



# NORTH CAROLINA

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## STATE BOARD OF ELECTIONS

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### **RESOLUTION ON MUNICIPAL ELECTIONS**

WHEREAS, the terms of office for the members of the county boards of elections began on June 25, 2025, pursuant to Section 3A.3.(h) of Session Law 2024-57; and

WHEREAS, N.C.G.S. § 163-30(e) requires the county boards of elections members to take the oath of office at the county board's organizational meeting that is to be held on the Tuesday following the third Monday in July in the year of their appointment pursuant to N.C.G.S. § 163-31(a); and

WHEREAS, N.C.G.S. § 128-5 forbids appointed officials to discharge or enter into the duties of office until taking the oath of office; and

WHEREAS, N.C.G.S. § 163-294.2(c) provides that candidates seeking nonpartisan municipal office shall file their notices of candidacy with the county board of elections no later than 12:00 noon on the third Friday in July preceding the election; and

WHEREAS, N.C.G.S. § 163-294.4(a) provides that "[i]f in a nonpartisan municipal election, when the filing period expires, candidates have not filed for all offices to be filled, the board of elections may extend the filing period for five days"; and

WHEREAS, in 2025, pursuant to the above statutes, the end of the municipal candidate filing period falls on July 18, while the recently appointed members of county boards of elections take office on July 22, meaning that any county board that finds it necessary to extend the candidate filing period under N.C.G.S. § 163-294.4(a) will have to extend that period after the period has initially concluded;

WHEREAS, N.C.G.S. § 163-166.35 provides that county boards of elections may propose and adopt early voting plans for the State Board's approval, but the statutes are silent as to when county boards of elections must submit those early voting plans to the State Board; and

WHEREAS, the State Board must ensure the early voting plans unanimously adopted by the county boards of elections, and those adopted for a county board by the State Board when county board members petition the State Board to adopt a plan because the county board did not unanimously adopt a plan, meet all standards and requirements in law for early voting plans; and

WHEREAS, N.C.G.S. § 163-166.4(e) requires county boards of elections to make available to the public certain information about early voting sites no later than 10 days before the opening of early voting at the site; and

WHEREAS, N.C.G.S. § 163-182.5(b) provides that the county board of elections canvass shall be held on the tenth day after every election; and

WHEREAS, the general statutes specifically pertaining to municipal elections in September and October of odd-numbered years, N.C.G.S. §§ 163-291(5), -293(c), and -294(b), provide that canvass shall be held on the seventh day following, respectively, a partisan municipal primary or second primary, a nonpartisan municipal election when using the election and runoff method, and a nonpartisan municipal primary; and

WHEREAS, N.C.G.S. § 163-302(b) requires the mail-in absentee voting period in odd-numbered-year elections to be 30 days prior to the primary or election; and

WHEREAS, N.C.G.S. § 163-166.40(b) requires early voting to begin on the third Thursday before an election, when a municipality has authorized early and absentee voting in its elections pursuant to N.C.G.S. § 163-302(a); and

WHEREAS, the State Board is authorized under N.C.G.S. § 163-22(a) “to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable so long as they do not conflict with any provisions of [Chapter 163];” and

WHEREAS, the State Board is authorized under N.C.G.S. § 163-22(c) to “advise the county boards of elections as to the proper methods of conducting primaries and elections.”

THEREFORE, IT IS RESOLVED that:

1. With respect to the conduct of candidate filing for nonpartisan primaries and elections for the 2025 municipal elections, a county board of elections may exercise its discretion under N.C.G.S. § 163-294.4(a) after its members have taken the oath of office at the county board’s organizational meeting on July 22, 2025, to extend the candidate filing period by five days if, as of the close of the filing period on July 18, 2025, candidates did not file for all offices to be filled. Any extension of the candidate filing period shall apply only to those municipalities’ elections where no person filed for an office to be filled in those municipalities’ elections, and not to any other municipality’s election under the county board’s jurisdiction. If a county board extends the filing period, it shall immediately send notice of the extended period to the county board’s notice list for public meetings. The five-day extension of the filing period may not begin until after the notice is sent.
2. With respect to the submission of early voting plans to the State Board for the 2025 municipal elections in September, a county board of elections conducting a September election with early voting shall submit its unanimous early voting plan, or petition for the

State Board to adopt a plan for the county when the county board was not unanimous, no later than July 29, 2025.

3. With respect to the submission of early voting plans to the State Board for the 2025 municipal elections in October and November, a county board of elections conducting an October or November election with early voting shall submit its unanimous early voting plan for those elections, or petition for the State Board to adopt a plan for the county when the county board was not unanimous, no later than August 8, 2025.
4. With respect to the canvass period for the municipal primaries and elections held in September and October of odd-numbered years, the State Board interprets the statutes that establish the length of the canvass period following an election to provide a seven-day canvass period for the municipal primaries and elections held in September and October of odd-numbered years, because the canvass period provisions of N.C.G.S. §§ 163-291(5), -293(c), and -294(b) have not been repealed, are the more specific statutes for municipal primaries and elections held in September and October of odd-numbered years, and a ten-day canvass period for these primaries and elections is not administratively feasible as voting would be required to begin for one election before the canvass period has completed for the election in the prior month.
5. The State Board advises the county boards of elections that the deadlines that are tied to the date of the county canvass for the municipal primaries and elections held in September and October of odd-numbered years—such as deadlines for filing election protests, sample audit counts, recount requests, and same-day registration mail verification cures—are to be calculated based on the seven-day canvass period.

This the 21st day of July, 2025.

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