

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 722
Redistricting and Elections Committee Substitute Adopted 5/27/21

Short Title: Revise Municipal Redistricting/Census.

(Public)

Sponsors:

Referred to:

May 19, 2021

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A BILL TO BE ENTITLED

AN ACT TO REQUIRE THAT ELECTIONS IN MUNICIPALITIES WITH ONE OR MORE OFFICES UP FOR ELECTION IN 2021 WHERE THE CANDIDATE FOR THAT OFFICE IS ELECTED BY DISTRICT SHALL BE DELAYED UNTIL 2022 AND TO REQUIRE MUNICIPALITIES WITH DELAYED 2021 ELECTIONS TO REVIEW AND REVISE THOSE ELECTORAL DISTRICTS FOLLOWING THE RELEASE OF THE 2020 U.S. CENSUS DATA.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Delay of Certain 2021 Municipal Elections. – Notwithstanding Articles 23 and 24 of Chapter 163 of the General Statutes and any local act of the General Assembly, the regular 2021 elections in any municipality where there is an election of municipal officers scheduled for 2021 and where less than the entire jurisdiction is eligible to vote for candidates for one or more offices on the 2021 ballot shall be delayed until 2022 in accordance with this act. The terms of office of the Mayor and any council member serving on the effective date of this act in a municipality with elections delayed in accordance with this act shall be extended until a successor is chosen, qualified, and sworn into office in 2022.

SECTION 1.(b) Revision of Districts After Release of 2020 Census Data. – G.S. 160A-23.1, and any resolution adopted under that statute, shall not apply with respect to any election delayed to 2022 in accordance with this act. Notwithstanding G.S. 160A-23.1, upon the release of the 2020 Census data by the U.S. Census Bureau, each municipality with elections delayed in accordance with this act shall review and revise its electoral districts in accordance with State and federal law on or before November 17, 2021. The municipality with elections delayed in accordance with this act shall provide the revised electoral districts to the appropriate county board or boards of election no later than November 19, 2021. In revising the electoral districts, the municipality with elections delayed in accordance with this act may seek and provide an opportunity for public input prior to the release of the 2020 Census data. In addition, the municipality with elections delayed in accordance with this act shall provide an opportunity for public input after the release of the 2020 Census data and shall conduct at least one public hearing prior to adopting revised districts.

SECTION 1.(c) Filing Period for Delayed 2021 Municipal Elections. – The filing period for any elected office with an election delayed to 2022 in accordance with this act shall open at 12:00 noon on December 6, 2021, and shall close at 12:00 noon on December 17, 2021. If a municipality with an election delayed to 2022 in accordance with this act determines it is unable to review and revise its electoral districts in accordance with State and federal law prior to November 17, 2021, the municipality shall notify the appropriate county board or boards of elections. The appropriate county board or county boards of elections shall then have the



1 authority to delay the filing period for such offices to open at 12:00 noon on January 3, 2022,
2 and close at 12:00 noon on January 7, 2022. The form of the notice of candidacy shall be as
3 provided in Article 23 or 24 of Chapter 163 of the General Statutes for the method of election for
4 that municipality.

5 **SECTION 1.(d)** Withdrawal of Notice of Candidacy. – Any person who has filed a
6 notice of candidacy for any elected office with an election delayed to 2022 in accordance with
7 this section shall have the right to withdraw his or her candidacy in accordance with
8 G.S. 163-106.4.

9 **SECTION 1.(e)** Date of Election. – With respect to any elected office with an
10 election delayed to 2022 in accordance with this act, the following dates of election shall apply:

- 11 (1) For any municipality elected by the partisan primary and election method, the
12 primary shall be March 8, 2022, and the general election shall be on the date
13 of any second primary held under G.S. 163-111. If no second primary is held
14 under G.S. 163-111, the general election shall be on April 26, 2022. No
15 second primary shall be held for these offices in 2022.
- 16 (2) For any municipality elected by the nonpartisan primary and election method,
17 the primary shall be March 8, 2022, and the general election shall be held on
18 the date of any second primary held under G.S. 163-111. If no second primary
19 is held under G.S. 163-111, the general election shall be on April 26, 2022.
- 20 (3) For any municipality elected by the nonpartisan plurality method, the date of
21 the election shall be March 8, 2022.
- 22 (4) For any municipality elected by the nonpartisan elections and runoff method,
23 the election shall be March 8, 2022, and the runoff election shall be held on
24 the date of any second primary held under G.S. 163-111. If no second primary
25 is held under G.S. 163-111, the runoff election shall be on April 26, 2022.

26 **SECTION 1.(f)** The individual certified as the winner of the 2022 election held in
27 accordance with this act shall hold office until the expiration of the term under the municipal
28 charter as if the election had been held in 2021. Notwithstanding G.S. 160A-68, the individual
29 certified as the winner of the 2022 election may be sworn into office at any time after issuance
30 of the certificate of election.

31 **SECTION 1.5.(a)** G.S. 163-111(e) reads as rewritten:

32 "(e) Date of Second Primary; Procedures. – If a second primary is required under the
33 provisions of this section, the appropriate board of elections, State or county, shall order that it
34 be held 10 weeks after the first primary if any of the offices for which a second primary is required
35 are for a candidate for the office of United States Senate or member of the United States House
36 of Representatives. Otherwise, the second primary shall be held seven weeks after the first
37 primary.

38 ~~There shall be no registration of voters between the dates of the first and second primaries.~~
39 ~~Persons whose qualifications to~~ Subject to G.S. 163-82.6 and G.S. 163-82.6A, persons who
40 ~~register and to vote~~ register ~~after the day of the first primary and before the day of the second~~
41 ~~primary may register on the day of the second primary and, when thus registered, shall be entitled~~
42 to vote in the second primary. The second primary is a continuation of the first primary and any
43 voter who files a proper and timely written affirmation of change of address within the county
44 under the provisions of G.S. 163-82.15, in the first primary may vote in the second primary
45 without having to refile that written affirmation if the voter is otherwise qualified to vote in the
46 second primary. Notwithstanding G.S. 163-82.17, no person shall be permitted to change party
47 affiliation or unaffiliated status between the date of a primary and a second primary. Subject to
48 this provision for registration, the second primary shall be held under the laws, rules, and
49 regulations provided for the first primary."

50 **SECTION 1.5.(b)** G.S. 163-82.6(f) reads as rewritten:

1 "(f) Instances When Person May Register and Vote on Primary or Election Day. – If a
2 person has become qualified to register and vote between the twenty-fifth day before a primary
3 or election and primary or election day, then that person may apply to register on primary or
4 election day by submitting an application form described in G.S. 163-82.3(a) or (b) to:

- 5 (1) A member of the county board of elections;
- 6 (2) The county director of elections; or
- 7 (3) The chief judge or a judge of the precinct in which the person is eligible to
8 vote,

9 and, if the application is approved, that person may vote the same day. The official in
10 subdivisions (1) through (3) of this subsection to whom the application is submitted shall decide
11 whether the applicant is eligible to vote. The applicant shall present to the official written or
12 documentary evidence that the applicant is the person he represents himself to be. The official,
13 if in doubt as to the right of the applicant to register, may require other evidence satisfactory to
14 that official as to the applicant's qualifications. If the official determines that the person is
15 eligible, the person shall be permitted to vote in the primary or election and the county board
16 shall add the person's name to the list of registered voters. If the official denies the application,
17 the person shall be permitted to vote a challenged ballot under the provisions of G.S. 163-88.1,
18 and may appeal the denial to the full county board of elections. The State Board of Elections
19 shall promulgate rules for the county boards of elections to follow in hearing appeals for denial
20 of primary or election day applications to register. ~~No person shall be permitted to register on the
21 day of a second primary unless he shall have become qualified to register and vote between the
22 date of the first primary and the date of the succeeding second primary."~~

23 **SECTION 1.5.(c)** G.S. 163-302(b) reads as rewritten:

24 "(b) The provisions of Articles 20 and 21 of this Chapter shall apply to absentee voting in
25 municipal elections, special district elections, and other elections for an area less than an entire
26 county other than elections for the General Assembly, except that the earliest date by which
27 absentee ballots shall be required to be available for absentee voting in such elections shall be 30
28 days prior to the primary or election or as quickly following the filing deadline ~~specified in~~
29 ~~G.S. 163-291(2) or G.S. 163-294(e)~~ as the county board of elections is able to secure the official
30 ballots. In elections on incorporation of a municipality not held at the same time as another
31 election in the same area, the county board of elections shall adopt a special schedule of meetings
32 of the county board of elections to approve absentee ballot applications so as to reduce the cost
33 of the process, and to further implement the last paragraph of G.S. 163-230(2)a. If no application
34 has been received since the last meeting, no meeting shall be held of the county board of elections
35 under such schedule unless the meeting is scheduled for another purpose. If another election is
36 being held in the same area on the same day, or elsewhere in the county, the cost of per diem for
37 meetings of the county board of elections to approve absentee ballots shall not be considered a
38 cost of the election to be billed to the municipality being created."

39 **SECTION 1.5.(d)** This section becomes effective March 9, 2022, and expires on
40 June 1, 2022.

41 **SECTION 2.** Except as otherwise provided, this act is effective when it becomes
42 law.