

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 1012  
SENATE BILL 1620

AN ACT TO PROVIDE THE RULES AND PROCEDURE FOR MUNICIPAL  
REDISTRICTING IN 1991.

The General Assembly of North Carolina enacts:

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, 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;
- (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, 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, 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 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 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) 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 election should be held under prior district boundaries so as to minimize disruption.

(b) The 1991 Session 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 without the changes made by this act.

Sec. 2. Chapter 160A of the General Statutes is amended by adding a new section to read:

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

(a) As soon as possible after receipt of federal census information in 1991 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 revision 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.

(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, the second primary, if necessary, shall be held on the second primary election date for county officers in 1992, 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 and the election shall be held on the date for the second primary for county officers in 1992;
- (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;
- (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 and the runoffs, if necessary, shall be held on the date for the second primary for county officers in 1992.

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, 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."

Sec. 3. 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, except:

a. In 1991 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 1992 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."

Sec. 4. 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 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 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."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 26th day of July, 1990.