

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 372 (Proposed Committee Substitute (version 1))

SHORT TITLE: Later Primaries

SPONSOR(S): Sen. Thomas

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>
REVENUES	\$0	\$0	\$0	\$0	\$0
EXPENDITURES					
County Boards of Elections* (\$5.5)		\$5.6	\$0	\$5.8M	\$0
State Board of Elections	\$0	\$0	\$0	\$0	\$0
POSITIONS:	0	0	0	0	0
* Cost for primary shifted from May 2002 to August 2002, thus shifting the fiscal year in which it is incurred.					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: County Boards of Elections and the State Board of Elections					
EFFECTIVE DATE: January 1, 2002					

BILL SUMMARY: (Adapted from the Bill Analysis prepared by committee counsel for Senate Judiciary II.)

The Proposed Committee Substitute (PCS) of SB 372 amends G.S. 163-1(b) by moving the primary election for State, local, and Congressional races from the first Monday in May to the second Tuesday in August. If a second primary is necessary, it will be scheduled four weeks after the first primary. However, if the second primary would fall on the Tuesday after Labor Day, it will be scheduled for the fifth week after the first primary. The Presidential primary is moved up from the first Monday in May to the second Tuesday in March.

The PCS amends G.S. 163-106(c) so that the filing deadline for State, local and Congressional offices is shortened to the two-week period between noon of the first Monday in May to noon of the third Monday in May. New political parties must notify the State Board of Elections of their candidates for office by the second Tuesday of August (the primary election day). Individuals who wish to have their names printed on the ballot as unaffiliated candidates must file written petitions with the State Board of Election by noon on the last Friday in August. Individuals who wish to apply as write-in candidates must file written petitions with the State Board of Elections on or before noon of the last Friday in August.

Section 9 provides that if a local law sets the month of July as the date when school board candidates take office, then the laws are amended to allow those candidates to take office in October. It also allows sitting school board members whose term of office would expire in July of 2002 or 2004 to remain in office until October when their successors will take office.

A new section, G.S. 163-226.4, is created and provides that the State Board of Elections shall provide that absentee ballots shall be available for the primary or general election at the earliest time practicable and may provide an alternative schedule for meetings of the county boards of elections to accommodate the revised schedule.

ASSUMPTIONS AND METHODOLOGY:

The fiscal impact of this bill is the additional cost to conduct two primaries instead of one. Currently, the primary elections for the Presidential, State, local and Congressional races are held in May preceding the general elections. By separating the Presidential primary from the primary election for State, local and Congressional races, this bill requires the counties to conduct two primaries in each presidential election year as well as any runoff primaries resulting from the primaries.

County Boards of Elections:

The counties bear the cost of conducting primary and general elections. Per information provided by the State Board of Elections, the documented cost of conducting the 2000 general election as reported by the 100 counties was \$5,390,133. Per discussions with the State Board of Elections, for both the general and primary elections, the counties incur cost for the precinct officials, the rental of premises, programming the voting machines, and equipment set-up, maintenance and transportation. For both elections, all of the precincts are opened and fully manned to accommodate voting by all of the registered voters. Thus, because the cost of conducting a primary election is essentially the same as the cost of conducting a general election, we estimate that the current cost to the counties to conduct the primary election for all races is approximately \$5.4 million. To conduct a separate primary for the Presidential race would, therefore, increase their primary election costs by \$5.4 million to \$10.8 million in each presidential election year. (Note these amounts are based on current-year dollars, but in the out years in the summary table on page 1, these amounts have been adjusted for inflation using the Data Resources, Inc. inflation rate estimates.)

Also, the effect of moving the dates of the primary from May for all races to March for the Presidential race and August for the other races is to shift the fiscal year in which the costs are incurred. Because the bill is effective January 1, 2002, the primary race for 2000 State, local and Congressional races will be held in August 2002 instead of May 2002 thus shifting

the cost from fiscal year 2001-02 to fiscal year 2002-03. In the year of the Presidential election, the counties will continue to bear the cost of a primary in the fiscal year preceding the election just as it did when the primary was held in May (i.e., the Presidential primary election for 2004 will be held in March 2004 rather than May 2004, both of which are in the fiscal year 2003-04). However, under this bill, the counties will also incur costs in fiscal year 2004-05 for the State, local and Congressional primary races which will be held in August 2004 as well as for the general election which will be held in November whereas under current law the county would only incur the cost for the general election in fiscal year 2004-05.

State Board of Elections:

Currently, when there is a statewide race or statewide referendum, bond issue or constitutional amendment, the State Board of Elections provides paper ballots for those counties currently using paper ballots as well as paper ballots for all counties to use for absentee voting. The State Board of Elections estimates that any additional cost it will incur to provide paper ballots for a separate Presidential primary will not be substantial.

The State Board also notes that if there is a runoff primary in September, there may not be sufficient time to send absentee ballots to overseas and uniformed voters. It believes that such a delay could generate litigation by the Department of Defense against the State Board. Any such litigation will have a fiscal impact on the State Board because it has to bear the cost of defending itself.

TECHNICAL CONSIDERATIONS:

FISCAL RESEARCH DIVISION 733-4910

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DATE: March 19, 2001



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