

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 1074
Committee Substitute Favorable 4/23/03
Committee Substitute #2 Favorable 6/9/03
Senate Finance Committee Substitute Adopted 6/23/03

Short Title: Butner Advisory Council.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO REVISE A STATUTE TO CREATE A BUTNER ADVISORY COUNCIL SO AS TO ELECT ALL MEMBERS AT LARGE IN ONE MULTISEAT RACE AND ELIMINATE STAGGERED TERMS; TO DEFINE THE ELECTORAL JURISDICTION OF THE COUNCIL AND THE JURISDICTION OF SPECIAL POLICE OF THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY; AND TO AMEND THE LEGISLATION IN OTHER NEEDED WAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 122C-413 reads as rewritten:

"§ 122C-413. Butner Advisory Council; created.

(a) There is created a Butner Advisory Council to consist of seven members, to be elected by the residents of the ~~territorial jurisdiction established by G.S. 122C-408(a),~~ Butner Advisory Council Jurisdiction. The Butner Advisory Council Jurisdiction shall consist of the property shown on a map produced May 20, 2003, by the Information Systems Division of the North Carolina General Assembly and kept on file in the office of the Butner Town Manager and in the office of the Granville County Board of Elections. The Butner Advisory Council shall be elected at a nonpartisan election pursuant to G.S. 163-292 administered by the Granville County Board of Elections to be set after preclearance from the federal Department of Justice. held in the first odd-numbered year after preclearance under section 5 of the Voting Rights Act of 1965 is obtained. The Granville County Board of Elections may change the dates of the candidate-filing period for the first election if preclearance is not obtained before the statutory filing period begins.

(a1) Any resident of Butner who is also a resident of Durham County shall vote, as if the voter were a Granville County resident, in any Butner election at a location in the Granville County portion of Butner designated by the Granville County Board of

1 Elections or by absentee ballot if absentee voting is authorized by the Secretary. As
2 soon as possible after the close of registration for the election, the Durham County
3 Board of Elections shall send the Granville County Board of Elections any information
4 necessary to conduct the election, including all of the following:

- 5 (1) A set of mailing labels for all registered voters in Durham County who
6 are eligible to vote in the Butner election.
7 (2) A list of all registered voters in Durham County who are eligible to
8 vote in the Butner election.
9 (3) An official precinct roster to be used by the Granville County Board of
10 Elections to verify the eligibility to vote of persons presenting
11 themselves to vote in the election.

12 The Granville County Board of Elections shall mark on the official roster provided by
13 Durham County all those voters who vote in the election. Promptly after the election,
14 the Granville County Board of Elections shall return the roster to the Durham County
15 Board of Elections so it can update voter history for the Butner voters who are residents
16 of Durham County.

17 (b) ~~Members~~ All members of the Butner Advisory Council shall be elected at
18 ~~large, large in one multiseat race,~~ and the election shall be held in accordance with all
19 applicable federal and State constitutional and statutory provisions, including the Voting
20 Rights Act of 1965. For the purpose of elections under this Part, the jurisdiction shall be
21 considered a city under Chapters 160A and 163 of the General ~~Statutes.~~ Statutes, with
22 the Secretary, advised by the Advisory Council, acting as the governing body of the
23 city. Part 4 of Article 5 of Chapter 160A of the General Statutes does not apply to
24 Butner. In accordance with North Carolina law, a candidate for the Butner Advisory
25 Council must be a registered voter and a resident of the territorial jurisdiction
26 established by G.S. 122C 408(a). Butner Advisory Council Jurisdiction, as shown on a
27 map produced May 20, 2003, by the Information Systems Division of the North
28 Carolina General Assembly and kept on file in the office of the Butner Town Manager
29 and in the office of the Granville County Board of Elections.

30 (c) The candidates for the Butner Advisory Council shall file their notices of
31 candidacy and any required campaign finance report with the Granville County Board
32 of ~~Elections.~~ Elections, regardless of whether they live in the Granville or Durham
33 County portion of the jurisdiction. The Secretary, with the advice of the Advisory
34 Council, shall determine whether to authorize ~~Absentee~~ absentee voting by qualified
35 voters residing in the territorial jurisdiction ~~shall be~~ in accordance with G.S. 163-302.
36 The filing fee shall be ten dollars (\$10.00) for the first election of the Butner Advisory
37 Council. In subsequent elections the Secretary, with the advice of the Advisory Council,
38 shall set the filing fee using the procedure in G.S. 163-294.2(e).

39 (d) The seven candidates receiving the highest numbers of votes shall be elected
40 ~~for the following terms:~~ four-year terms.

- 41 (1) ~~If the election is held in an even-numbered year, the four candidates~~
42 ~~receiving the highest numbers of votes shall be elected for terms of~~
43 ~~four years, and the three candidates receiving the next highest numbers~~
44 ~~of votes shall be elected for terms of two years.~~

1 (2) ~~If the election is held in an odd-numbered year, the four candidates~~
2 ~~receiving the highest numbers of votes shall be elected for terms of~~
3 ~~five years, and the three candidates receiving the next highest numbers~~
4 ~~of votes shall be elected for terms of three years.~~

5 ~~Biennially thereafter, in each even-numbered year, the members whose terms expire~~
6 ~~shall be elected to four-year terms.~~

7 (d1) The Department of Health and Human Services shall reimburse the Granville
8 County Board of Elections and, if necessary, the Durham County Board of Elections for
9 the actual cost of administering the election of the Butner Advisory Council according
10 to the provisions of G.S. 163-284 as if Butner were a city. Reimbursement shall not
11 come from General Fund appropriations or federal funds.

12 (e) The Chair of the Butner Advisory Council shall be elected from among its
13 members, shall serve a one-year term, may be reelected, and shall serve at the pleasure
14 of the council.

15 (f) The Butner Advisory Council shall comply with the applicable and relevant
16 provisions of Parts 1, 2, and 3 of Article 5 of Chapter 160A of the General Statutes with
17 respect to the filling of vacancies and the organization and procedures of the council as
18 if it were a city. Only those provisions of those Parts that are consistent with an advisory
19 council are applicable and relevant to the Butner Advisory Council.

20 (g) Neither the Secretary nor the Butner Advisory Council shall have any
21 authority over the Lyons Station Sanitary District, except as relates to matters involving
22 whether to increase, decrease, or terminate the tax applicable to the Fire and Public
23 Safety District defined by G.S. 122C-408, to the extent that the Lyons Station Sanitary
24 District is a part of that Fire and Public Safety District."

25 **SECTION 2.** G.S. 122C-408(a) reads as rewritten:

26 "(a) The Secretary of Crime Control and Public Safety may employ special police
27 officers for the territory of the ~~Camp Butner reservation.~~ Butner Advisory Council
28 Jurisdiction. The territorial jurisdiction of these special police officers ~~shall include: (i)~~
29 ~~the Camp Butner reservation; (ii) the Lyons Station Sanitary District; and (iii) that part~~
30 ~~of Granville County adjoining the Butner reservation and the Lyons Station Sanitary~~
31 ~~District situated north and west of the intersection of Rural Paved Roads 1103 and 1106~~
32 ~~and bounded by those roads and the boundaries of the reservation and the sanitary~~
33 ~~district shall be the Butner Advisory Council Jurisdiction, as defined in G.S.~~
34 122C-413(a). The Secretary of Crime Control and Public Safety may organize these
35 special police officers into a public safety department for that territory and may
36 establish it as a division within that principal department as permitted by Chapter 143B
37 of the General Statutes."

38 **SECTION 3.** Section 1(a) of Chapter 830 of the 1983 Session Laws reads as
39 rewritten:

40 "**Section 1.** (a) The territorial jurisdiction of the Butner Police and Fire Protection
41 District shall ~~include: (i) any property formerly a part of the original Camp Butner~~
42 ~~reservation, including both those areas currently owned and occupied by the State and~~
43 ~~its agencies and those which may have been leased or otherwise disposed of by the~~
44 ~~State; (ii) the Lyons Station Sanitary District; and (iii) that part of Granville County~~

1 ~~adjoining the Butner reservation and the Lyons Station Sanitary District situated north~~
2 ~~and west of the intersection of Rural Paved Roads 1103 and 1106 and bounded by those~~
3 ~~roads and the boundaries of said reservation and said sanitary district.~~be the Butner
4 Advisory Council Jurisdiction, as defined in G.S. 122C-413(a)."

5 **SECTION 4.** This act is effective when it becomes law.