



SENATE BILL 722: Revise Local Government Redistricting/Census.

2021-2022 General Assembly

Committee:		Date:	February 4, 2022
Introduced by:		Prepared by:	Jessica Sammons
Analysis of:	S.L. 2021-56		Staff Attorney

OVERVIEW: *S.L. 2021-56 impacts municipalities where an election for municipal officers is scheduled for 2021 and where less than the entire jurisdiction is eligible to vote for one or more municipal candidates on the 2021 ballot in the following ways:*

- *Delays the municipal elections scheduled for 2021 in those affected municipalities to 2022, with an option for the at-large elections in those districts to be in 2021.*
- *Requires those affected municipalities to evaluate and revise 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.*
- *Allows individuals to register to vote between the date of the first primary and any second primary, and vote in that second primary, for 2022 only.*
- *Moves the City of Raleigh municipal elections to even-numbered years, and changes the method of election to non-partisan plurality.*
- *Delays the Charlotte-Mecklenburg Board of Education and the Lexington City Board of Education regular 2021 elections to 2022.*
- *Provides for boards of county commissioners to be able to adopt and implement revised districts for the 2022 election.*

This act became effective June 28, 2021, and applies only to certain 2021 municipal elections.

CURRENT LAW: After receiving federal decennial census information, the governing body of a municipality ("council") whose members are elected by district or who must reside in a district to run, must evaluate whether the existing electoral district boundaries need to be revised due to a population imbalance. If the council determines that the districts need to be revised, the council must then consider if changes could be adopted by the third business day before the filing period opens for the next municipal election and if there would be sufficient time for public input.

If the council determines the districts need to be revised, and adopts changes to the electoral districts by the third business day before the filing period opens for the next municipal election, the election must be held on the regular schedule using the revised districts.

If the council determines that the districts need to be revised, but the changes cannot be adopted by the third business day before the filing period opens for the next municipal election, the council may adopt a resolution to delay that next municipal election, provided a public hearing is held prior to adopting the resolution.

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If the council does not adopt a resolution delaying the next municipal election by the third business day before the opening of the filing period for that election, and no changes to the electoral districts have been adopted, then that election must be held on the regular schedule using the current electoral districts.

If the council adopts a resolution to delay the next municipal election, but does not adopt changes to the electoral districts, the municipal election must be rescheduled to a date certain, depending upon the method of election, as follows:

- *Partisan and primary election method:* The primary, general election, and any second primary, if needed, is held on the same schedule as for county officers in the second year following the census.
- *Nonpartisan primary and election method:* The primary is held at the time of the primary for county officers in the second year following the census. The election is held at the time of the second primary for county officers in that year.
- *Nonpartisan plurality election method:* The election is held at the time of the primary for county officers in the second year following the census.
- *Election and runoff election method:* The election is held at the time of the primary for county officers in the second year following the census. If runoffs are necessary, the runoff is held at the time of the second primary for county officers in that year.

Any resolution adopted and any changes in electoral district boundaries adopted must be submitted to the State Board of Elections and to the county board(s) of elections conducting elections for the municipality.

BILL ANALYSIS: S.L. 2021-56 delays municipal elections from 2021 to 2022 in municipalities where there is a municipal election scheduled for 2021 and where less than the entire jurisdiction is eligible to vote for one or more of the municipal candidates on the 2021 ballot. The terms of the officers currently serving in an affected municipality extend until his or her successor is elected and qualified in 2022.

Additionally, the act requires each affected municipality to review and revise its electoral districts in accordance with state and federal law following the release of federal decennial census data on or before either November 17, 2021, or December 17, 2021, and notify the appropriate county board or boards of elections by November 12, 2021, regarding which of these dates the municipality will be able to provide such revised electoral districts.

The filing periods for any municipal election that are delayed under this act are as follows:

- From December 6, 2021 until December 17, 2021, for electoral districts revised by November 17, 2021.
- From January 3, 2022 until January 7, 2022, for electoral districts revised by December 17, 2021.

Candidates for an election delayed to 2022 are entitled to withdraw their candidacy at any time prior to the close of business three days prior to the close of the filing period.

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Under this act, the elections for the affected municipalities are rescheduled to the following dates:¹

Election Method	Primary Election Date	General Election Date	Runoff Election Date
Partisan Primary and Election Method	March 8, 2022.	Date of second primary. If none, April 26, 2022.	
Nonpartisan Primary and Election Method	March 8, 2022.	Date of second primary. If none, April 26, 2022.	
Nonpartisan Plurality Method		March 8, 2022.	
Nonpartisan Election and Runoff Method		March 8, 2022.	Date of second primary, if applicable. If none, April 26, 2022.

The individual certified as the winner of the 2022 election will serve a term set to expire on the date it would have expired if the election were held in 2021 and can be sworn in at any time after the certificate of the election has been issued.

For 2022 only, individuals may 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.

A municipality with a 2021 election where less than the entire jurisdiction is eligible to vote for one or more of the municipal candidates on the 2021 ballot and the entire jurisdiction is eligible to voter for one or more of the municipal candidates on the 2021 ballot may opt to have the election for the at-large seats held in 2021 by notifying the county board of elections at least five business days in advance of the regular 2021 filing period opening.

S.L. 2021-56 also does the following:

- Delays the regular 2021 elections for the Charlotte-Mecklenburg Board of Education to 2022.
- Delays the regular 2021 elections for the Lexington City Board of Education to 2022.
- Moves the elections for the City of Raleigh to even-year elections and changes the method of election to the non-partisan plurality method of election, for the 2022 elections and thereafter. The City of Raleigh must deliver its revised electoral districts to the appropriate county boards of elections no later than March 31, 2022.
- Grants county boards of commissioners required to redistrict in advance of the 2022 elections the ability to adopt resolutions establishing the new districts in advance of the filing period opening on December 6, 2021. Current law provides that such a resolution adopted by a board of county commissioners is effective upon its adoption, unless it is adopted during the period beginning 150 days before the day of a primary and ending on the day of the next succeeding general election for membership on the board of commissioners, in which case it becomes effective on the first day

¹ House Bill 605 of the 2021-2022 session would have set Tuesday, June 7, 2022, as the date of the primary in 2022, and would have rescheduled these delayed municipal elections June 7, 2022, the date of the second primary, or July 22, 2022, depending on the affected municipality's method of election. As ratified on January 19, 2022, House Bill 605 would have become effective when it became law. The bill was vetoed by the Governor on January 28, 2022.

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after the end of the period. G.S. 153A-22. For the 2022 elections, that time period is October 9, 2021 until November 8, 2022.

EFFECTIVE DATE: This act became effective June 28, 2021, and applies only to certain 2021 municipal elections.

BACKGROUND: For the 2021 municipal elections for municipalities where members of the council are elected on a district basis or where members must reside in the district in order to run, below is a timeline based on the method of election:

- *Partisan primary and election method:*
 - Date of filing period for candidates: Noon on Monday, July 26, 2021 until noon on Friday, August 13, 2021
 - Date absentee ballots must be available: August 15, 2021
 - Date of election: September 14, 2021 (primary); October 5, 2021 (second primary, if needed); and November 2, 2021 (general election)
- *Nonpartisan primary and election method:*
 - Date of filing period for candidates: Noon on Monday, July 26, 2021 until noon on Friday, August 13, 2021
 - Date absentee ballots must be available: September 5, 2021
 - Date of election: October 5, 2021 (primary) and November 2, 2021 (general election)
- *Nonpartisan election and runoff method:*
 - Filing period for candidates: Noon on Monday, July 26, 2021 until noon on Friday, August 13, 2021
 - Date absentee ballot must be available: September 5, 2021
 - Date of election: October 5, 2021 (election) and November 2, 2021 (runoff, if needed)
- *Nonpartisan plurality method:*
 - Filing period for candidates: Noon on Monday, July 26, 2021 until noon on Friday, August 13, 2021
 - Date absentee ballot must be available: October 3, 2021
 - Date of election: November 2, 2021

The U.S. Census Bureau released the legacy data of the population results for the 2020 Census on August 12, 2021. The U.S. Census Bureau released the redistricting data toolkit on September 16, 2021.