GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-227
HOUSE BILL 248

AN ACT TO AMEND THE STATUTES CONCERNING PRECINCT BOUNDARIES AND TO PROVIDE THE RULES AND PROCEDURE FOR MUNICIPAL REDISTRICTING IN 2001.

The General Assembly of North Carolina enacts:

Section 1. Article 12A of Chapter 163 of the General Statutes reads as rewritten:

"ARTICLE 12A.

"Precinct Boundaries.

"§ 163-132.1. Participation in 2000 Census Redistricting Data Program of the United States Bureau of the Census.

(a)   Purpose. – The State of North Carolina shall participate in the 2000 Census Redistricting Data Program, conducted pursuant to P.L. 94-171, of the United States Bureau of the Census, including Phase I (Block Boundary Suggestion Program) and Phase II (concerning the designation of precincts on 2000 Census maps or databases), so that the State will receive 2000 Census data by voting precinct and be able to revise districts at all levels without splitting precincts and in compliance with the United States and North Carolina Constitutions and the Voting Rights Act of 1965, as amended.

(b)   Phase I (Block Boundary Suggestion Program). – The State shall participate in the Block Boundary Suggestion Program of the United States Bureau of the Census so that the maps the Census Bureau will use in the 2000 Census will contain adequate features to permit reporting of Census data by precinct for use in the 2001 redistricting efforts. The Legislative Services Office shall send preliminary maps produced by the Census Bureau in preparation for the 2000 Census, as soon as practical after the maps are available, to the county boards of elections to determine which of their precincts have boundaries that are not coterminous with a physical feature, a current township boundary, or a current municipal boundary, as shown on those preliminary 2000 Census maps. The Legislative Services Office shall:

(1)   Assist county boards of elections in identifying the precincts with boundaries not shown on the preliminary Census maps and in identifying physical features the county boards may wish to have available for future precinct boundaries;

(2)   Place those boundaries and features on maps deemed appropriate by the State Board;

(3)   Request the U.S. Census Bureau to hold for census block identification in the 2000 U.S. Census all physical features the county boards have identified as current or potential precinct boundaries; and

(4)   Request the U.S. Census Bureau to hold for census block identification in the 2000 U.S. Census all other physical features already on 1990 Census maps.

(c)   Phase II. – The State shall participate in Phase II of the 2000 Census Redistricting Data Program so that, to the extent practical, the precinct boundaries of all North Carolina counties will appear on the 2000 Census maps or database. The State's effort shall be conducted as follows:

(1)   By January 1, 1998, or as soon thereafter as they become available, the Legislative Services Office shall ~~send to the county boards of elections the Census Bureau's official block maps, on paper or electronically, to be used in the 2000 Census.~~ provide the county boards of elections with access, on paper or electronically, to the Census Bureau's maps for Phase II of the Census Redistricting Data Program.

(2)   After receiving the maps, the county boards of elections shall designate their precinct lines along the ~~block boundary lines on the maps.~~ lines the Census Bureau indicates on the maps it will hold as block boundaries for the 2000 Census. Where necessary, the county boards of elections shall alter precincts, including any precincts approved under the provisions of G.S. 163-132.1A, 163-132.2, or 163-132.3 or designated by local act, to conform to lines the Census Bureau indicates it will hold as Census block boundaries as shown on the official block maps to be used for the 2000 Census and to consist only of contiguous territory. The county boards of elections, at a time deemed necessary by the Executive Secretary-Director of the State Board of Elections, shall file with the Legislative Services Office the maps ~~sent to them and marked by them~~ on which they have designated their precincts pursuant to this subsection.

(3)   After examining the ~~returned~~ maps, the Legislative Services Office shall submit to the Executive Secretary-Director of the State Board of Elections its opinion as to whether the county board of elections has complied with the provisions of this subsection, with notations as to where those boundaries do not comply with these standards.

(4)   If the Executive Secretary-Director determines that the county board of elections has complied, he shall approve the precinct boundaries as filed and those precincts shall be the official precincts.

(5)   If the Executive Secretary-Director determines that the county board of elections has not complied, he shall not approve those precinct boundaries but shall alter the precinct boundaries so that each precinct consists solely of contiguous territory and that each precinct's boundaries are coterminous with 2000 Census block boundaries

nearest to the precinct boundaries shown by the county boards on the maps. These altered precincts shall then be the official precincts.

(6) Upon the adoption of a resolution by a county board of elections and instead of altering precinct lines as required by G.S. 163-132.1(c)(5), the Executive Secretary-Director may combine for Census reporting purposes only two or more adjacent precincts of the county into a Combined Reporting Unit, if the Executive Secretary-Director finds that:

a. The boundaries of the Combined Reporting Unit conform with the Census block boundaries as shown on the official block maps to be used in the 2000 Census;

b. The Combined Reporting Unit consists only of contiguous territory;

c. The precincts of which the Combined Reporting Unit consists were bounded as of January 1, 1996, by ridgelines, as certified on official county maps by the county manager of the relevant county, or if there is no county manager the chair of the board of commissioners, and the boundaries failed to comply with subdivision (2) of this subsection only because those ridgelines were unrecognized as Census block boundaries in the 2000 official Census maps;

d. The Combined Reporting Unit does not contain a majority of the territory of more than one township; and

e. To alter those precinct boundaries would result in significant voter dislocation.

If the Executive Secretary-Director recognizes a Combined Reporting Unit for specific precincts, the official boundaries of those individual precincts forming the Combined Reporting Unit shall be those which the Legislative Services Office submitted to the Executive Secretary-Director under subdivision (3) of this subsection.

(7) The Executive Secretary-Director shall file the completed maps with the Census Bureau and request that the Census Bureau provide summaries of 2000 Census data by precinct and Combined Reporting Units.

(d) Freezing of Precincts. – Notwithstanding the provisions of G.S. 163-132.3, after the Executive Secretary-Director approves the precincts in accordance with subsection (c) of this section and before January 2, 2000, 2002, no county board of elections may establish, alter, discontinue, or create any precinct except by division of one precinct into two or more precincts using lines that the Census Bureau has indicated it will use as 2000 Census block boundaries for that division. Provided that, whenever an annexation ordinance adopted under Parts 1, 2, or 3 of Article 4A of Chapter 160A of the General Statutes, or a local act of the General Assembly annexing property to a municipality, becomes effective during the period beginning with the date of the annexation as reported through the U.S. Census Bureau's 1998 Boundary and

Annexation Survey and ending January 2, ~~2000,~~ 2002, and any part of the boundary of the area being annexed which is actually contiguous to the city is also a precinct boundary for elections administered by the county board of elections then the county board of elections may exercise one of the following options:

> (1) Direct by resolution that the annexed area is automatically moved into the 'city precinct', provided that if the annexed area is adjacent to more than one city precinct, the board of elections shall place the area in any one or more of the adjacent city precincts.
>
> (2) Adopt a resolution moving the precinct boundary to a visible feature that the Census Bureau has indicated it will use as a 2000 block boundary.

The county board of elections shall submit any proposed change made during the freeze under this subsection to the Legislative Services Office, which shall review the proposal and write a letter advising the Executive Secretary-Director of its opinion as to the legal compliance of the proposal. If the proposal complies with the law, the Executive Secretary-Director shall approve the proposal. No newly created or altered precinct boundary is effective until approved by the Executive Secretary-Director as being in compliance with the provisions of this subsection. ~~The county board of elections may delay the effective date of any change under this subsection to a date not later than January 1, 2002.~~

(d1) Right to Postpone Effective Date Until January 1, 2000. – A county board of elections may postpone the effective date of the precincts designated in Phase II until January 1, 2000.

(d2) Special Permission to Postpone Effective Date Until January 1, 2001. – The Executive Secretary-Director may permit a county board of elections to postpone the effective date of precinct lines designated under Phase II until January 1, 2001, upon written application by the county board of elections, if the Executive Secretary-Director finds both of the following:

> (1) That the Phase II-designated lines would create a split precinct in 2000 for county commissioner, board of education, judicial, State legislative, or congressional district elections and that a split could be avoided by using the pre-Phase II precinct.
>
> (2) That the county can provide reasonably reliable voter registration data for April and October of 2000 by the Phase II-designated precincts.

In granting an exception under this subsection, the Executive Secretary-Director shall allow an exception only for the precincts that would result in splits and for any adjacent precincts for which pre-Phase II precincts must be used to avoid geographic overlap or discontinuity. Every county board of elections granted an exception under this subsection shall provide to the State Board of Elections voter registration data for April and October of 2000 by the Phase II-designated precincts.

(e) Municipal and Township Boundaries. – Notwithstanding the provisions of subsections (c) and (d) of this section, the county boards of elections may designate precinct boundaries on municipal or township boundaries that are not designated on the 2000 official Census block maps, according to directives promulgated by the Executive

Secretary-Director of the State Board of Elections and adopted to insure that all precincts shall be included on the 2000 Census database.

(f)   Additional Rules. – In addition to the directives promulgated by the Executive Secretary-Director of the State Board of Elections under G.S. 163-132.4, the Legislative Services Commission may promulgate rules to implement this section.

"§ 163-132.1A. Precinct boundaries for certain counties.

(a)   The boundaries of precincts for the counties listed in subsection (b) of this section are those recorded in the Legislative Services Office's automated redistricting system as of May 1, 1991, except as changed in accordance with G.S. 163-132.3, and except in Caldwell County, the boundaries of Lenoir #3, North Catawba, Gamewell #1, and Gamewell #2 Precincts shall be as provided on the precinct map of the county adopted by the Caldwell County Board of Elections and in effect on January 1, 1992, unless changed in accordance with G.S. 163-132.1 or G.S. 163-132.3, whichever occurs later.

(b)   This section shall apply only to the following counties: Alamance, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Chatham, Chowan, Cleveland, Craven, Cumberland, Davidson, Duplin, Durham, Edgecombe, Forsyth, Gaston, Granville, Guilford, Halifax, Harnett, Henderson, Iredell, Johnston, Jones, Lenoir, Mecklenburg, Nash, New Hanover, Onslow, Orange, Pender, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Surry, Union, Wake, Washington, Wayne, Wilkes, Wilson, and Yancey.

"§ 163-132.2. Precinct boundaries for other counties.

(a)   The Legislative Services Office shall send as directed by the schedule contained in subsection (g) of this section the relevant copies of the United States Census Bureau's official census block maps of the 1990 United States Census to each county board of elections. The county board of elections shall:

(1)   Alter, where necessary, precinct boundaries to be coterminous with those of:

a.   Townships, as certified by the county manager, or the chairman of the board of county commissioners if there is not a county manager, on the official map of the county;

b.   The census blocks established under the latest U.S. Census;

c.   The following visible physical features, readily distinguishable upon the ground:

1.   Roads or streets;

2.   Water features or drainage features;

3.   Ridgelines;

4.   Ravines;

5.   Jeep trails;

6.   Rail features;

7.   Above-ground power lines; or

8.   Major footpaths

as certified by the North Carolina Department of Transportation on its highway maps or the county manager of the relevant

county or, if there is no county manager, the chair of the county board of commissioners, on official county maps.

d.   Municipalities, as certified by the city clerk on the official map of the city; or

e.   A combination of these boundaries;

(1a)   Alter, where necessary, precinct boundaries so that each precinct is composed solely of contiguous territory;

(2)   Mark all precinct boundaries on the maps sent by the Legislative Services Office or on other maps or electronic databases approved by the Executive Secretary Director, showing the precinct boundaries in effect as of the time of marking, but with any changes effective at a later time as provided by subsection (d) of this section; and

(3)   File, at a time deemed necessary by the Executive Secretary Director of the State Board of Elections, with the State Board and the Legislative Services Office the maps identifying the precinct boundaries. The Executive Secretary Director may require a county board of elections to file a written description of the boundaries of any precinct or part thereof.

(b)   The Executive Secretary Director of the State Board of Elections and the Legislative Services Office shall examine the returned maps and their written descriptions. After its examination of the maps and their written descriptions, the Legislative Services Office shall submit to the Executive Secretary Director of the State Board of Elections its opinion as to whether the county board of elections has complied with the provisions of subsection (a) of this section, with notations as to where those boundaries do not comply with these standards. If the Executive Secretary Director of the State Board determines that the county board of elections has complied with the provisions of subsection (a) of this section, the Executive Secretary Director of the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts.

(c)   If the Executive Secretary Director of the State Board determines that the county board of elections has not complied with the provisions of subsection (a) of this section, he shall not approve those precinct boundaries but shall alter the precinct boundaries so that each precinct consists solely of contiguous territory and that each precinct's boundaries are coterminous with those boundaries set forth in subsection (a)(1) of this section nearest to those existing precinct boundaries. These altered precincts shall then be the official precincts.

(d)   The changes in precinct boundaries under subsections (b) and (c) of this section shall be made effective not later than January 1, 1997; unless the change would result in placing a precinct in more than one State House of Representatives, State Senate, or Congressional district, in which case it shall be made effective not later than January 1, 2002.

(e), (f) Repealed by Session Laws 1991 (Reg. Sess., 1992), c. 927, s. 1.

(g)   The Legislative Services Office shall send maps, under subsection (a) of this section, to the counties named below by the dates indicated:

(1)   Maps to be sent not later than January 1, 1993, to the following counties: Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Currituck, Cherokee, Clay, Franklin, Gates, and Hoke;
(2)   Maps to be sent not later than January 1, 1994, to the following counties: Columbus, Dare, Davie, Graham, Greene, Haywood, Hertford, Hyde, Jackson, Lee, Lincoln, Madison, Martin, Mitchell, Montgomery, Northampton, and Pasquotank; and
(3)   Maps to be sent not later than January 1, 1995, to the following counties: Macon, McDowell, Moore, Pamlico, Perquimans, Person, Polk, Rutherford, Stanly, Stokes, Swain, Transylvania, Tyrrell, Vance, Warren, Watauga, and Yadkin.
(h)   This section shall apply only to the following counties: Alexander, Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Cherokee, Clay, Columbus, Currituck, Dare, Davie, Franklin, Gates, Graham, Greene, Haywood, Hertford, Hoke, Hyde, Jackson, Lee, Lincoln, Macon, Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Northampton, Pamlico, Pasquotank, Perquimans, Person, Polk, Rutherford, Stanly, Stokes, Swain, Transylvania, Tyrrell, Vance, Warren, Watauga, and Yadkin.
(i)   Any county board of elections whose precincts were not approved by the Executive Secretary Director under the provisions of this section during the year by which maps were to be sent to the county under subsection (g) of this section shall submit precinct boundary changes that comply with subsection (a) of this section to the Legislative Services Office before January 1, 1996, according to directives promulgated by the Executive Secretary Director.

"**§ 163-132.3. Alterations to approved precinct boundaries.**
(a)   No county board of elections of a county listed in G.S. 163-132.1A(b), after January 1, 1990, and no county board of elections of a county listed in G.S. 163-132.2(h), after its precinct boundaries are approved pursuant to G.S. 163-132.2, may change any precinct boundary unless the proposed new precinct consists solely of contiguous territory and its new boundaries are coterminous with those of:
(1)   Townships, as certified by the county manager, or the chairman of the board of county commissioners if there is not a county manager, on the official map of the county;
(2)   The census blocks established under the latest U.S. Census or the boundaries contained on the latest preliminary U.S. Census maps, issued under P.L. 94-171, whichever occurs later;
(3)   The following visible physical features, readily distinguishable upon the ground:
a.   Roads or streets;
b.   Water features or drainage features;
c.   Ridgelines;
d.   Ravines;
e.   Jeep trails;

<blockquote>

      f.   Rail features;

      g.   ~~Above-ground power lines; or~~ Major above-ground power lines; or

      h.   Major footpaths

as certified by the North Carolina Department of Transportation on its highway maps or the county manager of the relevant county or, if there is no county manager, the chair of the county board of commissioners, on official county maps.

(4)   Municipalities, as certified by the city clerk on the official map of the city; or

(5)   A combination of these boundaries.

</blockquote>

The county boards of elections shall report precinct boundary changes by filing with the Legislative Services Office on current official census maps or maps certified by the North Carolina Department of Transportation or the county's planning department or on other maps or electronic databases approved by the Executive Secretary-Director the new boundaries of these precincts. The Executive Secretary-Director may require a county board of elections to file a written description of the boundaries of any precinct or part thereof. No newly created or altered precinct boundary is effective until approved by the Executive Secretary-Director of the State Board as being in compliance with this subsection. No precinct may be changed under this section between the date its boundaries become effective under G.S. 163-132.1(c) and January 2, 2002. Any changes to precincts during that period shall be made as provided in G.S. 163-132.1(d).

(b)   The Executive Secretary-Director of the State Board of Elections and the Legislative Services Office shall examine the maps of the proposed new or altered precincts and any required written descriptions. After its examination of the maps and their written descriptions, the Legislative Services Office shall submit to the Executive Secretary-Director of the State Board of Elections its opinion as to whether all of the proposed precinct boundaries are in compliance with subsection (a) of this section, with notations as to where those boundaries do not comply with these standards. If the Executive Secretary-Director of the State Board determines that all precinct boundaries are in compliance with this section, the Executive Secretary-Director of the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts.

(c)   If the Executive Secretary-Director of the State Board determines that the proposed precinct boundaries are not in compliance with subsection (a) of this section, he shall not approve those precinct boundaries. He shall notify the county board of elections of his disapproval specifying the reasons. The county board of elections may then resubmit new precinct maps and written descriptions to cure the reasons for their disapproval.

"**§ 163-132.4. Directives.**

The Executive Secretary-Director of the State Board of Elections may promulgate directives concerning its duties and those of the county boards of elections under this Article.

"**§ 163-132.5. Cooperation of State and local agencies.**

The State Budget Office, the Department of Transportation and county and municipal planning departments shall cooperate and assist the Legislative Services Office, the Executive Secretary-Director of the State Board of Elections and the county boards of elections in the implementation of this Article.

"**§ 163-132.5A: Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1.**

"§ 163-132.5B. Exemption from Administrative Procedure Act.

The State Board of Elections is exempt from the provisions of Chapter 150B of the General Statutes while acting under the authority of this Article. Appeals from a final decision of the Executive Secretary-Director of the State Board of Elections under this Article shall be taken to the State Board of Elections within 30 days of that decision. The State Board shall approve, disapprove or modify the Executive Secretary's decision within 30 days of receipt of notice of appeal. Failure of the State Board to act within 30 days of receipt of notice of appeal shall constitute a final decision approving that of the Executive Secretary. Appeals from a final decision of the State Board under this Article shall be taken to the Superior Court of Wake County.

"**§ 163-132.5C. Local acts and township lines.**

(a)   Notwithstanding the provisions of any local act, a county board of elections need not have the approval of any other county board or commission to make precinct boundary changes required by this Article.

(b)   Precinct boundaries established, retained or changed under this Article, or changed to follow a district line where a precinct has been divided in a districting plan, may cross township lines.

"**§ 163-132.5D. Retention of precinct maps.**

The Executive Secretary-Director of the State Board of Elections shall retain the maps and written descriptions which he approves pursuant to G.S. 163-132.3.

"~~**§ 163-132.5E. Precinct maps and voter statistics filed with the Legislative Services Office.**~~

~~(a)   No later than January 31 of each year, the chairman of each county board of elections shall file with the Legislative Services Office a map showing the county's precincts as of January 1 of that year.~~

~~(b)   Not later than January 31 of each year, the chair of each county board of elections shall file with the Legislative Services Office a list of each precinct in the county as of January 1 of that year and the number of registered voters, in each precinct, by political party and race; and, no later than January 31 of each year beginning in 1996, with a numerical breakdown as to the race of registered voters of each political party.~~

~~(c)   The Legislative Services Office shall develop and send by mail to each county board of elections by September 15 of each year a standard electronic data format that can be used in the following year by county boards of election as an alternative method of filing the list required by subsection (b) of this section. The standard electronic data format shall be for data provided in international standard ASCII file format on 9-track magnetic tape, 8 millimeter magnetic tape, 5 1/4 inch diskettes, or 3 1/2 inch diskettes. The standard electronic data format shall contain the name of the precinct, and for each precinct the total number of registered voters, the~~

~~number of registered voters by party affiliation, the number of registered voters by race, and a numerical breakdown as to the race of registered voters in each political party.~~

"§ 163-132.5F. U.S. Census data by precinct.

The State shall request the U.S. Census Bureau for each decennial census to provide summaries of census data by precinct and shall participate in any U.S. Bureau of the Census' program to effectuate this provision.

"§ 163-132.6: Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1."

Section 2. Notwithstanding the provisions of Sections 2 and 3 of Chapter 423 of the 1995 Session Laws, the version of G.S. 163-132.3 contained in Section 1 of this act is effective upon this act's becoming law and does not expire. To the extent it is inconsistent with the provisions of this act, Section 3 of Chapter 423 of the 1995 Session Laws is repealed.

Section 3. Section 1 of Chapter 1012 of the 1989 Session Laws reads as rewritten:

"Section 1. (a)   The General Assembly finds that:

(1)   Largely because of the 1982 amendments to the Voting Rights Act of 1965, the number of cities electing governing boards by districts has increased to more than 50;

(2)   The federal constitution and G.S. 160A-23 require that units of government electing on the district basis have district boundaries that follow the one-person-one-vote rule;

(3)   The Voting Rights Act of 1965 requires that minorities have the opportunity to elect candidates of their choice;

(4)   Census data will not be released until April 1, ~~1991,~~ 2001, and may not be in usable form for redistricting purposes by local governments until several weeks after that;

(5)   Many cities are subject to Section 5 of the Voting Rights Act of 1965, requiring federal approval of any changes in district boundaries before filing can even open, a process which can take 60 or more days;

(6)   Filing is currently scheduled to open for municipal elections on ~~July 5, 1991;~~ July 6, 2001;

(7)   ~~A consent judgement in a federal lawsuit between the City of New York and the Census Bureau may result in adjusted census data being released on July 15, 1991, after filing has already opened,~~ The United States Supreme Court in its 1999 opinion in the case of Department of Commerce vs. United States House of Representatives has stated that the Census Bureau's plan to use census data for congressional apportionment was invalid, but adjusted data might be able to be used for redistricting itself. Further litigation in the lower courts will continue over which set of census data to use, litigation that likely will extend into 2000 and 2001, presenting possible chaos;

(8)   Trying to deal with all of this on an ad hoc, city-by-city basis may result in needless legal expenses, confusion, chaos, and delays;

(9) A uniform system of anticipating these problems needs to be adopted in ~~1990,~~ 1999, which will allow a structured approach by the cities involved, allowing an organized election system while protecting the rights of minorities to be involved in the redistricting process and minimizing litigation;

(10) Changes need to be made now to allow ~~possible adjustment of census data on July 15, 1991, not to occur~~ for the possibility that census-related litigation might not be resolved until the middle of the redistricting process, or perhaps even while filing is already open for municipal offices in cities with a district system; and

(11) If cities are unable to complete redistricting in ~~1991~~ 2001 in a timely fashion, it will be far better to put off the elections by six months or a year (depending on the type of electoral system) in an identical method as was allowed in 1991 than to have court-ordered delays or a chaotic election year for candidates and election officials, except that if changes have been adopted but approval under the Voting Rights Act of 1965 is still pending on the date filing is to open, the ~~1991~~ 2001 election should be held under prior district boundaries so as to minimize disruption.

(b) The ~~1991 Session~~ 2000 and 2001 Sessions of the General Assembly may make further changes in the election timetable as more details about the possible July 1991 adjustment of census data become available.

(c) In order to devise a plan that conforms to the Voting Rights Act of 1965, changes in the number of district seats may need to be made, but the current procedural requirements in the general law for making such changes are too restrictive to allow meaningful use in ~~1991~~ 2001 without the changes made by this act."

Section 4. G.S. 160A-23.1 reads as rewritten:

"§ 160A-23.1. Special rules for redistricting after ~~1990~~ 2000 census.

(a) As soon as possible after receipt of federal census information in ~~1991~~ 2001 the council of any city which elects the members of its governing board on a district basis, or where candidates for such office must reside in a district in order to run, shall evaluate the existing district boundaries to determine whether it would be lawful to hold the next election without revising districts to correct population imbalances. If such revision is necessary, the council shall consider whether it will be possible to adopt the changes (and obtain approval from the United States Department of Justice, if necessary) before the third day before opening of the filing period for the municipal election. The council shall take into consideration the time that will be required to afford ample opportunities for public input. If the council determines that it most likely will not be possible to adopt the changes (and obtain federal approval, if necessary) before the third business day before opening of the filing period, and determines further that the population imbalances are so significant that it would not be lawful to hold the next election using the current electoral districts, it may adopt a resolution delaying the election so that it will be held on the timetable provided by subsection (d) of this section. Before adopting such a resolution, the council shall hold a public hearing on it.

The notice of public hearing shall summarize the proposed resolution and shall be published at least once in a newspaper of general circulation, not less than seven days before the date fixed for the hearing. Notwithstanding adoption of such a resolution, if the council proceeds to adopt the changes, (and federal approval is obtained, if necessary) by the end of the third business day before the opening of the filing period, the election shall be held on the regular schedule under the revised electoral districts. Any resolution adopted under this subsection, and any changes in electoral district boundaries made under this section shall be submitted to the United States Department of Justice (if the city is covered under Section 5 of the Voting Rights Act of 1965), the State Board of Elections, and to the board conducting the elections for that city.

    (b)   In adopting any revisal under this section, if the council determines that in order for the plan to conform to the Voting Rights Act of 1965, the number of district seats needs to be increased or decreased, it may do so by following the procedures set forth in Part 4 of Article 5 of Chapter 160A of the General Statutes, except that the ordinance under G.S. 160A-102 may be adopted at the same meeting as the public hearing, and any referendum on the change under G.S. 160A-103 shall not apply to the municipal election in ~~1991 or 1992.~~ 2001 or 2002.

    (c)   If the resolution provided for in subsection (a) of this section is not adopted and:

        (1)   Proposed changes to the electoral districts are not adopted, or
        (2)   Such changes are adopted, but approval under the Voting Rights Act of 1965, as amended, is required, and notice of such approval is not received,

by the end of the third business day before the opening of the filing period, the election shall be held on the regular schedule using the current electoral districts.

    (d)   If the council adopts the resolution provided for in subsection (a) of this section and:

        (1)   Does not adopt the changes, or
        (2)   Does adopt the changes, but approval under the Voting Rights Act of 1965, as amended, is required, and notice of such approval is not received,

by the end of the third day before the opening of the filing period, the municipal election shall be rescheduled as provided in this subsection and current officeholders shall hold over until their successors are elected and qualified. For cities using the:

        (1)   Partisan primary and election method under G.S. 163-291, the primary shall be held on the primary election date for county officers in ~~1992,~~ 2002, the second primary, if necessary, shall be held on the second primary election date for county officers in ~~1992,~~ 2002, and the general election shall be held on the general election date for county officers in 1992;
        (2)   Nonpartisan primary and election method under G.S. 163-294, the primary shall be held on the primary election date for county officers in ~~1992~~ 2002 and the election shall be held on the date for the second primary for county officers in ~~1992;~~ 2002;

(3)   Nonpartisan plurality election method under G.S. 163-292, the election shall be held on the primary election date for county officers in ~~1992;~~ 2002;

(4)   Election and runoff method under G.S. 163-293, the election shall be held on the primary election date for county officers in ~~1992~~ 2002 and the runoffs, if necessary, shall be held on the date for the second primary for county officers in ~~1992.~~ 2002.

The organizational meeting of the new council may be held at any time after the results of the election have been officially determined and published, but not later than the time and date of the first regular meeting of the council in July ~~1992,~~ 2002, except in the case of partisan municipal elections, when the organizational meeting shall be held not later than the time and date of the first regular meeting of the council in December of ~~1992.~~ 2002."

Section 5. G.S. 163-291(2) reads as rewritten:

"(2)   A candidate seeking party nomination for municipal or district office shall file his notice of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the first Friday in August preceding the ~~election.~~ election, except:

a.   In 2001 a candidate seeking party nomination for municipal or district office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file his notice of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and

b.   In 2002 if the election is held then under G.S. 160A-23.1, a candidate seeking party nomination for municipal or district office shall file his notice of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

No person may file a notice of candidacy for more than one municipal office at the same election. If a person has filed a notice of candidacy for one office with the county board of elections under this section, then a notice of candidacy may not later be filed for any other municipal office for that election unless the notice of candidacy for the first office is withdrawn first."

Section 6. G.S. 163-294.2(c) reads as rewritten:

"(c)   Candidates seeking municipal office shall file their notices of candidacy with the board of elections no earlier than 12:00 noon on the first Friday in July and no later than 12:00 noon on the first Friday in August preceding the election, except:

(1)   In ~~1991~~ 2001 candidates seeking municipal office in any city which elects members of its governing board on a district basis, or requires that candidates reside in a district in order to run, shall file their notices

of candidacy with the board of elections no earlier than 12:00 noon on the fourth Monday in July and no later than 12:00 noon on the second Friday in August preceding the election; and

(2)   In ~~1992~~ 2002 if the election is held then under G.S. 160A-23.1, candidates seeking municipal office shall file their notices of candidacy with the board of elections at the same time as notices of candidacy for county officers are required to be filed under G.S. 163-106.

Notices of candidacy which are mailed must be received by the board of elections before the filing deadline regardless of the time they were deposited in the mails."

Section 7. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 21st day of June, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 11:45 a.m. this 25th day of June, 1999