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## Coates' Canons Blog: Municipal Elections—Odd Year and Odd Man Out

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**Update January 2017:** *In Session Law 2016-109, section 5, enacted July 22, 2016, the General Assembly expressed its intent “to provide for even-numbered year municipal elections, effective with the 2020 election cycle.” It directed the Joint Legislative Elections Oversight Committee to study options to implement such a change.*

In North Carolina, we do our voting for almost all elected officials in even-numbered years. It's in 2012 and 2014 and 2016 that we vote for statewide executive branch and judicial branch officials, members of the General Assembly, district attorneys, sheriffs, clerks of court, registers of deeds, county commissioners, and federal officers. That's a lot of offices and it makes for what is commonly called the “long ballot.” Look [here](#) for all the offices we fill by election.

But there are two offices we fill by election in odd-numbered years. In 2015 and 2017 and 2019 we will vote for mayor and city council. In very recent years there has been a modest movement—a few North Carolina municipalities have changed—toward holding municipal elections in even-numbered years along with all the others. Why are municipal elections held so differently from all others? What is the motivation behind the possibility of change?

### The Old Days and a Hundred Ways

Before 1971 there was no general law governing elections for mayor and city council in North Carolina's municipalities. Rather, for each city a local act of the General Assembly, enacted just for that city, determined what kind of elections the city would have and when it would have them. On its face that seems incredible. After all, we have hundreds of cities. Each one governed by its own law? Really?

Really. But that is not quite as weird as it sounds. Each North Carolina municipality is created individually by the General Assembly through a local act. That has been true since colonial times with the incorporation of the town of Bath in 1705. And it is true today. For instance, in 2011 the General Assembly created the town of Castle Hayne in New Hanover County, through a local act. When the General Assembly creates a town, the local act that does the creating is referred to as the town's “charter,” and the charter will specify whether the town's elections will be held on a partisan basis or a nonpartisan basis, whether they will be determined simply on the basis of “most votes wins” or whether there will be a primary election or a runoff system used.

And traditionally the charter specified when the city elections would be held. They might be held in even-numbered years or they might be held in odd-numbered years. They might be held in May (especially if there were in even-numbered years, when there were partisan primary elections going on for other offices) or they might be held in November.

They were all over the calendar.

### The Advent of a Uniform System of Odd-Year Elections

In 1971, the General Assembly brought some order to this hodgepodge situation. It enacted (as part of a general recodification of most of the state's municipal governance statutes) an entirely new, comprehensive set of statutes designed “To Make Uniform the Laws Concerning Registration of Voters in and the Conduct of Municipal Elections.” It placed this new law in new Article 23 of Chapter 163 (which contains the elections laws) of the General Statutes.

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The very first section of the new law provided then (and still provides today) that “[p]rimaries and elections for offices filled by election of the people in cities, towns, incorporated villages, and special districts shall be held in 1973 and every two years thereafter.” Starting in 1973, all municipal elections were to be held in odd-numbered years. To ensure that this was to be the case, the enactment went on to say:

It is the intent of this act to make uniform the laws governing the registration of voters for and the conduct of elections in cities, towns, incorporated villages, and special districts in this State. To this end, all laws and clauses of laws, whether general, private, special, or local are repealed to the extent that they are in conflict with or superseded by this act.”

In one stroke, the old hodgepodge was undone. All city elections would be governed by this one law—how registration was to be done, the kinds of electoral systems available to cities, the way candidates would file for office, and many other details were standardized—and all municipal elections would all be held in odd-numbered years.

### **Uniformly in Odd Years**

So now all municipal elections would be held in years when no other elections were to be conducted—no county elections, no district elections, no statewide elections, no federal elections. Why were municipal elections put in years by themselves? No legislative history exists (at least that I can find) to explain that decision, but a couple of educated guesses are available.

The most likely reason is that municipal elections were then, and are still now, conducted on a nonpartisan basis. Elections for all other offices—county, statewide, etc.—were conducted on a partisan basis. Having municipal elections separated out simplified matters for voters and for the officials who would conduct the elections. And it may have been thought that separating out the municipal elections distanced them from the taint of partisan politics. Maybe, it was thought, there is not a Republican or Democratic way to pave a street or organize a recreation department.

It is also possible that lawmakers recognized a truth in 1971 that exists today—that voters, generally speaking, are more interested in statewide and federal elections than they are in municipal elections. Maybe the idea was that by separating out municipal elections and letting them stand on their own, they would get more attention and voters would be more likely to participate.

### **A Small Trend away from Uniformity**

Currently, of North Carolina's 550-plus municipalities, all but five continue to follow this general law and conduct their elections in odd-numbered years. Those five—Archdale, Dobson, Elkin, Pilot Mountain, and Winston-Salem—have changed, in very recent years, to even-year elections, held at the same time as county, statewide, and federal elections. [High Point changed and then changed back.]

How have they done that? By local act of the General Assembly. Just as all municipal elections were once the subject of local acts, so the General Assembly today retains the power to move away from the uniformity created in 1971.

Why have they done it?

I think there may be a couple of motivations (and perhaps others that I am not aware of).

One is to save money. A municipality must reimburse its county for the expense that the county board of elections incurs in conducting the municipality's elections. In theory that expense might be less if the municipality's elections are at the same time as all others. That theory may have some validity since the statute [GS 163-284] requires only that municipalities reimburse “the actual cost involved.” The actual cost of an odd-year municipal-only election is undoubtedly higher than the actual cost of adding municipal races to a ballot with other races in an even-year election.

A second motivation may be to increase voter turnout. Maybe more people will vote in an even-year municipal election that is way down at the end of the ballot than in an odd-year stand-alone municipal election.

As a final point, over the last decade or so judicial races have gone from partisan to non-partisan. As a result, there already are non-partisan elections happening in even-number years. So the distinction between partisan even-year

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elections and non-partisan odd-year elections has already been broken.

### **An Administrative Consideration**

What the future holds cannot, of course, be foretold, but there is on administrative consideration if the movement of municipal elections to even-numbered years should gain momentum. That is the role of the county board of elections. The county BOE conducts all elections—municipal, county, district, statewide, and federal—and its work already involves considerable spikes of activity. There is work to be done around the year, of course, in maintaining the voter rolls, in servicing voting equipment, in auditing campaign finance reports, in training, and in countless other tasks, but it is certainly true that the work intensifies around specific episodes—candidate filing periods, primary elections, and general elections. To concentrate municipal elections with all others in even-numbered years would further that periodic intensification.

On the other hand, it would add a small bit of work to the even-year elections and eliminate the odd-year elections altogether.

### **Links**

- [canons.sog.unc.edu/?p=7481](https://canons.sog.unc.edu/?p=7481)
- [www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=163-284](http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=163-284)