compare the registration books of such~~
15 ~~municipalities and special districts with the county registration books. Any person found to be~~
16 ~~registered for municipal or special district elections but not registered on the county registration~~
17 ~~records shall be required to register with the county board of elections in order to maintain his~~
18 ~~municipal or special district registration. The county board of elections shall forthwith notify~~
19 ~~any such person by mail to the address appearing on the municipal or special district~~
20 ~~registration records that he must reregister. The county board of elections shall have authority~~
21 ~~to require maps or definitive outlines of the boundaries constituting such municipality or~~
22 ~~special district and shall be immediately advised of any change or relocation of such~~
23 ~~boundaries.~~

24 (b) The registration of voters and the conduct of all elections in municipalities and
25 special districts ~~covered under this section~~ shall be under the authority of the county board of
26 elections. Any contested election or allegations of irregularities shall be made to the county
27 board of elections and appeals from such rulings may be made to the State Board of Elections
28 under existing statutory provisions and rules or regulations adopted by the State Board of
29 Elections.

30 Each municipality and special district shall reimburse the county board of elections for the
31 actual cost involved in the administration required under (a) ~~and (b)~~ of this section."

32 SECTION 5. G.S. 163-285 is repealed.

33 SECTION 6. G.S. 163-286(b) is repealed.

34 SECTION 7. G.S. 163-287 reads as rewritten:



* H 2 1 - P C S 8 0 0 7 0 - S T - 4 *

"§ 163-287. Special elections; procedure for calling.

Any city, ~~whether its elections are conducted by the county board of elections or the municipal board of elections,~~ municipality or any special district shall have authority to call special elections as permitted by law. Prior to calling a special election, the city council or the governing body of the special district shall adopt a resolution specifying the details of the election, and forthwith deliver the resolution to the appropriate board of elections. The resolution shall call on the board of elections to conduct the election described in the resolution and shall state the date on which the special election is to be conducted. The special election may be held at the same time as any other State, county or municipal primary, election or special election or referendum, but may not otherwise be held within the period of time beginning 30 days before and ending 30 days after the date of any other primary, election, special election or referendum held for that city or special district.

Legal notice of the special election shall be published no less than 45 days prior to the special election. The ~~appropriate~~ board of elections shall be responsible for publishing the legal notice. The notice shall state the date and time of the special election, the issue to be submitted to the voters, and the precincts in which the election will be held. This paragraph shall not apply to bond elections."

SECTION 8. G.S. 163-288 reads as rewritten:

"§ 163-288. Registration for city elections; county and municipal boards of elections.

~~Regardless of whether the municipal election is conducted by the county board of elections or by a municipal board of elections,~~ The registration record of the county board of elections shall be the official registration record for voters to vote in all elections, city, district, county, State or national."

SECTION 9. 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, the city or special district shall cause a map of the corporate or district limits to be prepared from the boundary descriptions in the act, charter or other document creating the city or district or authorizing or implementing the annexation. The map shall be delivered to the county ~~or municipal~~ board of elections conducting the elections for the city or special district. The board of elections shall then activate for city or district elections each voter eligible to vote in the city or district who is registered to vote in the county to the extent that residence addresses shown on the county registration certificates can be identified as within the limits of the city or special district. Each voter whose registration is thus activated for city or special district elections shall be so notified by mail. The cost of preparing the map of the newly incorporated city or special district or of the newly annexed area, and of activating voters eligible to vote therein, shall be paid by the city or special district. In lieu of the procedures set forth in this section, the county board of elections may use either of the methods of registration of voters set out in G.S. 163-288.2 when activating voters pursuant to the incorporation of a new city or election of city officials or both under authority of an act of the General Assembly or when activating voters after an annexation of new territory by a city or special district under Chapter 160A, Article 4A, or other general or local law."

SECTION 10. G.S. 163-289(c) is repealed.

SECTION 11. G.S. 115C-507 reads as rewritten:

"§ 115C-507. Rules governing elections.

All elections under this Chapter shall be held and conducted by the appropriate county ~~or municipal~~ board of elections.

If the purpose of the election is to enlarge a city administrative unit, the notice of election shall include the following: a statement of the purpose of the election; a legal description of the area within which the election is to be held; and a statement that if a majority of those who shall vote in the area proposed to be consolidated with the city administrative unit shall vote in

1 favor of such enlargement such area shall be consolidated with the city administrative unit,
2 effective July 1 next following such election, and there shall thereafter be levied in such area so
3 consolidated with the city administrative unit the same school taxes as shall be levied in the
4 other portions of the city administrative unit, including any tax levy to provide for the payment
5 of school bonds theretofore issued by or for such city administrative unit or for all or some part
6 of the school area annexed to such city administrative unit, unless payment of such bonds has
7 otherwise been provided for.

8 The notice of the election shall be given as provided in G.S. 163-33(8) and in addition
9 include a legal description of the area within which the election is to be held, and, if any
10 additional tax is proposed to be levied, the maximum rate of tax to be levied which shall not
11 exceed the maximum prescribed by this Article, and the purpose of the tax.

12 No new registration of voters is required, but the board of elections, in its discretion, may
13 use either Method A or Method B set forth in G.S. 163-288.2 in activating the voters in the
14 territory.

15 The ballot in such election shall contain the words "FOR local tax and AGAINST local
16 tax" except when the election is held under subsection (c) of G.S. 115C-501, in which case the
17 ballots shall contain the words "FOR enlargement of the _____ City Administrative
18 Unit and school tax of the same rate," and "AGAINST enlargement of the _____ City
19 Administrative Unit and school tax of the same rate."

20 The elections shall be held in accordance with the applicable provisions of Chapter 163 and
21 the expense of the election shall be paid by the board of education of the administrative unit in
22 which the election is held, provided that when territory is proposed to be added to a city
23 administrative unit, that unit shall bear the expense.

24 No election held under this Article shall be open to question except in an action or
25 proceeding commenced within 30 days after the board of elections has certified the results."

26 **SECTION 12.** G.S. 120-30.9F reads as rewritten:

27 **"§ 120-30.9F. Municipalities; municipal attorney.**

28 The municipal attorney of any municipality covered by the Voting Rights Act of 1965 shall
29 submit to the Attorney General of the United States within 30 days:

- 30 (1) Of the time they become laws, any local acts of the General Assembly; and
- 31 (2) Of adoption actions of the municipal governing body or ~~municipal~~ board of
32 elections or any other municipal agency which constitutes a "change
33 affecting voting" under Section 5 of the Voting Rights Act of 1965 in that
34 municipality; provided that, if required or allowed by regulations or
35 practices of the United States Department of Justice, a municipal attorney
36 may delay submission of any annexation ordinance or group of ordinances
37 until all previously submitted annexation ordinances have been precleared or
38 otherwise received final disposition."

39 **SECTION 13.** G.S. 128-1.1(d) reads as rewritten:

40 "(d) The term "elective office," as used herein, shall mean any office filled by election
41 by the people when the election is conducted by a county or ~~municipal~~ board of elections under
42 the supervision of the State Board of Elections."

43 **SECTION 14.** G.S. 162A-35 reads as rewritten:

44 **"§ 162A-35. Procedure for inclusion of additional political subdivision or unincorporated
45 area; notice and hearing; elections; actions questioning validity of elections.**

46 If, at any time subsequent to the creation of a district, there shall be filed with the district
47 board a resolution of the governing body of a political subdivision, or a petition, signed by not
48 less than fifteen per centum (15%) of the voters resident within an unincorporated area,
49 requesting inclusion in the district of such political subdivision or unincorporated area, and if
50 the district board shall favor the inclusion in the district of such political subdivision or
51 unincorporated area, the district board shall notify the board of commissioners and the board of

1 commissioners, through its chairman, shall thereupon request that a representative of the
2 Department of Environment and Natural Resources hold a joint public hearing with the board
3 of commissioners concerning the inclusion of such political subdivision or unincorporated area
4 in the district. The Secretary of Environment and Natural Resources and the chairman of the
5 board of commissioners shall name a time and place within the district at which the public
6 hearing shall be held. The chairman of the board of commissioners shall give prior notice of
7 such hearing by posting a notice at the courthouse door of the county and also by publication in
8 a newspaper circulating in the district and in any such political subdivision or unincorporated
9 area at least once a week for four successive weeks, the first publication to be at least 30 days
10 prior to such hearing. In the event all matters pertaining to the inclusion of such political
11 subdivision or unincorporated area cannot be included at such hearing, such hearing may be
12 continued to a time and place within the district determined by the board of commissioners
13 with the concurrence of the representative of the Department of Environment and Natural
14 Resources.

15 If, after such hearing, the Commission for Public Health and the board of commissioners
16 shall determine that the preservation and promotion of the public health and welfare require
17 that such political subdivision or unincorporated area be included in the district, the
18 Commission for Public Health shall adopt a resolution to that effect, defining the boundaries of
19 the district including such political subdivision or unincorporated area which has filed a
20 resolution or petition as provided for in this section, and declaring such political subdivision or
21 unincorporated area to be included in the district, subject to the approval, as to the inclusion of
22 such political subdivision, of a majority of the qualified voters of such political subdivision, or
23 as to the inclusion of such unincorporated area, of a majority of the qualified voters of such
24 unincorporated area, voting at an election thereon to be called and held in such political
25 subdivision or unincorporated area. When an election is required to be held within both a
26 political subdivision and an unincorporated area, a separate election shall be called and held for
27 the unincorporated area and a separate election shall be called and held for the political
28 subdivision. Such separate elections, although independent one from the other, shall be called
29 and held within each political subdivision and within the unincorporated area simultaneously
30 on the same date.

31 If, at or prior to such public hearing, there shall be filed with the district board a petition
32 signed by not less than fifteen percent (15%) of the registered voters of the district requesting
33 an election to be held on the question of including the political subdivision or unincorporated
34 area in the district, the district board shall certify the petition and if found adequate, shall
35 request the county board of elections to hold the election in the district. The election in the
36 district may be held at the same time as the election in the political subdivision or
37 unincorporated area seeking to become a part of the district.

38 The county board of elections shall give notice of the elections as required in
39 G.S. 163-33(8) and shall conduct the ~~election in the unincorporated area and within the political~~
40 ~~subdivision unless there is a municipal board of elections which conducts the elections for the~~
41 ~~municipality election.~~

42 The cost of the election in the district shall be paid by the district board and the cost of the
43 municipal election by the municipality. The county shall pay the cost of an election in the
44 unincorporated area. The governing body of the political subdivision shall file an accurate
45 description of its boundaries, and those persons signing the petition for an unincorporated area
46 shall file an accurate description of its boundaries with the board of elections at the time the
47 petition is filed with the district board.

48 The elections shall be held and conducted in accordance with the applicable provisions of
49 Articles 23 and 24 of Chapter 163 of the General Statutes.

50 The ballot shall contain the words:

1 "FOR inclusion in the ____ Metropolitan Water District of ____ County that area known
2 as ____."

3 "AGAINST inclusion in the ____ Metropolitan Water District of ____ County that area
4 known as ____."

5 If a majority of the votes cast in a political subdivision or unincorporated areas proposed to
6 be included are in favor of inclusion, and a majority of the votes cast in the district favor
7 inclusion, then from and after the date of the certification of the results such area or areas shall
8 be a part of the district and subject to the debts of the district.

9 The results of the elections shall be certified to the district board.

10 If no election is required to be held in the district, then a favorable vote for inclusion in the
11 political subdivision or unincorporated area shall be deemed to include such area or political
12 subdivision as a part of the district and they shall be subject to the debts of the district.

13 No right of action or defense founded upon the invalidity of any such election shall be
14 asserted, or open to question in any court upon any grounds unless the action or proceeding is
15 commenced within 30 days after the results have been certified by the board of elections."

16 **SECTION 15.** G.S. 163-22 reads as rewritten:

17 "**§ 163-22. Powers and duties of State Board of Elections.**

18 (a) The State Board of Elections shall have general supervision over the primaries and
19 elections in the State, and it shall have authority to make such reasonable rules and regulations
20 with respect to the conduct of primaries and elections as it may deem advisable so long as they
21 do not conflict with any provisions of this Chapter.

22 (b) From time to time, the Board shall publish and furnish to the county ~~and municipal~~
23 boards of elections and other election officials a sufficient number of indexed copies of all
24 election laws and Board rules and regulations then in force. It shall also publish, issue, and
25 distribute to the electorate such materials explanatory of primary and election laws and
26 procedures as the Board shall deem necessary.

27 (c) The State Board of Elections shall appoint, in the manner provided by law, all
28 members of the county boards of elections and advise them ~~and municipal elections board~~
29 ~~members~~ as to the proper methods of conducting primaries and elections. The Board shall
30 require such reports from the county ~~and municipal~~ boards and election officers as are provided
31 by law, or as are deemed necessary by the Board, and shall compel observance of the
32 requirements of the election laws by county ~~and municipal~~ boards of elections and other
33 election officers. In performing these duties, the Board shall have the right to hear and act on
34 complaints arising by petition or otherwise, on the failure or neglect of a county ~~or municipal~~
35 board of elections to comply with any part of the election laws imposing duties upon such a
36 board. The State Board of Elections shall have power to remove from office any member of a
37 county ~~or municipal~~ board of elections for incompetency, neglect or failure to perform duties,
38 fraud, or for any other satisfactory cause. Before exercising this power, the State Board shall
39 notify the county ~~or municipal~~ board member affected and give ~~him~~ that member an
40 opportunity to be heard. When any county board member shall be removed by the State Board
41 of Elections, the vacancy occurring shall be filled by the State Board of Elections. ~~When any~~
42 ~~municipal board member shall be removed by the State Board of Elections, the vacancy~~
43 ~~occurring shall be filled by the city council of the city appointing members of that board.~~

44 ...

45 (f) The State Board of Elections shall prepare, print, distribute to the county ~~and~~
46 ~~municipal~~ boards of elections all ballots for use in any primary or election held in the State
47 which the law provides shall be printed and furnished by the State to the counties. The Board
48 shall instruct the county boards of elections as to the printing of county and local ballots.

49"

50 **SECTION 16.** G.S. 163-25 reads as rewritten:

51 "**§ 163-25. Authority of State Board to assist in litigation.**

1 The State Board of Elections shall possess authority to assist any county ~~or municipal~~ board
2 of elections in any matter in which litigation is contemplated or has been initiated, provided,
3 the county ~~or municipal~~ board of elections in such county petitions, by majority resolution, for
4 such assistance from the State Board of Elections and, provided further, that the State Board of
5 Elections determines, in its sole discretion by majority vote, to assist in any such matter. It is
6 further stipulated that the State Board of Elections shall not be authorized under this provision
7 to enter into any litigation in assistance to counties, except in those instances where the uniform
8 administration of Chapter 163 of the General Statutes of North Carolina has been, or would be
9 threatened.

10 The Attorney General shall provide the State Board of Elections with legal assistance in
11 execution of its authority under this section or, in ~~his~~ the Attorney General's discretion,
12 recommend that private counsel be employed.

13 If the Attorney General recommends employment of private counsel, the State Board may
14 employ counsel with the approval of the Governor."

15 **SECTION 17.** G.S. 163-38 reads as rewritten:

16 **"§ 163-38. Applicability of Article.**

17 This Article applies to members and employees of the State Board of Elections and of each
18 county ~~and municipal~~ board of elections. With regard to prohibitions in this Article concerning
19 candidates, referenda, and committees, the prohibitions do not apply if the candidate or
20 referendum will not be on the ballot in an area within the jurisdiction of the board, or if the
21 political committee or referendum committee is not involved with an election or referendum
22 that will be on the ballot in an area within the jurisdiction of the board."

23 **SECTION 18.** G.S. 163-40 reads as rewritten:

24 **"§ 163-40. Violation may be ground for removal.**

25 A violation of this Article may be a ground to remove a State Board of Elections member
26 under G.S. ~~143B-16, 143B-16~~ or a county board of elections member under ~~G.S. 163-22(c), or~~
27 ~~a municipal board of elections member under G.S. 163-280(i).~~ G.S. 163-22(c). A violation of
28 this Article may be a ground for dismissal of an employee of the State Board of Elections or of
29 a county board of elections. No criminal penalty shall be imposed for a violation of this
30 Article."

31 **SECTION 19.** G.S. 163-42 reads as rewritten:

32 **"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of office.**

33 (a) Each county ~~and municipal~~ board of elections is authorized, in its discretion, to
34 appoint two or more assistants for each precinct to aid the chief judge and judges. Not more
35 than two assistants shall be appointed in precincts having 500 or less registered voters.
36 Assistants shall be qualified voters of the county in which the precinct is located. When the
37 board of elections determines that assistants are needed in a precinct an equal number shall be
38 appointed from different political parties, unless the requirement as to party affiliation cannot
39 be met because of an insufficient number of voters of different political parties within the
40 county.

41 In the discretion of the county board of elections, a precinct assistant may serve less than
42 the full day prescribed for chief judges and judges in G.S. 163-47(a).

43 (b) The chairman of each political party in the county shall have the right to recommend
44 from three to 10 registered voters in each precinct for appointment as precinct assistants in that
45 precinct. If the recommendations are received by it no later than the thirtieth day prior to the
46 primary or election, the board shall make appointments of the precinct assistants for each
47 precinct from the names thus recommended. If the recommendations of the party chairs for
48 precinct assistant in a precinct are insufficient, the county board of elections by unanimous vote
49 of all of its members may name to serve as precinct assistant in that precinct registered voters
50 in that precinct who were not recommended by the party chairs. If, after diligently seeking to
51 fill the positions with registered voters of the precinct, the county board still has an insufficient

1 number of precinct assistants for the precinct, the county board by unanimous vote of all of its
2 members may appoint to the positions registered voters in other precincts in the same county
3 who meet the qualifications other than residence to be precinct officials in the precinct. In
4 making its appointments, the county board shall assure, wherever possible, that no precinct has
5 precinct officials all of whom are registered with the same party. In no instance shall the county
6 board appoint nonresidents of the precinct to a majority of the positions as precinct assistant in
7 a precinct.

8 (c) In addition, a county board of elections by unanimous vote of all of its members
9 may appoint any registered voter in the county as emergency election-day assistant, as long as
10 that voter is otherwise qualified to be a precinct official. The State Board of Elections shall
11 determine for each election the number of emergency election-day assistants each county may
12 have, based on population, expected turnout, and complexity of election duties. The county
13 board by unanimous vote of all of its members may assign emergency election-day assistants
14 on the day of the election to any precinct in the county where the number of precinct officials is
15 insufficient because of an emergency occurring within 48 hours of the opening of the polls that
16 prevents an appointed precinct official from serving. A person appointed to serve as emergency
17 election-day assistant shall be trained and paid like other precinct assistants in accordance with
18 G.S. 163-46. A county board of elections shall apportion the appointments as emergency
19 election-day assistant among registrants of each political party so as to make possible the
20 staffing of each precinct with officials of more than one party, and the county board shall make
21 assignments so that no precinct has precinct officials all of whom are registered with the same
22 party.

23 (d) Before entering upon the duties of the office, each assistant shall take the oath
24 prescribed in G.S. 163-41(a) to be administered by the chief judge of the precinct for which the
25 assistant is appointed. Assistants serve for the particular primary or election for which they are
26 appointed, unless the county board of elections appoints them for a term to expire on the date
27 appointments are to be made pursuant to G.S. 163-41."

28 **SECTION 20.** G.S. 163-278.6(1) reads as rewritten:

29 "(1) The term "board" means the State Board of Elections with respect to all
30 candidates for State, legislative, and judicial offices and the county ~~or~~
31 ~~municipal~~ board of elections with respect to all candidates for county and
32 municipal offices. The term means the State Board of Elections with respect
33 to all statewide referenda and the county ~~or municipal~~ board of elections
34 conducting all local referenda."

35 **SECTION 21.** G.S. 163-298 reads as rewritten:

36 **"§ 163-298. Municipal primaries and elections.**

37 The phrases "county board of elections," and "chairman of the board of elections" as used in
38 this Article, with respect to all municipal primaries and elections, shall mean the ~~municipal~~
39 ~~board of elections and its chairman in those cities and towns which conduct their own elections,~~
40 ~~and the county board of elections and its chairman in those all cities and towns whose elections~~
41 ~~are conducted by the county board of elections.~~ municipalities. The words "general election," as
42 used in this Article, shall include regular municipal elections, runoff elections, and nonpartisan
43 primaries, except where specific provision is made for municipal elections and nonpartisan
44 primaries."

45 **SECTION 22.** G.S. 163-299(g) reads as rewritten:

46 "(g) The county ~~or municipal~~ board of elections shall, in addition to the requirements
47 contained in G.S. 163-182.5 canvass the results in a nonpartisan municipal primary, election or
48 runoff election, and in a special district election, the number of legal votes cast in each precinct
49 for each candidate, the name of each person voted for, and the total number of votes cast in the
50 municipality or special district for each person for each different office."

51 **SECTION 23.** G.S. 163-300 reads as rewritten:

1 **"§ 163-300. Disposition of duplicate abstracts in municipal elections.**

2 Within nine days after a primary or election is held in any municipality, the chairman of the
3 county ~~or municipal~~ board of elections shall mail to the chairman of the State Board of
4 Elections, the duplicate abstract prepared in accordance with G.S. 163-182.6. One copy shall be
5 retained by the county ~~or municipal~~ board of elections as a permanent record and one copy
6 shall be filed with the city clerk."

7 **SECTION 24.** G.S. 163-301 reads as rewritten:

8 **"§ 163-301. Chairman of election board to furnish certificate of elections.**

9 Not earlier than five days nor later than 10 days after the results of any municipal election
10 have been officially determined and published in accordance with G.S. 163-182.5, the chairman
11 of the county ~~or municipal~~ board of elections shall issue certificates of election, under the hand
12 and seal of the chairman, to all municipal and special district officers. In issuing such
13 certificates of election the chairman shall be restricted by the provisions of G.S. 163-182.14."

14 **SECTION 25.** G.S. 163-304 reads as rewritten:

15 **"§ 163-304. State Board of Elections to have jurisdiction over municipal elections and
16 election officials, and to advise; emergency and ongoing administration by
17 county board.**

18 (a) Authority and Duty of State Board. – The State Board of Elections shall have the
19 same authority over municipal elections and election officials as it has over county and State
20 elections and election officials. The State Board of Elections shall advise and assist cities,
21 towns, incorporated villages and special districts, ~~municipal boards of elections,~~ their members
22 and legal officers on the conduct and administration of their elections and registration
23 procedure.

24 ~~The municipal council shall provide written notification to the State Board of Elections of
25 the appointment of each member of its municipal board of elections within five days after the
26 appointment. The municipal board of elections and the municipal council shall provide such
27 other information about the municipal board of elections as the State Board may require.
28 Members of the municipal board of elections and municipal elections officials shall participate
29 in training provided by the State Board pursuant to G.S. 163-82.24. The State Board shall
30 provide the same training, materials, and assistance to municipal boards of elections that it
31 provides to county boards of elections.~~

32 The county ~~and municipal~~ boards of elections shall be governed by the same rules for
33 settling controversies with respect to counting ballots or certification of the returns of the vote
34 in any municipal or special district election as are in effect for settling such controversies in
35 county and State elections.

36 ~~(b) Emergency Administration if Municipal Board Is Not Appointed.—If a municipal
37 council in a municipality that has elected pursuant to G.S. 163-285 to conduct its own elections
38 has not appointed a municipal board of elections and reported the appointments to the
39 Executive Director by June 1 in the year in which the municipal election is to occur, the
40 Executive Director shall notify the municipal council that, unless a municipal board of elections
41 is appointed and the Executive Director notified of its appointment by June 15 of that year, the
42 county board of elections shall be ordered to conduct that municipality's elections that year on
43 an emergency basis. If the municipal council does not so appoint and so notify by June 15, the
44 Executive Director shall order the county board of elections to conduct the municipality's
45 elections that year on an emergency basis.~~

46 ~~(c) Emergency Administration Due to Serious Violations.—If a municipal council or
47 municipal board of elections has committed violations of the applicable portions of this Chapter
48 prior to a municipal election and those violations are of such magnitude as to give rise to
49 reasonable doubt as to the ability of the municipal board of elections to conduct that election
50 with competence and fairness, the Executive Director of the State Board, with the approval of
51 at least four members of the State Board, may order the county board of elections to conduct~~

1 the remainder of that election on an emergency basis. Before an order is made under this
2 subsection, the municipal council and municipal board of elections shall be given an
3 opportunity to be heard by the State Board.

4 (d) Permanent County Administration.— The State Board of Elections may designate
5 the county board of elections as the permanent agency to conduct a municipality's elections if
6 all the following conditions are met:

7 (1) In more than one election conducted by that municipality either (i) the
8 municipality's elections have been administered on an emergency basis
9 pursuant to subsection (b) or (c) of this section or (ii) a new election has
10 been ordered because of irregularities in the municipality's administration of
11 the election.

12 (2) The State Board finds that the interest of the residents of the municipality in
13 fair and competent administration of elections requires that the municipality
14 not conduct its own elections.

15 (3) The municipal council and municipal board of elections are given an
16 opportunity to be heard before the State Board.

17 (4) The State Board by a vote of at least four of its members designates the
18 county board of elections as the permanent agency to conduct that
19 municipality's elections.

20 The municipal council may not elect to conduct its own elections under G.S. 163-285 if the
21 State Board has designated the county board of elections under this subsection as the permanent
22 agency to conduct the municipality's elections.

23 (e) Reimbursement.— If the county board of elections administers a municipality's
24 elections pursuant to subsection (b), (c), or (d) of this section, the municipality shall reimburse
25 the county board of elections in the manner set forth in G.S. 163-285."

26 **SECTION 26.** This act is effective when it becomes law.