



## HOUSE BILL 2: 2016 US House of Representative Primary.

2016-2017 General Assembly

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<b>Committee:</b>	Senate Floor	<b>Date:</b>	February 19, 2016
<b>Introduced by:</b>		<b>Prepared by:</b>	Kelly Tornow, Erika Churchill, Kara McCraw, Lisa Wilks Committee Co-Counsel
<b>Analysis of:</b>	H2-PCS30003-TH-2		

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**SUMMARY:** *House Bill 2 would modify the timing of the primary election contests for all United States House of Representatives seats in 2016 and would eliminate second primaries for the 2016 election cycle only.*

**CURRENT LAW:** Article 1 of Chapter 163 provides for the time of primaries and elections. The general primary date is the Tuesday after the first Monday in May before each general election held in November.

Section 2 of S.L. 2015-258 moved the date of the 2016 primary election to March 15, 2016. The session law also made other changes to accommodate the modified date, including:

- The time that a candidate must be affiliated with a political party before filing as a candidate in a party primary for that party was reduced from 90 days to 75 days.
- The filing period from noon on the second Monday in February through noon on the last business day in February was moved to noon on Tuesday, December 1, 2015, through noon on Monday, December 21, 2015.
- The date of the second primary, if called, is set as May 3, 2016 (May 24, 2016, for office of U.S. Senate or U.S. House of Representatives). Generally, existing law provides that any potential second primary is to be held 7 weeks after the first primary (10 weeks for office of U.S. Senate or U.S. House of Representatives).
- Any special election authorized by statute or local act that would be set for May 2016 must be placed on the ballot on March 15, 2016, unless the unit of government calling the special election affirmatively changes the date for the special election to another date in accordance with current law.
- The State Board of Election is authorized to issue temporary orders in order to accommodate the scheduling of the 2016 primary date to March 15, 2016. The temporary orders are effective for the 2016 primary elections, expire 10 days after the final certification of all 2016 primary elections, and are not rules subject to the provisions of the Administrative Procedure Act.

**BILL ANALYSIS:** House Bill 2 would make the following modifications to the 2016 primary election for U.S. House of Representatives election contests (U.S. House primary):

- The U.S. House primary would be held on Tuesday, June 7, 2016.
- The filing period for the U.S. House primary would open at 12:00 noon on Wednesday, March 16, 2016, and close at 12:00 noon on Friday, March 25, 2016.

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- Only persons affiliated with a party for at least 75 days as of the date of that person filing the notice of candidacy would be eligible to file as a candidate in that party's U.S. House primary.
- A candidate certified as a winner of both a March 15 primary election and a June 7 primary election must withdraw the notice of candidacy for one of those races no later than one week after the certification of both primary election results.
- A candidate who filed for a U.S. House primary before House Bill 2 becomes effective would be entitled to the return of that candidate's filing fee.

Additionally, House Bill 2 would make the following changes:

- All 2016 primary elections would be determined by a plurality and no second primaries would be held during the 2016 election cycle.
- Any other elections authorized by statute to be held on the date of the second primary would be placed on the ballot at the time of the U.S. House primary (June 7, 2016).
- The State Board of Elections would be authorized to issue temporary orders, guidelines and directives for the U.S. House primary to 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 could affect the U.S. House primary. These orders would become void after the final certification of all 2016 U.S. House primary.
- Ballots cast for the March 15 U.S. House primary races previously established by law would not be certified by the State Board of Elections, would be confidential, and would not be a public record.
- House Bill 2 would expire 10 days after the final certification of all 2016 U.S. House of Representatives primary elections.

**EFFECTIVE DATE:** House Bill 2 would become effective when it becomes law and would apply to the 2016 election cycle unless, prior to March 16, 2016, the United States Supreme Court reverses or stays the decision of the United States District Court for the Middle District of North Carolina holding unconstitutional G.S. 163-201(a) as it existed prior to the enactment of this act (or the decision is otherwise enjoined, made inoperable, or ineffective), and in any such case this act is repealed.