

GENERAL ASSEMBLY OF NORTH CAROLINA  
EXTRA SESSION 2016

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HOUSE BILL 2  
Committee Substitute Favorable 2/18/16

Short Title: 2016 US House of Representatives Primary.

(Public)

Sponsors:

Referred to:

February 18, 2016

A BILL TO BE ENTITLED

AN ACT TO REVISE PROCEDURES FOR THE CONDUCT OF THE 2016 PRIMARY ELECTION TO COMPLY WITH THE COURT ORDER IN HARRIS V. MCCRORY.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Conduct of 2016 U.S. House of Representatives Primary Election. – Notwithstanding Section 2 of S.L. 2015-258, the 2016 U.S. House of Representatives primary election shall be conducted as provided in this act.

**SECTION 1.(b)** U.S. House of Representatives Primary Election Date. – Notwithstanding G.S. 163-1(b), the 2016 U.S. House of Representatives primary election shall be held on Tuesday, June 7, 2016.

**SECTION 1.(c)** Filing Period for the U.S. House of Representatives Primary Election. – Notwithstanding G.S. 163-106 and Section 2 of S.L. 2015-258, the filing period for the 2016 U.S. House of Representatives primary shall open at 12:00 noon on Wednesday, March 16, 2016, and close at 12:00 noon on Friday, March 25, 2016.

**SECTION 1.(d)** Eligibility to File. – Notwithstanding G.S. 163-106, no person shall be permitted to file as a candidate in the 2016 U.S. House of Representatives primary unless that person has been affiliated with that party for at least 75 days as of the date of that person filing such notice of candidacy. A person registered as "Unaffiliated" shall be ineligible to file as a candidate in a party primary election.

**SECTION 1.(e)** No Run for Two Separate Offices at the Same Time. – A candidate who is certified as the winner of a primary election on March 15 and certified as the winner of a primary election on June 7 shall withdraw the notice of candidacy for one of those races no later than one week after the certification of both primary election results in order to comply with G.S. 163-124.

**SECTION 1.(f)** Return of Filing Fee. – Any candidate who has filed notice of candidacy for the office of 2016 U.S. House of Representatives prior to enactment of this act shall be entitled to return of that candidate's filing fee.

**SECTION 2.(a)** No Second Primary. – Notwithstanding G.S. 163-111, the results of all 2016 primary elections shall be determined by a plurality and no second primaries shall be held during the 2016 election cycle.

**SECTION 2.(b)** Section 2(d) of S.L. 2015-258 is repealed.

**SECTION 2.(c)** Any election authorized by statute that is set for the date of the second primary shall be placed on the ballot at the time of the U.S. House of Representatives primary election, as established by subsection (b) of Section 1 of this act.



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1           **SECTION 3.** Nomination of Electors to Electoral College. – Notwithstanding  
2 G.S. 163-1(c), one presidential elector shall be nominated from each congressional district as those  
3 districts existed on January 1, 2015, and two from the state-at-large, and in addition, the State  
4 convention of each party and the unaffiliated candidate shall each nominate first and second  
5 alternate electors who shall serve if their slate is elected as provided by G.S. 163-209 and if there  
6 is a vacancy as provided by G.S. 163-210.

7           **SECTION 4.(a)** Temporary Orders. – In order to accommodate the scheduling of the  
8 2016 U.S. House of Representatives primary, the State Board of Elections may issue temporary  
9 orders that may change, modify, delete, amend, or add to any statute contained in Chapter 163 of  
10 the General Statutes, any rules contained in Title 8 of the North Carolina Administrative Code, or  
11 any other election regulation or guideline that may affect the 2016 U.S. House of Representatives  
12 primary elections. These temporary orders shall only be effective for the 2016 U.S. House of  
13 Representatives primary elections.

14           **SECTION 4.(b)** Orders, Not Rules. – Orders issued under this act are not rules  
15 subject to the provisions of Chapter 150B of the General Statutes. Orders issued under this act  
16 shall be published in the North Carolina Register upon issuance.

17           **SECTION 4.(c)** Expiration of Orders. – Any orders issued under this act become void  
18 10 days after the final certification of all 2016 U.S. House of Representatives primary elections.  
19 This act expires 10 days after the final certification of all 2016 U.S. House of Representatives  
20 primary elections.

21           **SECTION 4.(d)** Definition. – As used in this act, "order" also includes guidelines and  
22 directives.

23           **SECTION 5.** Any ballots cast in accordance with S.L. 2015-258 for the 2016 U.S.  
24 House of Representatives primary races only shall not be certified by the State Board of Elections,  
25 are confidential, and are not a public record under G.S. 132-1.

26           **SECTION 6.** This act is effective when it becomes law and applies to the 2016  
27 election cycle unless, prior to March 16, 2016, the United States Supreme Court reverses or stays  
28 the decision of the United States District Court for the Middle District of North Carolina holding  
29 unconstitutional G.S. 163-201(a) as it existed prior to the enactment of this act (or the decision is  
30 otherwise enjoined, made inoperable, or ineffective), and in any such case this act is repealed.