



2021-2022 General Assembly

# HOUSE BILL 243: Budget Technical Corrections, Sec. 20.6A: Adjustments to 2022 Delayed Municipal Elections and Second Primary Schedule

<b>Committee:</b>		<b>Date:</b>	March 23, 2022
<b>Introduced by:</b>		<b>Prepared by:</b>	Jessica Sammons Staff Attorney
<b>Analysis of:</b>	Sec. 20.6A of S.L. 2022-6		

**OVERVIEW:** *Sec. 20.6A of S.L. 2022-6 provides for the following:*

- *Effective March 17, 2022, the delayed municipal elections from 2021 to be held in 2022 are rescheduled, depending on the affected municipality's method of election.*
- *Effective from March 17, 2022, through August 1, 2022, any requested second primary in 2022 is to be held 10 weeks after the first primary, and individuals can register to vote between the date of the first primary and any second primary, and vote in that second primary.*

**CURRENT LAW:**

Primary Elections. – Article 1 of Chapter 163 of the General Statutes provides for the time of primaries and elections, setting the usual primary date as the Tuesday after the first Monday in March before each general election held in November. G.S. 163-1. In advance of the primary, candidates seeking party primary nominations must file a notice of candidacy between 12:00 noon on the first Monday in December and 12:00 noon on the third Friday in December. G.S. 163-106.2.

Upon completion of the canvass for the primary, if a substantial plurality of the votes cast in the primary (more than 30%) was not attained by a nominee or nominees, a second primary can be requested by the candidate receiving the next highest number of votes. Second primaries, if requested, are held seven weeks after the first primary, or 10 weeks after the first primary if any of the offices for which a second primary is requested include a candidate for U.S. Congress. G.S. 163-111.

Generally, second primaries, if requested, are a continuation of the first primary, and there is no registration of voters between the dates of the first and second primaries. Persons who qualify to register to vote after the day of the first primary and before the day of the second primary can register on the day of the second primary and, when registered, vote in the second primary. G.S. 163-111. Effective from March 9, 2022, through June 1, 2022, S.L. 2021-56 provided that individuals can register to vote between the date of the first primary and any second primary, and vote in that second primary. However, no person is permitted to change party affiliation or unaffiliated status between the date of a first primary and a second primary.

2022 Municipal Elections. – Due to the delay in the release of the 2020 federal decennial Census results, the General Assembly delayed some municipal election contests from 2021 to 2022. Where less than the entire municipal jurisdiction was eligible to vote for one or more of the municipal candidates on the ballot scheduled for 2021, S.L. 2021-56 provided the following:

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# House Bill 243

Page 2

- Delayed the scheduled municipal election from 2021 to 2022. The date of the election was set for the date of the primary in 2022, depending on the affected municipality's method of election. Affected municipalities had the option to conduct at-large elections in that municipality in 2021.
- Extended the terms of officers currently serving in an affected municipality until his or her successor is elected and qualified in 2022.
- Required the affected municipalities to evaluate and revise its electoral districts in accordance with state and federal law following the release of federal decennial census data by November 17, 2021, or December 17, 2021, if the municipality is unable to meet the November 17, 2021 deadline, and set the filing period based on when those revisions to its electoral districts were done, as follows:
  - From December 6, 2021, to December 17, 2021, for electoral districts revised by November 17, 2021.
  - From January 3, 2022, to January 7, 2022, for electoral districts revised by December 17, 2021.

**BILL ANALYSIS:** Sec. 20.6A of S.L. 2022-6 provides for the following with respect to the 2022 delayed municipal elections and the 2022 second primary schedule:

- The rescheduled dates for the municipal elections to be held in 2022 for the municipalities where there was a municipal election scheduled for 2021 and where less than the entire jurisdiction was eligible to vote for one or more of the municipal candidates on the 2021 ballot, depending on the affected municipality's method of election, are as follows:

<u>Election Method</u>	<u>Primary Election Date</u>	<u>General Election Date</u>	<u>Runoff Election Date</u>
Partisan Primary and Election Method	May 17, 2022	July 26, 2022	
Nonpartisan Primary and Election Method	May 17, 2022	July 26, 2022	
Nonpartisan Plurality Method		May 17, 2022	
Nonpartisan Election and Runoff Method		May 17, 2022	July 26, 2022

- For 2022 only, a second primary, if requested, is to be held 10 weeks after the first primary, which is July 26, 2022.
- For 2022 only, the ability for individuals to register to vote between the date of the first primary and any second primary, and vote in that second primary, is effective through August 1, 2022.

**EFFECTIVE DATE:** This act became effective March 17, 2022. The sections regarding the timing of and registration for the second primary are effective from March 17, 2022, through August 1, 2022.

# House Bill 243

*Page 3*

**BACKGROUND:** With respect to the 2022 primary elections, the court in *Harper v. Hall*, set the filing period as February 24, 2022, through March 3, 2022, and ordered that the primary be held on Tuesday, May 17, 2022.