

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 38

Short Title: Municipal District Elections 2011/Census. (Public)

Sponsors: Senator Clodfelter.

Referred to: Judiciary I.

February 4, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CONTINUE TO APPLY SPECIAL RULES TO MUNICIPAL
3 REDISTRICTING AFTER THE 2010 CENSUS THAT APPLY TO ELECTIONS
4 SCHEDULED FOR 2011.

5 The General Assembly of North Carolina enacts:

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

7 "§ 160A-23.1. Special rules for redistricting after ~~2000~~2010 census.

8 (a) As soon as possible after receipt of federal census information in ~~2004~~2011 the
9 council of any city which elects the members of its governing board on a district basis, or
10 where candidates for such office must reside in a district in order to run, shall evaluate the
11 existing district boundaries to determine whether it would be lawful to hold the next election
12 without revising districts to correct population imbalances. If such revision is necessary, the
13 council shall consider whether it will be possible to adopt the changes (and obtain approval
14 from the United States Department of Justice, if necessary) before the third day before opening
15 of the filing period for the municipal election. The council shall take into consideration the time
16 that will be required to afford ample opportunities for public input. If the council determines
17 that it most likely will not be possible to adopt the changes (and obtain federal approval, if
18 necessary) before the third business day before opening of the filing period, and determines
19 further that the population imbalances are so significant that it would not be lawful to hold the
20 next election using the current electoral districts, it may adopt a resolution delaying the election
21 so that it will be held on the timetable provided by subsection (d) of this section. Before
22 adopting such a resolution, the council shall hold a public hearing on it. The notice of public
23 hearing shall summarize the proposed resolution and shall be published at least once in a
24 newspaper of general circulation, not less than seven days before the date fixed for the hearing.
25 Notwithstanding adoption of such a resolution, if the council proceeds to adopt the changes,
26 (and federal approval is obtained, if necessary) by the end of the third business day before the
27 opening of the filing period, the election shall be held on the regular schedule under the revised
28 electoral districts. Any resolution adopted under this subsection, and any changes in electoral
29 district boundaries made under this section shall be submitted to the United States Department
30 of Justice (if the city is covered under Section 5 of the Voting Rights Act of 1965), the State
31 Board of Elections, and to the board conducting the elections for that city.

32 (b) In adopting any revision under this section, if the council determines that in order for
33 the plan to conform to the Voting Rights Act of 1965, the number of district seats needs to be
34 increased or decreased, it may do so by following the procedures set forth in Part 4 of Article 5
35 of Chapter 160A of the General Statutes, except that the ordinance under G.S. 160A-102 may
36 be adopted at the same meeting as the public hearing, and any referendum on the change under
37 G.S. 160A-103 shall not apply to the municipal election in ~~2004~~or 2002~~2011 or 2012~~.



1 (c) If the resolution provided for in subsection (a) of this section is not adopted and:
2 (1) Proposed changes to the electoral districts are not adopted, or
3 (2) Such changes are adopted, but approval under the Voting Rights Act of
4 1965, as amended, is required, and notice of such approval is not received,
5 by the end of the third business day before the opening of the filing period, the election shall be
6 held on the regular schedule using the current electoral districts.

7 (d) If the council adopts the resolution provided for in subsection (a) of this section and
8 does not adopt the changes, or does adopt the changes, but approval under the Voting Rights
9 Act of 1965, as amended, is required, and notice of such approval is not received, by the end of
10 the third day before the opening of the filing period, the municipal election shall be rescheduled
11 as provided in this subsection and current officeholders shall hold over until their successors
12 are elected and qualified. For cities using the:

- 13 (1) Partisan primary and election method under G.S. 163-291, the primary shall
14 be held on the primary election date for county officers in ~~2002, 2012~~, the
15 second primary, if necessary, shall be held on the second primary election
16 date for county officers in ~~2002, 2012~~, and the general election shall be held
17 on the general election date for county officers in ~~2002, 2012~~;
- 18 (2) Nonpartisan primary and election method under G.S. 163-294, the primary
19 shall be held on the primary election date for county officers in ~~2002, 2012~~
20 and the election shall be held on the date for the second primary for county
21 officers in ~~2002, 2012~~;
- 22 (3) Nonpartisan plurality election method under G.S. 163-292, the election shall
23 be held on the primary election date for county officers in ~~2002, 2012~~;
- 24 (4) Election and runoff method under G.S. 163-293, the election shall be held on
25 the primary election date for county officers in ~~2002, 2012~~ and the runoffs, if
26 necessary, shall be held on the date for the second primary for county
27 officers in ~~2002, 2012~~.

28 The organizational meeting of the new council may be held at any time after the results of
29 the election have been officially determined and published, but not later than the time and date
30 of the first regular meeting of the council in November 2002, except in the case of partisan
31 municipal elections, when the organizational meeting shall be held not later than the time and
32 date of the first regular meeting of the council in December of ~~2002, 2012~~.

33 (e) This section does not apply to any municipality that, under its charter, is not
34 scheduled to hold an election in 2011."

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