



# HOUSE BILL 373: 2016 Presidential Primary

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2015-2016 General Assembly

<b>Committee:</b>	Senate Redistricting	<b>Date:</b>	July 20, 2015
<b>Introduced by:</b>	Reps. Riddell, Whitmire, Brockman, Iler	<b>Prepared by:</b>	Kara McCraw, Erika Churchill, and Kelly Tornow
<b>Analysis of:</b>	PCS to Second Edition H373-CSTC-51[v.6]		Committee Counsel

**SUMMARY:** *The PCS for House Bill 373 would eliminate provisions related to paper ballot requirements, and add new provisions providing for the process to conduct the 2016 presidential preference primary election.*

**CURRENT LAW:** Article 18A of Chapter 163 of the General Statutes establishes the Presidential Preference Primary Act.

**Primary Date:** The presidential primary is held in presidential election years on the Tuesday after the first Monday in May, unless South Carolina holds its presidential primary before the 15th day of March. In that case, the North Carolina presidential preference primary is held on the Tuesday after the first South Carolina presidential preference primary of that year.

**Nomination of Presidential Candidates by State Board of Elections:** Nominations of candidates for the presidential primary are made by the State Board of Elections (SBE) from lists provided by the chair of each political party at least 90 days before the primary at a meeting held on the first Tuesday in March preceding the primary. The SBE, by a vote of at least 3 of its members, may also nominate other persons affiliated with a political party as a candidate that the SBE finds is generally advocated and recognized in the news media throughout the United States or in North Carolina as a candidate for the nomination by that party.

**Nomination of Presidential Candidates by Petition:** Candidates for the presidential preference primary may also be nominated by petition of 10,000 registered voters affiliated with that political party. The petitions shall be presented to the county board of elections 10 days before the filing deadline, certified promptly by the chairman of the board of elections of the county where signatures were obtained and filed by the petitioners with the SBE no later than 5:00 P.M. on the Monday prior to the date the SBE meets to nominate candidates.

**Qualifications and Registration of Voters and Voting in Presidential Preference Primary.:** Individuals who will be 18 by the time of the November general election, and are otherwise qualified, may register and vote in the spring presidential primary. Registered voters affiliated with a political party may not vote for political parties other than the voter's affiliated party. If the political party has granted permission, unaffiliated voters may vote in that party's primary.

**Conduct of Election:** The presidential preference primary election is conducted and canvassed by the same authority and in the manner provided by law for the conduct and canvassing of the primary election for the office of Governor and other offices under the jurisdiction of the SBE, and the SBE has authority to make reasonable rules and regulations related to the administration of the election.

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***Allocation of Delegate Positions and Conflict with National Rules:*** Following completion and certification of the primary by the SBE, the Secretary of State certifies the results to the State chair of each political party, who must allocate delegate positions in a manner reflecting the division of votes of the party primary consistent with the national party rules of that political party. If the national rules of the political party conflict, the State executive committee may resolve the conflict by adopting the national rules for that party, and superseding the statutory delegation requirements in conflict, provided such action is only to the extent necessary to resolve the conflict.

***Notification of National Committee:*** The State chair of each political party must notify that party's national committee no later than January 30 of each year in which the presidential preference primary will be conducted of the statutory provisions governing the presidential preference primary.

**BILL ANALYSIS:** The PCS for HB 373 provides that, notwithstanding Article 18A of Chapter 163 of the General Statutes, the 2016 presidential preference primary election will be conducted as set forth in the bill. Requirements for the process and conduct of the election, including eligibility and qualification of voters, nominating process, voting process, and delegation process, remain as provided in Article 18A, with the following changes:

- The primary will be held on March 15, 2016.
- The SBE must receive lists of presidential candidates from the chair of each political party for nomination by December 16, 2015. The SBE must meet on January 5, 2016 to nominate candidates.
- Nominating petitions must be received by the SBE by January 4, 2016.
- The candidate receiving the highest number of votes in the presidential preference primary of each party will be nominated. Each political party must require the delegate positions appointed by that party to support the candidate certified as receiving the highest number of votes until one convention nominating ballot has been taken at the 2016 national party convention, unless that candidate has withdrawn from the race and has ceased to actively seek election to the office of President of the United States in more than one State at the time the first convention nominating ballot is taken at the 2016 national party convention.
- The State chair of each political party must notify the national committee no later than December 10, 2015 of the provisions contained in the PCS for HB 373.

**EFFECTIVE DATE:** The PCS for HB 373 would become effective when it becomes law and would apply only to the 2016 presidential preference primary.