

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H

D

**HOUSE BILL 605**  
**Committee Substitute Favorable 4/21/21**  
**Committee Substitute #2 Favorable 4/28/21**  
**PROPOSED SENATE COMMITTEE SUBSTITUTE H605-PCS10553-ST-42**

Short Title: 2022 Primary Date.

(Public)

Sponsors:

Referred to:

April 20, 2021

A BILL TO BE ENTITLED  
AN ACT TO SET THE DATE FOR THE 2022 PRIMARY AS JUNE 7, 2022; TO SET THE  
DATE OF A POTENTIAL SECOND PRIMARY AS JULY 26, 2022; TO ALLOW THE  
STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY RULES FOR  
CONDUCTING THE 2022 PRIMARIES AND ELECTIONS; AND TO ADDRESS OTHER  
MATTERS RELATING TO THE 2022 PRIMARY.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Notwithstanding G.S. 163-1(b) and any order of the court issued prior to January 18, 2022, the date of the 2022 primary election shall be June 7, 2022. Any elections originally scheduled to be held on the date of the primary in 2022 shall instead be held on June 7, 2022.

**SECTION 1.(b)** Notwithstanding G.S. 163-111, any second primary requested as a result of less than a substantial plurality in any election contest on the June 7, 2022, ballot shall be held on July 26, 2022.

**SECTION 1.(c)** Section 1(e) of S.L. 2021-56 reads as rewritten:

**"SECTION 1.(e)** Date of Election. – With respect to any elected office with an election delayed to 2022 in accordance with this act, the following dates of election shall apply:

- (1) For any municipality elected by the partisan primary and election method, the primary shall be ~~March 8, 2022, June 7, 2022,~~ and the general election shall be on the date of any second primary held under G.S. 163-111. If no second primary is held under G.S. 163-111, the general election shall be on ~~April 26, 2022, July 26, 2022.~~ No second primary shall be held for these offices in 2022.
- (2) For any municipality elected by the nonpartisan primary and election method, the primary shall be ~~March 8, 2022, June 7, 2022,~~ and the general election shall be held on the date of any second primary held under G.S. 163-111. If no second primary is held under G.S. 163-111, the general election shall be on ~~April 26, 2022, July 26, 2022.~~
- (3) For any municipality elected by the nonpartisan plurality method, the date of the election shall be ~~March 8, 2022, June 7, 2022.~~
- (4) For any municipality elected by the nonpartisan elections and runoff method, the election shall be ~~March 8, 2022, June 7, 2022,~~ and the runoff election shall be held on the date of any second primary held under G.S. 163-111. If no second primary is held under G.S. 163-111, the runoff election shall be on ~~April 26, 2022, July 26, 2022.~~"



\* H 6 0 5 - P C S 1 0 5 5 3 - S T - 4 2 \*

1           **SECTION 1.(d)** Section 1.5(d) of S.L. 2021-56 reads as rewritten:

2           **"SECTION 1.5.(d)** This section becomes effective March 9, 2022, and expires on ~~June 1,~~  
3 ~~2022.~~August 1, 2022."

4           **SECTION 1.(e)** The times to publish notice of a bond referendum required by  
5 G.S. 159-61(c) shall not apply to any bond referendum held on the date of the 2022 statewide  
6 primary. The local government unit holding the bond referendum on that date shall comply with  
7 the times to publish notice of the election prescribed by the State Board of Elections pursuant to  
8 this section.

9           **SECTION 1.(f)** Except as provided in this act, in order to accommodate the  
10 scheduling of the 2022 primary, the State Board of Elections may issue temporary rules to  
11 change, modify, or amend any statute in Chapter 163 of the General Statutes or rules contained  
12 in Title 8 of the North Carolina Administrative Code that affect the timing of the 2022 primaries  
13 and general elections. These temporary rules are only effective for the 2022 primaries and 2022  
14 general elections. The authority granted by this section shall be exercised only when needed to  
15 ensure the orderly and timely operations of the electoral process. Temporary rules issued under  
16 this section are subject to the provisions of Chapter 150B of the General Statutes and shall be  
17 published in the North Carolina Register as quickly as possible. Any temporary rules issued under  
18 this section become void 10 days after the final certification of all 2022 elections.

19           **SECTION 2.(a)** Notwithstanding Chapter 163 of the General Statutes, any local act,  
20 and S.L. 2021-56, the filing period for all offices on the ballot in 2022 shall begin at 8:00 A.M.  
21 on March 24, 2022, and close at 5:00 P.M. on April 1, 2022.

22           **SECTION 2.(b)** Notwithstanding Article 10 of Chapter 163 of the General Statutes,  
23 any person who filed a notice of candidacy during the filing period in December 2021, and did  
24 not withdraw that notice of candidacy before that filing period was closed by order of the court,  
25 shall be deemed to have filed during the period set forth in Section 2(a) of this act. G.S. 163-106.4  
26 shall apply to all candidates desiring to withdraw a notice of candidacy.

27           **SECTION 2.(c)** Under the authority granted by Section 1(f) of this act, the State  
28 Board of Elections shall set a period of time for unaffiliated candidates who wish to obtain ballot  
29 access by petition in accordance with the provisions of G.S. 163-122.

30           **SECTION 3.** Notwithstanding G.S. 138A-22 and G.S. 163-106, for 2022 only, all  
31 covered persons and candidates filing a notice of candidacy under G.S. 163-106 who are also  
32 required to file a statement of economic interest under Article 2 of Chapter 138A of the General  
33 Statutes shall do so on or before April 15, 2022. An individual nominated under G.S. 163-114  
34 shall file the statement within three days following the individual's nomination, or not later than  
35 the day preceding the general election, whichever occurs first. An individual seeking to qualify  
36 as an unaffiliated candidate under G.S. 163-122 shall file the statement of economic interest  
37 within three days of filing the petition required under that section. An individual seeking to have  
38 write-in votes counted for that individual in a general election shall file a statement of economic  
39 interest within three days of the time the candidate files a declaration of intent under  
40 G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of  
41 economic interest within three days of the time that the president of the convention certifies the  
42 names of its candidates to the State Board of Elections under G.S. 163-98.

43           **SECTION 4.** This act is effective when it becomes law.