

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

S

4

**SENATE BILL 2
Redistricting Committee Substitute Adopted 5/15/02
Third Edition Engrossed 5/16/02
House Committee Substitute Favorable 7/15/02**

Short Title: 2002 Primary Scheduling.

(Public)

Sponsors:

Referred to:

May 14, 2002

A BILL TO BE ENTITLED

1
2 AN ACT TO SET THE DATE FOR THE 2002 PRIMARY AS SEPTEMBER 10, 2002,
3 TO ALLOW THE STATE BOARD OF ELECTIONS TO ISSUE TEMPORARY
4 ORDERS, GUIDELINES, AND DIRECTIVES FOR THE 2002 PRIMARIES AND
5 ELECTIONS, TO PROVIDE THAT IN 2002 ONLY THERE SHALL NOT BE A
6 SECOND PRIMARY, AND RELATING TO OTHER ELECTIONS THAT HAD
7 BEEN ON THE 2002 PRIMARY BALLOT.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.(a)** Notwithstanding G.S. 163-1(b), the date of the primary
10 election in 2002 shall be September 10, 2002.

11 **SECTION 1.(b)** In order to accommodate the scheduling of the 2002
12 primary on September 10, 2002, and in order to comply with the requirements of
13 Section 5 of the Voting Rights Act of 1965 and any court orders, and in order to comply
14 with any objections interposed under Section 5, the State Board of Elections may issue
15 temporary orders that may change, modify, delete, amend, or add to any statute
16 contained in Chapter 163 of the General Statutes, any rules contained in Title 8 of the
17 North Carolina Administrative Code, or any other election regulation or guideline that
18 may affect the 2002 primaries and general elections. These temporary orders are only
19 effective for the 2002 primary and 2002 general election. These orders shall include a
20 primary election schedule.

21 **SECTION 1.(c)** Notwithstanding G.S. 163-111 or any local act, in 2002
22 only, the result of the primary shall be determined by a plurality and no second primary
23 shall be held. Any runoff election for local office that might by local act have been held
24 on the date of the second primary shall instead be held on the date of the general
25 election. If there is a tie in a primary in 2002, the result shall be determined in
26 accordance with G.S. 163-111(f) under the same rule as if there had been a tie in a
27 second primary.

1 **SECTION 1.(d)** The authority to adopt orders also extends to any elections
2 originally scheduled to be held on May 7, 2002, any elections ordered by the State
3 Board of Elections to be held on the date of a county primary that were originally
4 scheduled to be held on May 7, 2002, or any elections to be held on the date of the
5 second primary. If any municipality had its election scheduled under G.S.
6 160A-23.1(d)(2) to be on the date of the second primary in 2002, the election shall
7 instead be held on the date of the general election in 2002.

8 **SECTION 1.(e)** The orders shall provide for candidate filing for member of
9 the State Senate and State House of Representatives to open as soon as practicable.

10 **SECTION 1.(f)** The State Board of Elections may set a period of time for
11 unaffiliated candidates who wish to obtain ballot access by petition, under the
12 provisions of G.S. 163-122, for legislative races in districts used in new legislative
13 filings, to obtain and submit signed petitions for such purpose. Any unaffiliated
14 candidate for a legislative seat, in a district used under a previously approved legislative
15 redistricting plan, who had submitted a petition in a timely manner under the provisions
16 of G.S. 163-122, shall have the right under any State Board plan to have any valid voter
17 signatures contained in the previously approved petition, that meet the residency
18 requirements of the new district, to be considered a part of any new petition to obtain
19 ballot access for a legislative seat in that new district.

20 **SECTION 1.(g)** The authority granted by this section shall be exercised only
21 when needed to ensure the orderly and timely operations of the electoral process, the
22 public good, and any valid interest of voters, candidates, and officeholders in order to
23 accommodate the compressed schedule necessitated by holding the primary elections at
24 such a late date. All orders of the State Board issued under this section shall be
25 presumed to be reasonable and to serve the public interest.

26 **SECTION 1.(h)** Orders issued under this section are not rules subject to the
27 provisions of Chapter 150B of the General Statutes. Orders issued under this section
28 shall, however, be published in the North Carolina Register as quickly as possible.

29 **SECTION 1.(i)** The times to publish notice of a bond referendum required
30 by G.S. 159-61(c) shall not apply to any bond referendum held on the date of the 2002
31 statewide primary. The local government unit holding the bond referendum on that date
32 shall comply with the times to publish notice of the election prescribed by the State
33 Board of Elections pursuant to this section.

34 **SECTION 1.(j)** The provisions of G.S. 159-61(b) that provide that a bond
35 referendum may not be held within 30 days before or 10 days after a statewide primary,
36 election, or referendum shall not apply to any bond referendum previously called to be
37 conducted on a date that is within 30 days before or 10 days after the date selected as
38 the date for the 2002 statewide primary.

39 **SECTION 1.(k)** As used in this section, "order" also includes guidelines and
40 directives.

41 **SECTION 1.(l)** Any orders issued under this section become void 10 days
42 after the final certification of all elections that were originally scheduled to be held in
43 2002. This section expires 10 days after the final certification of all elections that were
44 originally scheduled to be held in 2002.

1 **SECTION 1.1.** Notwithstanding G.S. 163-106(h), any person who filed a
2 notice of candidacy under G.S. 163-106(c) during the filing period in 2002 for an office
3 other than member of the State Senate or member of the State House of Representatives
4 and did not withdraw that notice of candidacy before the filing deadline may not file a
5 notice of candidacy as a member of the State Senate or member of the State House of
6 Representatives unless either of the following applies:

7 (1) If that person was declared the nominee of the party under G.S.
8 163-110, that person resigns the nomination (in which case the
9 vacancy in nomination shall be filled in accordance with G.S.
10 163-114).

11 (2) If that person is in a contested primary, that person withdraws the
12 notice of candidacy. That notice of candidacy may be withdrawn
13 notwithstanding the requirements of G.S. 163-106(e) that it be
14 withdrawn prior to the filing deadline for that office. In the case of any
15 such withdrawal, the appropriate board of election shall reopen filing
16 for three days under the usual procedures of G.S. 163-112
17 notwithstanding the time of and reason for the withdrawal.

18 **SECTION 2.** If any members of any county board of education are elected
19 at the primary election and take office under a local act in July after the primary, in
20 2002 only, they shall instead take office on the same day in December after the primary,
21 and the terms of any such member which would otherwise expire in July of 2002 are
22 extended accordingly.

23 **SECTION 3.** This act is effective when it becomes law.