

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1620
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Short Title: Municipal Redistricting.

(Public)

Sponsors: Senator Taft.

Referred to: Rules Suspended, Calendared.

July 12, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THE RULES AND PROCEDURE FOR MUNICIPAL
3 REDISTRICTING IN 1991.

4 The General Assembly of North Carolina enacts:

5 Section 1. (a) The General Assembly finds that:

- 6 (1) Largely because of the 1982 amendments to the Voting Rights Act of
7 1965, the number of cities electing governing boards by districts has
8 increased to more than 50;
- 9 (2) The federal constitution and G.S. 160A-23 require that units of
10 government electing on the district basis have district boundaries that
11 follow the one-person-one-vote rule;
- 12 (3) The Voting Rights Act of 1965 requires that minorities have the
13 opportunity to elect candidates of their choice;
- 14 (4) Census data will not be released until April 1, 1991, and may not be in
15 usable form for redistricting purposes by local governments until
16 several weeks after that;
- 17 (5) Many cities are subject to Section 5 of the Voting Rights Act of 1965,
18 requiring federal approval of any changes in district boundaries before
19 filing can even open, a process which can take 60 or more days;
- 20 (6) Filing is currently scheduled to open for municipal elections on July 5,
21 1991;
- 22 (7) A consent judgement in a federal lawsuit between the City of New
23 York and the Census Bureau may result in adjusted census data being

- 1 released on July 15, 1991, after filing has already opened, presenting
2 possible chaos;
- 3 (8) Trying to deal with all of this on an ad hoc, city-by-city basis may
4 result in needless legal expenses, confusion, chaos, and delays;
- 5 (9) A uniform system of anticipating these problems needs to be adopted
6 in 1990, which will allow a structured approach by the cities involved,
7 allowing an organized election system while protecting the rights of
8 minorities to be involved in the redistricting process and minimizing
9 litigation;
- 10 (10) Changes need to be made now to allow possible adjustment of census
11 data on July 15, 1991, not to occur while filing is already open for
12 municipal offices in cities with a district system; and
- 13 (11) If cities are unable to complete redistricting in 1991 in a timely
14 fashion, it will be far better to put off the elections by six months or a
15 year (depending on the type of electoral system) than to have court-
16 ordered delays or a chaotic election year for candidates and election
17 officials, except that if changes have been adopted but approval under
18 the Voting Rights Act of 1965 is still pending on the date filing is to
19 open, the 1991 election should be held under prior district boundaries
20 so as to minimize disruption.

21 (b) The 1991 Session of the General Assembly may make further changes in
22 the election timetable as more details about the possible July 1991 adjustment of census
23 data become available.

24 (c) In order to devise a plan that conforms to the Voting Rights Act of 1965,
25 changes in the number of district seats may need to be made, but the current procedural
26 requirements in the general law for making such changes are too restrictive to allow
27 meaningful use in 1991 without the changes made by this act.

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

30 "**§ 160A-23.1. Special rules for redistricting after 1990 census.**

31 (a) As soon as possible after receipt of federal census information in 1991 the
32 council of any city which elects the members of its governing board on a district basis,
33 or where candidates for such office must reside in a district in order to run, shall
34 evaluate the existing district boundaries to determine whether it would be lawful to hold
35 the next election without revising districts to correct population imbalances. If such
36 revision is necessary, the council shall consider whether it will be possible to adopt the
37 changes (and obtain approval from the United States Department of Justice, if
38 necessary) before the third day before opening of the filing period for the municipal
39 election. The council shall take into consideration the time that will be required to
40 afford ample opportunities for public input. If the council determines that it most likely
41 will not be possible to adopt the changes (and obtain federal approval, if necessary)
42 before the third business day before opening of the filing period, and determines further
43 that the population imbalances are so significant that it would not be lawful to hold the
44 next election using the current electoral districts, it may adopt a resolution delaying the

1 election so that it will be held on the timetable provided by subsection (d) of this
2 section. Before adopting such a resolution, the council shall hold a public hearing on it.
3 The notice of public hearing shall summarize the proposed resolution and shall be
4 published at least once in a newspaper of general circulation, not less than seven days
5 before the date fixed for the hearing. Notwithstanding adoption of such a resolution, if
6 the council proceeds to adopt the changes, (and federal approval is obtained, if
7 necessary) by the end of the third business day before the opening of the filing period,
8 the election shall be held on the regular schedule under the revised electoral districts.
9 Any resolution adopted under this subsection, and any changes in electoral district
10 boundaries made under this section shall be submitted to the United States Department
11 of Justice (if the city is covered under Section 5 of the Voting Rights Act of 1965), the
12 State Board of Elections, and to the board conducting the elections for that city.

13 (b) In adopting any revisal under this section, if the council determines that in
14 order for the plan to conform to the Voting Rights Act of 1965, the number of district
15 seats needs to be increased or decreased, it may do so by following the procedures set
16 forth in Part 4 of Article 5 of Chapter 160A of the General Statutes, except that the
17 ordinance under G.S. 160A-102 may be adopted at the same meeting as the public
18 hearing, and any referendum on the change under G.S. 160A-103 shall not apply to the
19 municipal election in 1991 or 1992.

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

- 22 (1) Proposed changes to the electoral districts are not adopted, or
23 (2) Such changes are adopted, but approval under the Voting Rights Act
24 of 1965, as amended, is required, and notice of such approval is not
25 received,

26 by the end of the third business day before the opening of the filing period, the election
27 shall be held on the regular schedule using the current electoral districts.

28 (d) If the council adopts the resolution provided for in subsection (a) of this
29 section and:

- 30 (1) Does not adopt the changes, or
31 (2) Does adopt the changes, but approval under the Voting Rights Act of
32 1965, as amended, is required, and notice of such approval is not
33 received,

34 by the end of the third day before the opening of the filing period, the municipal
35 election shall be rescheduled as provided in this subsection and current officeholders
36 shall hold over until their successors are elected and qualified. For cities using the:

- 37 (1) Partisan primary and election method under G.S. 163-291, the primary
38 shall be held on the primary election date for county officers in 1992,
39 the second primary, if necessary, shall be held on the second primary
40 election date for county officers in 1992, and the general election shall
41 be held on the general election date for county officers in 1992;

- 42 (2) Nonpartisan primary and election method under G.S. 163-294, the
43 primary shall be held on the primary election date for county officers

1 in 1992 and the election shall be held on the date for the second
2 primary for county officers in 1992;

3 (3) Nonpartisan plurality election method under G.S. 163-292, the election
4 shall be held on the primary election date for county officers in 1992;

5 (4) Election and runoff method under G.S. 163-293, the election shall be
6 held on the primary election date for county officers in 1992 and the
7 runoffs, if necessary, shall be held on the date for the second primary
8 for county officers in 1992.

9 The organizational meeting of the new council may be held at any time after the
10 results of the election have been officially determined and published, but not later than
11 the time and date of the first regular meeting of the council in July 1992, except in the
12 case of partisan municipal elections, when the organizational meeting shall be held not
13 later than the time and date of the first regular meeting of the council in December of
14 1992."

15 Sec. 3. G.S. 163-291(2) reads as rewritten:

16 "(2) A candidate seeking party nomination for municipal or district office
17 shall file his notice of candidacy with the board of elections no earlier
18 than 12:00 noon on the first Friday in July and no later than 12:00
19 noon on the first Friday in August preceding the election, except:

20 a. In 1991 a candidate seeking party nomination for municipal or
21 district office in any city which elects members of its governing
22 board on a district basis, or requires that candidates reside in a
23 district in order to run, shall file his notice of candidacy with the
24 board of elections no earlier than 12:00 noon on the fourth
25 Monday in July and no later than 12:00 noon on the second
26 Friday in August preceding the election; and

27 b. In 1992 if the election is held then under G.S. 163-23(e), a
28 candidate seeking party nomination for municipal or district
29 office shall file his notice of candidacy with the board of
30 elections at the same time as notices of candidacy for county
31 officers are required to be filed under G.S. 163-106. No person
32 may file a notice of candidacy for more than one municipal
33 office at the same election. If a person has filed a notice of
34 candidacy for one office with the county board of elections
35 under this section, then a notice of candidacy may not later be
36 filed for any other municipal office for that election unless the
37 notice of candidacy for the first office is withdrawn first."

38 Sec. 4. G.S. 163-294.2(c) reads as rewritten:

39 "(c) Candidates seeking municipal office shall file their notices of candidacy with
40 the board of elections no earlier than 12:00 noon on the first Friday in July and no later
41 than 12:00 noon on the first Friday in August preceding the election, except:

42 (1) In 1991 candidates seeking municipal office in any city which elects
43 members of its governing board on a district basis, or requires that
44 candidates reside in a district in order to run, shall file their notices of

- 1 candidacy with the board of elections no earlier than 12:00 noon on the
2 fourth Monday in July and no later than 12:00 noon on the second
3 Friday in August preceding the election; and
4 (2) In 1992 if the election is held then under G.S. 163-23(e), candidates
5 seeking municipal office shall file their notices of candidacy with the
6 board of elections at the same time as notices of candidacy for county
7 officers are required to be filed under G.S. 163-106.
8 Notices of candidacy which are mailed must be received by the board of elections
9 before the filing deadline regardless of the time they were deposited in the mails."
10 Sec. 5. This act is effective upon ratification.