

GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 2002

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SENATE BILL 2
Redistricting Committee Substitute Adopted 5/15/02
Third Edition Engrossed 5/16/02

Short Title: 2002 Primary Scheduling.

(Public)

Sponsors:

Referred to:

May 14, 2002

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE
TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002
PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS
THAT HAD BEEN ON THE 2002 PRIMARY BALLOT.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 163 of the General Statutes is amended by
adding a new section to read:

**"§ 163-22.4. Power of State Board to issue temporary orders, guidelines, and
directives as to the 2002 primary and elections.**

(a) Only for the 2002 primary and 2002 general elections, the State Board of
Elections may issue temporary orders, guidelines, and directives that may change,
modify, delete, amend, or add to any statute contained in Chapter 163 of the General
Statutes, any rules contained in Title 8 of the North Carolina Administrative Code, or
any other election regulation or guideline that may affect the 2002 primaries and general
elections. The orders, guidelines, and directives may provide that notwithstanding
G.S. 163-111, in 2002 only, the result of the primary shall be determined by a plurality
and no second primary shall be held. The authority granted by this section shall be
exercised only when needed to ensure the orderly and timely operations of the electoral
process, the public good, and any valid interest of voters, candidates, and officeholders
in order to accommodate the compressed schedule necessitated by delays in holding the
primary elections. This authority also extends to any elections originally scheduled to be
held on May 7, 2002 or on the date of the second primary. The determination of the
valid basis for issuing an order, guideline, or directive by the State Board shall carry a
presumption of reasonableness and of serving the public interest.

(b) Orders, guidelines, and directives issued under this section are not rules under
the provisions of Chapter 150B of the General Statutes and that Chapter shall not apply

1 to them. Orders, guidelines, and directives issued under this section shall, however, be
2 published in the North Carolina Register as quickly as possible.

3 (c) The orders, guidelines, and directives shall provide for candidate filing to
4 open as soon as practicable after preclearance of a plan is obtained.

5 (d) Any temporary orders, guidelines, and directives issued by the State Board
6 under this section shall become null and void 10 days after the final certification of all
7 elections that were originally scheduled to be held in 2002.

8 (e) This section expires 10 days after the final certification of all elections that
9 were originally scheduled to be held in 2002."

10 **SECTION 2.** Article 6A of Chapter 120 of the General Statutes is amended
11 by adding a new section to read:

12 "**§ 120-30.9J. Judicial orders.**

13 The Attorney General of North Carolina shall submit to the Attorney General of the
14 United States within five days of the time they become effective all judicial orders that
15 amend, delete, add to, modify, or repeal any law or other judicial order which
16 constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of
17 1965."

18 **SECTION 3.** Section 4 of S.L. 1999-268, as amended by Section 3 of S.L.
19 2001-217, reads as rewritten:

20 "Section 4. The amendment set out in Section 3 of this act shall be submitted to the
21 qualified voters of the State at the ~~next statewide primary election,~~ statewide general
22 election in 2002, which election shall be conducted under the laws then governing
23 elections in the State. Ballots, voting systems, or both may be used in accordance with
24 Chapter 163 of the General Statutes. The question to be used in the voting systems and
25 ballots shall be:

26 [] FOR [] AGAINST

27 Constitutional amendment making a technical correction to allow dedication and
28 acceptance of property into the State Nature and Historic Preserve by the General
29 Assembly by enactment of a bill rather than a joint resolution.' "

30 **SECTION 4.** If any members of any county board of education are elected
31 at the primary election and take office under a local act in July after the primary, in
32 2002 only, they shall instead take office on the same day in the second month after the
33 primary, and the terms of any such member which would otherwise expire in July of
34 2002 are extended accordingly.

35 **SECTION 5.** This act is effective when it becomes law.