

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SESSION LAW 2021-56
SENATE BILL 722**

AN ACT TO REQUIRE THAT ELECTIONS IN LOCAL GOVERNMENTS 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; TO REQUIRE LOCAL GOVERNMENTS WITH DELAYED 2021 ELECTIONS TO REVIEW AND REVISE THOSE ELECTORAL DISTRICTS FOLLOWING THE RELEASE OF THE 2020 U.S. CENSUS DATA; TO PROVIDE THAT REGULAR MUNICIPAL ELECTIONS IN THE CITY OF RALEIGH SHALL BE HELD IN EVEN-NUMBERED YEARS; AND TO ALLOW RESOLUTIONS REDISTRICTING COUNTY ELECTORAL DISTRICTS TO BECOME EFFECTIVE UPON ADOPTION FOR THE 2022 ELECTIONS.

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 the date provided in Section 1(c) of this act. 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 form of the notice of candidacy shall be as provided in Article 23 or 24 of Chapter 163 of the General Statutes for the method of election for that municipality. No later than November 12, 2021, each municipality with an election delayed to 2022 in accordance with this act shall notify the appropriate county board or boards of elections with jurisdiction over that municipality's election contests whether the municipality will be able to provide electoral districts revised in accordance with State and federal law on or before November 17, 2021, and if not, the municipality must provide the electoral districts revised in accordance with State and federal law on or before December 17, 2021. The appropriate county board or boards of elections shall then set the filing period that will be used for that municipality's elections delayed to 2022 in accordance with this act as follows:



- (1) Open at 12:00 noon on December 6, 2021, and close at 12:00 noon on December 17, 2021, for municipalities providing the electoral districts revised in accordance with State and federal law to appropriate county board or boards of elections on or before November 17, 2021.
- (2) Open at 12:00 noon on January 3, 2022, and close at 12:00 noon on January 7, 2022, for municipalities providing the electoral districts revised in accordance with State and federal law to appropriate county board or boards of elections on or before December 17, 2021.

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

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

- (1) For any municipality elected by the partisan primary and election method, the primary shall be March 8, 2022, and the general election shall be on the date of any second primary held under G.S. 163-111. If no second primary is held under G.S. 163-111, the general election shall be on April 26, 2022. No second primary shall be held for these offices in 2022.
- (2) For any municipality elected by the nonpartisan primary and election method, the primary shall be March 8, 2022, and the general election shall be held on the date of any second primary held under G.S. 163-111. If no second primary is held under G.S. 163-111, the general election shall be on April 26, 2022.
- (3) For any municipality elected by the nonpartisan plurality method, the date of the election shall be March 8, 2022.
- (4) For any municipality elected by the nonpartisan elections and runoff method, the election shall be March 8, 2022, and the runoff election shall be held on the date of any second primary held under G.S. 163-111. If no second primary is held under G.S. 163-111, the runoff election shall be on April 26, 2022.

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

SECTION 1.4. In each county where the county is divided into electoral districts for the purpose of nominating or electing persons to the board of commissioners, the board of county commissioners shall review and revise its electoral districts in accordance with State and federal law, and adopt a resolution containing the revised electoral districts on or before November 17, 2021. Notwithstanding G.S. 153A-22, the resolution becomes effective upon its adoption.

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

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

~~There shall be no registration of voters between the dates of the first and second primaries. Persons whose qualifications to~~ Subject to G.S. 163-82.6 and G.S. 163-82.6A, persons who register and to vote ~~after the day of the first primary and before the day of the second primary may register on the day of the second primary and, when thus registered, shall be entitled to vote in the second primary. The second primary is a continuation of the first primary and any~~

voter who files a proper and timely written affirmation of change of address within the county under the provisions of G.S. 163-82.15, in the first primary may vote in the second primary without having to refile that written affirmation if the voter is otherwise qualified to vote in the second primary. Notwithstanding G.S. 163-82.17, no person shall be permitted to change party affiliation or unaffiliated status between the date of a primary and a second primary. Subject to this provision for registration, the second primary shall be held under the laws, rules, and regulations provided for the first primary."

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

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

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

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

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

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

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

SECTION 1.6.(a) Notwithstanding S.L. 1993-167, elections to the Charlotte-Mecklenburg Board of Education shall not be held in 2021. Members elected to the Charlotte-Mecklenburg Board of Education in 2017, or persons filling vacancies for those terms,

whose terms were set to expire on December 6, 2021, shall hold over in office until their successors are elected and qualified. Election for those terms of office shall be held at the time of the general election for county offices in 2022, with the results determined as provided by G.S. 163-292. Candidates shall file their notices of candidacy for the election in 2022 with the Mecklenburg Board of Elections no earlier than 12:00 noon on July 25, 2022, and no later than 12:00 noon on August 12, 2022. Terms of office of members of the Charlotte-Mecklenburg Board of Education elected in 2022 shall commence on December 6, 2022, and shall expire on December 2, 2025.

SECTION 1.6.(b) Section 1.6(a) of this act shall become effective only if the federal decennial census information for the 2020 census has not been received by the Charlotte-Mecklenburg Board of Education by July 19, 2021. If the Charlotte-Mecklenburg Board of Education has not received notice of the federal decennial census information by July 19, 2021, the Board shall adopt a resolution to that effect which states that census information was not received and that, pursuant to this act, the next election for the Charlotte-Mecklenburg Board of Education will occur at the time of the 2022 general election. The Board of Education shall adopt the resolution prior to July 26, 2021, and shall publish notice of the delay in the election both on the website of the Charlotte-Mecklenburg Board of Education and at least once in a newspaper of general circulation within seven days of adoption of that resolution. The resolution shall also be submitted to the Mecklenburg Board of Elections and to the State Board of Elections prior to July 26, 2021.

SECTION 1.7.(a) Notwithstanding S.L. 1993-167, elections to the Lexington City Board of Education shall not be held in 2021. Members elected to the Lexington City Board of Education in 2017, or persons filling vacancies for those terms, whose terms were set to expire on December 6, 2021, shall hold over in office until their successors are elected and qualified. Election for those terms of office shall be held at the time of the general election for county offices in 2022, with the results determined as provided by G.S. 163-292. Candidates shall file their notices of candidacy for the election in 2022 with the Davidson County Board of Elections no earlier than 12:00 noon on July 25, 2022, and no later than 12:00 noon on August 12, 2022. Terms of office of members of the Lexington City Board of Education elected in 2022 shall commence on December 6, 2022, and shall expire on December 2, 2025.

SECTION 1.7.(b) Section 1.6(a) of this act shall become effective only if the federal decennial census information for the 2020 census has not been received by the Lexington City Board of Education by July 19, 2021. If the Lexington City Board of Education has not received notice of the federal decennial census information by July 19, 2021, the Board shall adopt a resolution to that effect which states that census information was not received and that, pursuant to this act, the next election for the Lexington City Board of Education will occur at the time of the 2022 general election. The Board of Education shall adopt the resolution prior to July 26, 2021, and shall publish notice of the delay in the election both on the website of the Lexington City Board of Education and at least once in a newspaper of general circulation within seven days of adoption of that resolution. The resolution shall also be submitted to the Davidson County Board of Elections and to the State Board of Elections prior to July 26, 2021.

SECTION 1.8.(a) Section 9 of the Charter of the City of Raleigh, being Session Law 1949-1184, as amended by Chapter 286 of the 1963 Session Laws and Chapter 319 of the 1973 Session Laws, City of Raleigh Ordinance No. 1978-837, reads as rewritten:

"Sec. 9. Number and Election of Members of City Council. – The mode of election of the City Council and Mayor shall be as follows:

- (a) The City Council shall consist of eight (8) members, including the Mayor of the City.
- (b) The mode of election of the City Council and Mayor shall be as follows:

 - (1) The City Council shall divide the City into five (5) electoral districts and shall cause a map of the districts to be prepared and filed as provided by G.S. 160A-22 and 160A-23; one member of the City Council shall be

apportioned to each district so that each member represents the same number of persons as nearly as possible, except for the members apportioned to the City at large; and the qualified voters of each district shall nominate and elect candidates who reside in the district for the seat apportioned to that district.

- (2) The qualified voters of the City shall nominate and elect two (2) candidates apportioned to the City at large.
- (3) The Mayor of the City of Raleigh shall be elected by all the qualified voters of the City of Raleigh.

(c) The method of election of the City Council of the City of Raleigh shall be the nonpartisan ~~election and runoff election~~ plurality method to be conducted as provided in ~~G.S. 163-293~~ G.S. 163-292.

(d) Each member of the City Council and the Mayor shall be elected for a term of two years and until his successor is elected and qualified.

(e) Vacancies in the City Council shall be filled by the Council for the remainder of the unexpired term.

(f) Vacancies in the office of Mayor shall be filled by the Council from their own number for the remainder of the unexpired term.

(g) Elections shall be held in even-numbered years. All other related dates shall be determined in accordance with the uniform municipal election laws of North Carolina."

SECTION 1.8.(b) No municipal elections shall be conducted in the City of Raleigh in 2021. The next regular municipal election shall be conducted in the City of Raleigh on November 8, 2022. The terms of office of the Mayor and all Council members serving on the effective date of this act shall be extended until their successor is elected and qualified. Regular municipal elections shall be conducted in 2022 and every two years thereafter.

SECTION 1.8.(c) The City of Raleigh shall review and revise its electoral districts in accordance with State and federal law prior to March 31, 2022. The revised electoral districts shall be delivered to the appropriate county boards of elections no later than March 31, 2022.

SECTION 1.9. This act shall not apply to offices elected at large in any municipality where there is an election of municipal officers scheduled for 2021, where less than the entire jurisdiction is eligible to vote for candidates for one or more offices on the 2021, and that municipality has notified the county board of elections at least five business days prior to the opening of the 2021 filing period as provided in Article 23 or 24 of Chapter 163 of the General Statutes for the method of election for that municipality. If the county board of elections is so notified, the county board of elections shall open the filing period for the offices elected at large only for that municipality and conduct the election in 2021 in accordance with that municipality's charter and Chapter 163 of the General Statutes.

SECTION 2. Except as otherwise provided, this act is effective when it becomes law.
In the General Assembly read three times and ratified this the 15th day of June, 2021.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Destin Hall
Presiding Officer of the House of Representatives

This bill having been presented to the Governor for signature on the 16th day of June, 2021 and the Governor having failed to approve it within the time prescribed by law, the same is hereby declared to have become a law. This 28th day of June, 2021.

s/ Olwen Blessing
Enrolling Clerk