

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1620

Short Title: Municipal Redistricting.

(Public)

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Sponsors: Senator Taft.

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Referred to: Rules Suspended, Calendared.

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July 12, 1990

A BILL TO BE ENTITLED

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

- 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) and  
12 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.