



# Gaston County

Gaston County  
Board of Commissioners  
www.gastongov.com

## Elections Board Action

File #: 16-623

Commissioner Philbeck - Elections - To Appropriate Fund Balance of \$34,900 to Cover Additional Costs and Compliance with Legislation and Court Rulings Related to 2016 Elections

### STAFF CONTACT

Adam Ragan - Elections - (704) 852-6015

### BUDGET IMPACT

Appropriate County funds.

### BUDGET ORDINANCE IMPACT

Appropriate fund balance of \$34,900 to cover additional costs and compliance with legislation and court rulings related to 2016 elections.

### BACKGROUND

In order to comply with the federal court decision of Harris v. McCrory, the General Assembly approved and the Governor signed Session Law 2016-2 (see attached) on February 23, 2016 that created a special June Primary for candidates for US House of Representative. Since this election affected all voters of Gaston County and of North Carolina a separate election was required to take place, one that was not budgeted for by the Board of Elections in the FY16-17 budget.

In addition, the Fourth Circuit of the US Court of Appeals decided in late August, among other items, to allow seven (7) extra days of early voting for the 2016 General Election, increasing the number of early voting days from ten (10) to seventeen (17). Again, our FY16-17 budget provided for only the ten (10) days at six (6) early voting locations.

### POLICY IMPACT

N/A

### ATTACHMENTS

Budget Change Request; General Assembly Session Law 2016-2

DO NOT TYPE BELOW THIS LINE

I, Donna S. Buff, Clerk to the County Commission, do hereby certify that the above is a true and correct copy of action taken by the Board of Commissioners as follows:

NO.	DATE	M1	M2	Brown	Fraley	Grant	Hovis	Keigher	Philbeck	Worley	Vote
2017-013	01/24/2017	TK	RW	A	AB	AB	A	A	A	A	U

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## GASTON COUNTY BUDGET CHANGE REQUEST

TO: Earl Mathers COUNTY MANAGER

FROM: 4170 Elections  
 Dept. # Department Name

\_\_\_\_\_  
 Department Director's Signature Date

**TYPE OF REQUEST:**

- |  |   |
|--|---|
| <input type="checkbox"/> Line Item Transfer Within Department & Fund | <input type="checkbox"/> Line Item Transfer Between Funds *             |
| <input type="checkbox"/> Project Transfer Within Department & Fund   | <input checked="" type="checkbox"/> Additional Appropriation of Funds * |
| <input type="checkbox"/> Line Item Transfer Between Departments*     | <u>* Requires resolution by the Board of Commissioners</u>              |

Resolution #	Date
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ACCOUNT DESCRIPTION <small>(As it appears in the budget)</small>	ACCOUNT NUMBER <small>Fund - Dept - Subdept - Div - Acct - Subacct xx - xxxx - xxxx - xxxx - xxx - xxx</small>	PROJECT SUBPROJECT <small>xxxxx - xxxx</small>	AMOUNT <small>Whole Dollars Only (See Note Below)</small>
General Fund	10-9900-991-500		\$ (34,900)
Elections	10-4170-697-000		\$ 34,900

**JUSTIFICATION FOR REQUEST:**  
 Appropriate fund balance of \$34,900 to cover additional costs and compliance with legislation and court rulings related to 2016 elections. The Fourth Circuit of the US Court of Appeals decided in late August, among other items, to allow seven (7) extra days of early voting for the 2016 General Election, increasing the number of early voting days from ten (10) to seventeen (17). Again, our FY16-17 budget provided for only the ten (10) days at six (6) early voting locations.

**APPROVAL SIGNATURES:**

_____ County Manager/Interim Assistant County Manager      Date	_____ Financial Operations Manager/Asst. Financial Operations Mgr.      Date
	_____ Interim Budget Administrator      Date

Note: Decreases in expenditures & increases in revenue accounts require brackets. Increases in expenditures & decreases in revenue do not require brackets. Please note that transfers between funds require interfund transfer accounts.

**GENERAL ASSEMBLY OF NORTH CAROLINA  
EXTRA SESSION 2016**

**SESSION LAW 2016-2  
HOUSE BILL 2**

**AN ACT TO REVISE PROCEDURES FOR THE CONDUCT OF THE 2016 PRIMARY  
ELECTION TO COMPLY WITH THE COURT ORDER IN HARRIS V. MCCRORY.**

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Conduct of 2016 U.S. House of Representatives Primary Election. – Notwithstanding Section 2 of S.L. 2015-258, the 2016 U.S. House of Representatives primary election shall be conducted as provided in this act.

**SECTION 1.(b)** U.S. House of Representatives Primary Election Date. – Notwithstanding G.S. 163-1(b), the 2016 U.S. House of Representatives primary election shall be held on Tuesday, June 7, 2016.

**SECTION 1.(c)** Filing Period for the U.S. House of Representatives Primary Election. – Notwithstanding G.S. 163-106 and Section 2 of S.L. 2015-258, the filing period for the 2016 U.S. House of Representatives primary shall open at 12:00 noon on Wednesday, March 16, 2016, and close at 12:00 noon on Friday, March 25, 2016.

**SECTION 1.(d)** Eligibility to File. – Notwithstanding G.S. 163-106, no person shall be permitted to file as a candidate in the 2016 U.S. House of Representatives primary unless that person has been affiliated with that party for at least 75 days as of the date of that person filing such notice of candidacy. A person registered as "Unaffiliated" shall be ineligible to file as a candidate in a party primary election.

**SECTION 1.(e)** No Run for Two Separate Offices at the Same Time. – A candidate who is certified as the winner of a primary election on March 15 and certified as the winner of a primary election on June 7 shall withdraw the notice of candidacy for one of those races no later than one week after the certification of both primary election results in order to comply with G.S. 163-124.

**SECTION 1.(f)** Return of Filing Fee. – Any candidate who has filed notice of candidacy for the office of 2016 U.S. House of Representatives prior to enactment of this act shall be entitled to return of that candidate's filing fee.

**SECTION 2.(a)** No Second Primary. – Notwithstanding G.S. 163-111, the results of all 2016 primary elections shall be determined by a plurality, and no second primaries shall be held during the 2016 election cycle.

**SECTION 2.(b)** Section 2(d) of S.L. 2015-258 is repealed.

**SECTION 2.(c)** Any election authorized by statute that is set for the date of the second primary shall be placed on the ballot at the time of the U.S. House of Representatives primary election, as established by subsection (b) of Section 1 of this act.

**SECTION 3.(a)** Temporary Orders. – In order to accommodate the scheduling of the 2016 U.S. House of Representatives primary, the State Board of Elections may issue temporary orders that may change, modify, delete, amend, or add to any statute contained in Chapter 163 of the General Statutes, any rules contained in Title 8 of the North Carolina Administrative Code, or any other election regulation or guideline that may affect the 2016 U.S. House of Representatives primary elections. These temporary orders shall only be effective for the 2016 U.S. House of Representatives primary elections.

**SECTION 3.(b)** Orders, Not Rules. – Orders issued under this act are not rules subject to the provisions of Chapter 150B of the General Statutes. Orders issued under this act shall be published in the North Carolina Register upon issuance.

**SECTION 3.(c)** Expiration of Orders. – Any orders issued under this act become void 10 days after the final certification of all 2016 U.S. House of Representatives primary



elections. This act expires 10 days after the final certification of all 2016 U.S. House of Representatives primary elections.

**SECTION 3.(d) Definition.** – As used in this act, "order" also includes guidelines and directives.

**SECTION 4.** Any ballots cast in accordance with S.L. 2015-258 for the 2016 U.S. House of Representatives primary races only shall not be certified by the State Board of Elections, are confidential, and are not a public record under G.S. 132-1.

**SECTION 5.** This act is effective when it becomes law and applies to the 2016 election cycle unless, prior to March 16, 2016, the United States Supreme Court reverses or stays the decision of the United States District Court for the Middle District of North Carolina holding unconstitutional G.S. 163-201(a) as it existed prior to the enactment of this act (or the decision is otherwise enjoined, made inoperable, or ineffective), and in any such case, this act is repealed.

In the General Assembly read three times and ratified this the 19<sup>th</sup> day of February, 2016.

s/ Tom Apodaca  
Presiding Officer of the Senate

s/ Tim Moore  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

Approved 8:30 a.m. this 23<sup>rd</sup> day of February, 2016