HOUSE BILL 605:
2022 Primary Date.

2021-2022 General Assembly

Committee:	Senate Redistricting and Elections. If favorable, re-refer to Rules and Operations of the Senate	**Date:**	January 18, 2022
Introduced by:	Reps. Winslow, Mills	**Prepared by:**	Erika Churchill and
Analysis of:	PCS to Third Edition H605-CSST-42		Jessica Sammons, Committee Counsel

OVERVIEW: The proposed committee substitute for House Bill 605 would set Tuesday, June 7, 2022, as the date of the primary in 2022, and the second primary, if needed, as July 26, 2022, and would reschedule the delayed municipal elections from 2021 to be held in 2022, depending on the affected municipality's method of election.

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 may 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.

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:

- Delayed the scheduled municipal election from 2021 to 2022. The date of the election was set for either the date of the primary in 2022, depending on the affected municipality's method of election. Affected municipalities had the option of at-large elections in those districts to be 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: The PCS would provide for the following with respect to the 2022 primary:

- The date of the primary election would be set as Tuesday, June 7, 2022. Any election originally scheduled to be held on the date of the primary would be held on this date.

- If no candidate receives more than 30% of the vote in a particular contest and that candidate successfully requests a second primary, any second primary would be held on Tuesday, July 26, 2022.

- 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, would be as follows:

Election Method	**Primary Election Date**	**General Election Date**	**Runoff Election Date**
Partisan Primary and Election Method	June 7, 2022	Date of second primary. If none, July 26, 2022.	
Nonpartisan Primary and Election Method	June 7, 2022	Date of second primary. If none, July 26, 2022.	
Nonpartisan Plurality Method		June 7, 2022	
Nonpartisan Election and Runoff Method		June 7, 2022	Date of second primary, if applicable. If none, July 26, 2022.

- The filing period for all offices on the June 7, 2022 ballot would begin at 8:00 A.M. on March 24, 2022, and close at 5:00 P.M. on April 1, 2022. Any person who filed a notice of candidacy during the December 2021 filing period, and did not withdraw that notice of candidacy before the filing period was closed by order of the court, would be deemed to have filed during this time.

- The State Board of Elections would be authorized to set the time period for unaffiliated candidates who seek to obtain ballot access by petition. The State Board of Elections would also be authorized to adopt temporary rules as needed to accommodate the primary schedule set by the act.

- The 2022 annual statement of economic interest for all sitting legislators and public servants, regardless of whether they file a notice of candidacy or not, would be due April 15, 2022. For individuals filing a notice of candidacy that will not be filing as a sitting elected official, the statement of economic interest would be due within a time after the filing, dependent upon the type of filing.

- The statutory notice period would not apply in 2022 for bond referendums on the primary ballot. The State Board of Elections would be able to adopt temporary rules to accommodate the different primary date, these rules would expire upon completion of the 2022 election.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: With respect to the 2022 primary election, the Supreme Court of North Carolina directed that primaries be held on Tuesday, May 17, 2022.