GENERAL ASSEMBLY OF NORTH CAROLINA EXTRA SESSION 2002

S SENATE BILL 2

Short Title: 2002 Primary Scheduling. (Public)

Sponsors: Senator Rand.

Referred to: Redistricting.

May 14, 2002

1 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 not withstanding 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. 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 to them. Orders, guidelines, and directives issued under this section shall, however, be published in the North Carolina Register as quickly as possible.

- (c) The orders, guidelines, and directives shall provide for candidate filing to open as soon as practicable after preclearance of a plan is obtained.
- (d) Any temporary orders, guidelines, and directives issued by the State Board under this section shall become null and void 10 days after the final certification of all elections that were originally scheduled to be held in 2002.
- (e) This section expires 10 days after the final certification of all elections that were originally scheduled to be held in 2002."

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

"§ 120-30.9J. Judicial orders.

The Administrative Officer of the Courts shall submit to the Attorney General of the United States within 30 days of the time they become effective all judicial orders that amend, delete, add to, modify, or repeal any law or other judicial order which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act of 1965."

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

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

'[]FOR []AGAINST

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

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

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