

**GENERAL ASSEMBLY OF NORTH CAROLINA
EXTRA SESSION 2002**

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SENATE BILL 2

Short Title: 2002 Primary Scheduling.

(Public)

Sponsors: Senator Rand.

Referred to: Redistricting.

May 14, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE
3 TEMPORARY ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002
4 PRIMARIES AND ELECTIONS AND RELATING TO OTHER ELECTIONS
5 THAT HAD BEEN ON THE 2002 PRIMARY BALLOT.

6 The General Assembly of North Carolina enacts:

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

9 "**§ 163-22.4. Power of State Board to issue temporary orders, guidelines, and**
10 **directives as to the 2002 primary and elections.**

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

26 (b) Orders, guidelines, and directives issued under this section are not rules under
27 the provisions of Chapter 150B of the General Statutes and that Chapter shall not apply
28 to them. Orders, guidelines, and directives issued under this section shall, however, be
29 published in the North Carolina Register as quickly as possible.

