

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

S

1

SENATE BILL 722

Short Title: Revise Municipal Redistricting/Census. (Public)

Sponsors: Senators Daniel, Newton, and Hise (Primary Sponsors).

Referred to: Rules and Operations of the Senate

May 19, 2021

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT CITY COUNCILS SHALL EVALUATE EXISTING DISTRICT BOUNDARIES IN THE YEAR OF THE RELEASE OF FEDERAL DECENNIAL CENSUS INFORMATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 160A-23.1 reads as rewritten:

**"§ 160A-23.1. Special rules for redistricting after a federal decennial census.**

(a) ~~As soon as possible after receipt of federal decennial census information, the council of~~ In the year of the release of federal decennial census information, in any city which elects where the members of its governing board council are elected on a district basis, or where candidates for such office must reside in a district in order to run, the council 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 the council determines that revision of the district boundaries 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 business day before opening of the filing period for the next municipal election. The council shall take into consideration the time that will be required to afford ample opportunities for public input.

(a1) ~~If the council determines that it revision of the district boundaries is necessary to conform with State and federal law, but 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 period for the next municipal election, the council may adopt a resolution delaying the election so that it will be held on the timetable provided by subsection (d) of this section. next municipal election. Before adopting such a the resolution, the council shall hold a public hearing on it the resolution. 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.~~



1 (b) In adopting any revision under this section, if the council determines that in order for  
2 the plan to conform to the Voting Rights Act of 1965, the number of district seats needs to be  
3 increased or decreased, it may do so by following the procedures set forth in Part 4 of Article 5  
4 of Chapter 160A of the General Statutes, ~~except that Statutes.~~ However, the ordinance under  
5 G.S. 160A-102 may be adopted at the same meeting as the public hearing, and any referendum  
6 on the change under G.S. 160A-103 shall not apply to the municipal election in the two years  
7 following ~~a the release of federal decennial census.~~ census information.

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

9 (1) ~~Proposed changes to the electoral districts are not adopted, or~~

10 (2) ~~Such changes are adopted, but approval under the Voting Rights Act of 1965,  
11 as amended, is required, and notice of such approval is not received,~~

12 If, by the end of the third business day before the opening of the filing period, ~~period for the next~~  
13 municipal election, the council has not adopted a resolution delaying the next municipal election  
14 as provided for in subsection (a1) of this section and any proposed changes to the electoral  
15 districts have not been adopted, then the election shall be held on the regular schedule using the  
16 current electoral districts.

17 (c1) If the council adopts a resolution delaying the next municipal election as provided for  
18 in subsection (a1) of this section and does not adopt the changes by the end of the third business  
19 day before the opening of the filing period for the next municipal election, the municipal election  
20 shall be rescheduled in accordance with subsection (d) of this section and the council may set a  
21 new filing period for candidates for that election.

22 (c2) Notwithstanding adoption of a resolution delaying the next municipal election as  
23 provided for in subsection (a1) of this section, if the council proceeds to adopt changes to the  
24 electoral districts by the end of the third business day before the opening of the filing period for  
25 the next municipal election, the election shall be held on the regular schedule under the revised  
26 electoral districts. Any resolution adopted under this section shall be submitted to the State Board  
27 of Elections and the board conducting the elections for that city.

28 (d) ~~If the council adopts the resolution provided for in subsection (a) of this section and~~  
29 ~~does not adopt the changes, or does adopt the changes, but approval under the Voting Rights Act~~  
30 ~~of 1965, as amended, is required, and notice of such approval is not received, by the end of the~~  
31 ~~third day before the opening of the filing period, the next municipal election shall be rescheduled~~  
32 ~~as provided in this subsection and is rescheduled in accordance with this section, the current~~  
33 ~~officeholders shall hold over serve until their successors are elected and qualified. For cities using~~  
34 ~~the:~~ The election shall be conducted in accordance with the following:

35 (1) ~~Partisan~~ For cities using the partisan primary and election method under  
36 G.S. 163-291, the primary shall be held on the primary election date for  
37 county officers in the second year following a federal decennial census, the  
38 second primary, if necessary, shall be held on the second primary election date  
39 for county officers in that year, and the general election shall be held on the  
40 general election date for county officers in that year.

41 (2) ~~Nonpartisan~~ For cities using the nonpartisan primary and election method  
42 under G.S. 163-294, the primary shall be held on the primary election date for  
43 county officers in the second year following a federal decennial census, and  
44 the election shall be held on the date for the second primary for county officers  
45 in that year.

46 (3) ~~Nonpartisan~~ For cities using the nonpartisan plurality election method under  
47 G.S. 163-292, the election shall be held on the primary election date for  
48 county officers in the second year following a federal decennial census.

49 (4) ~~Election~~ For cities using the election and runoff method under G.S. 163-293,  
50 the election shall be held on the primary election date for county officers in  
51 the second year following a federal decennial census, and the runoffs, if

1                    necessary, shall be held on the date for the second primary for county officers  
2                    in that year.

3                    ~~The~~In the case of nonpartisan municipal elections, the organizational meeting of the new  
4 council may be held at any time after the results of the election have been officially determined  
5 and published, but not later than the time and date of the first regular meeting of the council in  
6 November of the second year following a federal decennial ~~census, except in census.~~In the case  
7 of partisan municipal elections, ~~when~~ the organizational meeting shall be held not later than the  
8 time and date of the first regular meeting of the council in December of the second year following  
9 a federal decennial census.

10                    (e)            This section does not apply to any municipality that, under its ~~charter, charter or other~~  
11 local act, is not scheduled to hold an election in the year following a federal decennial census.

12                    (f)            For purposes of this section, if a city is required to obtain approval from the United  
13 States Department of Justice when revising district boundaries, the changes to the electoral  
14 districts cannot be implemented or enforced until notice of such approval is received."

15                    **SECTION 2.** This act is effective when it becomes law.