

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

H

4

HOUSE BILL 31
Committee Substitute Favorable 4/2/01
Third Edition Engrossed 4/11/01
Senate Judiciary I Committee Substitute Adopted 6/26/01

Short Title: Presidential Elector Challenge.

(Public)

Sponsors:

Referred to:

February 1, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR SELECTION OF PRESIDENTIAL ELECTORS BY
THE GENERAL ASSEMBLY IF THE ELECTION RESULTS HAVE NOT BEEN
PROCLAIMED BY THE SIXTH DAY BEFORE ELECTORS ARE TO MEET,
AND BY THE GOVERNOR IF ELECTORS HAVE NOT BEEN SELECTED BY
THE DAY BEFORE ELECTORS ARE TO MEET.

The General Assembly of North Carolina enacts:

SECTION 1. Article 18 of Chapter 163 of the General Statutes is amended
by adding a new section to read:

**"§ 163-213. Appointment of Presidential Electors by General Assembly in certain
circumstances, by the Governor in certain other circumstances.**

(a) Appointment by General Assembly if No Proclamation by Six Days Before
Electors' Meeting Day. – As permitted by 3 U.S.C. § 2, whenever the appointment of
any Presidential Elector has not been proclaimed under G.S. 163-210 before noon on
the date for settling controversies specified by 3 U.S.C. § 5, and upon the call of an
extra session pursuant to the North Carolina Constitution for the purposes of this
section, the General Assembly may fill the position of any Presidential Electors whose
election is not yet proclaimed.

(b) Appointment by Governor if No Appointment by the Day Before Electors'
Meeting Day. – If the appointment of any Presidential Elector has not been proclaimed
under G.S. 163-210 before noon on the date for settling controversies specified by 3
U.S.C. § 5, nor appointed by the General Assembly by noon on the day before the day
set for the meeting of Presidential Electors by 3 U.S.C. § 7, then the Governor shall
appoint that Elector.

(c) Standard for Decision by General Assembly and Governor. – In exercising
their authority under subsections (a) and (b) of this section, the General Assembly and
the Governor shall designate Electors in accord with their best judgment of the will of

1 the electorate. The decisions of the General Assembly or Governor under subsections
2 (a) and (b) of this section are not subject to judicial review, except to ensure that
3 applicable statutory and constitutional procedures were followed. The judgment itself of
4 what was the will of the electorate is not subject to judicial review.

5 (d) Proclamation Before Electors' Meeting Day Controls. – If the proclamation of
6 any Presidential Elector under G.S. 163-210 is made any time before noon on the day
7 set for the meeting of Presidential Electors by 3 U.S.C. § 7, then that proclamation shall
8 control over an appointment made by the General Assembly or the Governor. This
9 section does not preclude litigation otherwise provided by law to challenge the validity
10 of the proclamation or the procedures that resulted in that proclamation."

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