

[Session Law 2021-56 \(Senate Bill 722\)](#) became law today without the Governor's signature. Below is a summary of the law, as well as answers to frequently asked questions. All counties should review this guidance in its entirety as provisions within the law affect all counties, not just those with municipalities that elect by district. Please let us know if you have questions. I have attached this guidance to this email along with the text of the law.

Delay of Certain Municipal Elections to 2022 (Sections 1.(a) through 1.(f))

Senate Bill 722 moves elections for municipalities that elect by district to 2022, under the following schedule by election method:

- Partisan primary and election method:
 - Primary on March 8, 2022
 - No second primary in 2022
 - General election on April 26, 2022, or May 17, 2022 if a federal second primary is held
 - Affected municipalities:
 - Charlotte (Mecklenburg)*
 - Sanford (Lee)*
- Nonpartisan primary and election method:
 - Primary on March 8, 2022
 - General election on April 26, 2022, or May 17, 2022 if a federal second primary is held
 - Affected municipalities:
 - Fayetteville (Cumberland)*
 - Greensboro (Guilford)*
 - Hickory (Burke, Catawba)*
 - Mooresville (Iredell)*
- Nonpartisan plurality method:
 - General election on March 8, 2022
 - Affected municipalities:
 - Ahoskie (Hertford)*
 - Clinton (Sampson)*
 - Edenton (Chowan)*
 - Enfield (Halifax)*
 - Greenville (Pitt)*
 - Jacksonville (Onslow)*
 - Kings Mountain (Cleveland, Gaston)*
 - Laurinburg (Scotland)*
 - Lexington (Davidson)*
 - Long View (Burke, Catawba)*
 - Lumberton (Robeson)
 - Mount Olive (Duplin, Wayne)*
 - Plymouth (Washington)*
 - Princeville (Edgecombe)*
 - Roanoke Rapids (Halifax)*
 - Siler City (Chatham)*
 - Smithfield (Johnston)*
 - St. Pauls (Robeson)
 - Tarboro (Edgecombe)*
 - Whiteville (Columbus)*
 - Wilson (Wilson)
- Election and runoff method:
 - Election on March 8, 2022

- Runoff on April 26, 2022, or May 17, 2022 if a federal second primary is held
- Affected municipalities:
 - Cary (Chatham, Wake)*
 - Elizabeth City (Camden, Pasquotank)*
 - Erwin (Harnett)*
 - Henderson (Vance)
 - New Bern (Craven)*
 - Rocky Mount (Edgecombe, Nash)
 - Statesville (Iredell)*

Mayors and council members who are serving on councils that are delayed to 2022 will serve until a successor is elected and sworn into office in 2022. The individual certified as the winner of the 2022 election may be sworn into office at any time after issuance of the certificate of election.

The filing period for the delayed election depends on how quickly the municipality can adopt a new redistricting plan. The affected municipalities must notify their county board of elections by November 12, 2021, as to whether the municipality will be able to revise their electoral districts by November 17, 2021.

- If they can revise the districts by November 17, 2021, the filing period is noon on December 6, 2021, through noon on December 17, 2021.
- If they cannot revise the districts by November 17, 2021, the municipality must provide the new districts to the county board by December 17, 2021, and the filing period is noon on January 3, 2022, through noon on January 7, 2022.

***Exception for at-large contests in the affected municipalities (Section 1.9):** If one of the affected municipalities normally has an at-large contest on the ballot in 2021 (mayoral or at-large council races), it can opt to hold those at-large contests on its regular election date in 2021 if the municipality notifies the county board of elections by **July 19, 2021**. The following contests could be subject to this exception:

- Town of Ahoskie Council Member At-Large (1 seat)
- Town of Cary Town Council At-Large (1 seat)
- City of Charlotte Mayor and City Council At-Large (4 seats)
- City of Clinton Mayor
- Town of Edenton Council Member At-Large (1 seat)
- City of Elizabeth City Mayor
- Town of Enfield Mayor
- Town of Erwin Mayor
- City of Fayetteville Mayor
- City of Greensboro Mayor and City Council At-Large (3 seats)
- City of Greenville Mayor and City Council At-Large (1 seat)
- City of Hickory Mayor
- City of Jacksonville Council Member At-Large (2 seats)
- City of Kings Mountain City Council At-Large (1 seat)
- City of Laurinburg City Council Member At-Large (1 seat)
- City of Lexington Mayor
- Town of Long View Mayor
- Town of Mooresville Mayor and Commissioner At-Large (1 seat)
- Town of Mount Olive Mayor and Commissioner At-Large (1 seat)
- City of New Bern Mayor
- Town of Plymouth Mayor
- Town of Princeville Mayor
- City of Roanoke Rapids Mayor
- City of Sanford Mayor and Council Member At-Large (1 seat)
- Town of Siler City Mayor and Town Commissioner At-Large (1 seat)
- Town of Smithfield Mayor

- City of Statesville Mayor and Councilman At-Large (2 seats)
- Town of Tarboro Mayor
- City of Whiteville Mayor

County Board of Commissioners Redistricting (Section 1.4) – AFFECTS ALL COUNTIES THAT WILL ADOPT REDISTRICTING PLANS FOR COUNTY COMMISSIONER DISTRICTS

This section provides that a county board of commissioners must adopt a new redistricting plan by November 17, 2021, and the resolution becomes effective at that time. The effect of this provision is that it takes the place of the current statutory process for county commissioner redistricting, which requires a board of commissioners to adopt a redistricting resolution at least 150 days before the day of the primary. This would have required a county board of commissioners to adopt their new districts by October 9, 2021, which would have been virtually impossible if the county doesn't receive Census data until late September 2021.

Voter Registration Between First and Second Primaries (Section 1.5) – AFFECTS ALL COUNTIES

For 2022 only, this law permits voter registration between the first and second primaries. Voters still may not change their party affiliation or unaffiliated status between the first and second primaries. Generally, voter registration is not permitted between a first and second primary. However, because municipal general elections are held in 2022 on the same date as a potential second primary for other statewide contests, this provision addresses the complication that some voters would be eligible to vote in the municipal election who would not be eligible to vote in the second primary held on the same day.

Charlotte-Mecklenburg Board of Education (Section 1.6)

If Census data is not received by July 19, 2021, this law delays the election for the Charlotte-Mecklenburg Board of Education to November 8, 2022, upon the adoption of a resolution by the school board by July 26, 2021. The filing period would begin at noon on July 25, 2022, and end at noon on August 12, 2022.

Lexington City Board of Education (Section 1.7)

If Census data is not received by July 19, 2021, this law delays the election for the Lexington City Board of Education to November 8, 2022, upon the adoption of a resolution by the school board by July 26, 2021. The filing period would begin at noon on July 25, 2022, and end at noon on August 12, 2022.

City of Raleigh Permanent Election Changes (Section 1.8)

This section permanently changes the method of election for the City of Raleigh from the nonpartisan election and runoff method to the nonpartisan plurality method, and moves those elections from odd-numbered years to even-numbered years. The 2022 municipal election will be held on November 8, 2022, and filing begins at noon on July 1, 2022, and ends at noon on July 15, 2022. This section also requires the City of Raleigh to adopt new electoral districts by March 31, 2022.

Frequently Asked Questions

Q: Does this law automatically delay mayoral contests if the municipality elects its town council by district, even though everyone in the town can vote for the office of mayor?

A: Yes, this law automatically delays the at-large contests (including mayor and at-large town council contests) in municipalities that would have elected at least one town office by district in 2021. If a town wishes to hold its at-large contests in 2021, it must adopt a resolution and notify the county board of elections by July 19, 2021.

Q: Does a city have the authority to hold an ABC election in 2021 if the municipal election for that town is delayed to 2022?

A: No, a city may not hold an ABC election in 2021 if its municipal election was delayed to 2022 unless the city has an at-large election that would normally be held in 2021 and it decides by July 19 to hold that election on its regular schedule. Otherwise, G.S. 18B-601(f) provides that the board of elections must conduct and set the date for the alcoholic beverage election in accordance with G.S. 163-287, which provides that the election can only be held on one of the following dates:

- At the same time as any other State or county general election.
- At the same time as the primary election in any even-numbered year.
- At the same time as any other election requiring all the precincts in the county to be open.
- At the same time as a municipal general election, if the special election is within the jurisdiction of the municipality only.

Q: Does this law affect municipal school board, sanitary district, or other local elections, if those entities elect by district?

A: Not necessarily. In general, this law only affects municipal elections, not school boards or other local elections. However, if the language of the charter or session law states that the election for that entity is to be held on the same date as the municipal election, that election may also be delayed to 2022. Please contact legal@ncsbe.gov if you think this may apply to a local election in your county.

Q: A small municipality in my county does not elect by district and is concerned about the cost of having its election in 2021 when a larger municipality's election in the county has been moved to 2022. Can the small municipality postpone its election? What other options does it have?

A: The small municipality may not move its election from 2021 because, absent a local act, there is no statutory authority to do so for municipalities that do not elect by district. The municipality could decide to eliminate absentee voting (this includes absentee by mail and early voting). Pursuant to G.S. 163-302, a municipality may authorize (or deauthorize) absentee voting by resolution. Such resolution must be adopted no later than 60 days prior to an election in order to be effective for that election. Any such resolution shall remain effective for all future elections unless repealed no later than 60 days before an election.