if this was the time for announcements yet, but if it is --

SPEAKER MOORE: The gentleman is recognized for that purpose.

REP. HAGER: Thank you, Mr. Speaker. I would want to let the Republican honor of Denise Weeks, that the Republicans will caucus in 544 right after you've put this body in recess.

SPEAKER MOORE: Members, for your planning purposes, where we are is, the draft of the legislation has finally been -- we think finally, fully crafted. The staff still needs a little bit of time. Part of the issue today has been that the staff has been tied up primarily with the Senate, because they were working on the maps.

And so, we were working on the bill dealing with the primary, the filing and all that.

So it is -- the Redistricting Committee will be meeting at 6 p.m. to take up the Congressional -- the actual primary bill, which is not the maps, and we were going to come back into session at 7:00, where we anticipate taking the bill up at that time. The bill that you also heard read a few moments ago was the actual map bill, the districts that came in, and that has now been referred to the Redistricting Committee as well.

It is the Chair's intent at this point that that bill will be heard in committee tomorrow morning.

If anything should change, members will be notified, but that's the intent of that. And we're looking at probably -- well, we'll deal with the session for tomorrow morning later.

But in any event, we're about to go into recess until 7 p.m. this evening, but when we come back at 7, I would expect that we would take up legislation and would be having a vote.

Further notices and announcements? If not, subject to the filing of bills, ratification of bills, and messages from the Senate, committee reports, re-referral bills, resolutions, and introduction of bills and resolutions, the House does now stand in recess until 7 p.m.

(RECESS)

SPEAKER MOORE: The House will come back to order. Representative Lewis is recognized to file a resolution. The House Chair directs that it be assigned the title of House Joint Resolution 3. The Clerk will read.

CLERK: House Joint Resolution 3, a joint resolution providing for adjournment sine die of
the 2016 extra session. House resolves, Senate conurs.

SPEAKER MOORE: The Chair directs that Joint Resolution 3 be added to this evening's calendar. The Clerk will read.

CLERK: House Joint Resolution 3, a joint resolution providing for adjournment sine die of the 2016 extra session. House resolves, Senate conurs.

SPEAKER MOORE: The gentleman from Harnett, Representative Lewis, is recognized to debate the motion -- the resolution.

REP. LEWIS: Thank you, Mr. Speaker; thank you, members of the House. What you have with House Joint Resolution 3 is standard, boilerplate language. This simply provides that when the House and the Senate adjourn tomorrow, Friday, February 9th, 2016, that they will stand adjourned sine die. I'll be happy to answer any questions, Mr. Speaker, but I would urge adoption of the resolution.

SPEAKER MOORE: Further discussion and further debate on the resolution? If not, the question before the House is the adoption of House Joint Resolution 3 on the second reading. Those in favor will vote aye; those opposed will vote no. (Votes recorded.)

SPEAKER MOORE: The Clerk will open the vote.

REP. BRAWLEY: Thank you, Mr. Speaker. I found that a small cushion in the shape of a North Carolina flag and a bookend were on my desk. These aren't mine, and they may have been placed here by the workmen. If you're missing such items, I have them.

SPEAKER MOORE: Members, we're awaiting the receipt of the committee report. The House Redistricting Committee did meet and did pass out the legislation, but we have not received the formalized committee report just yet, so we will be momentarily at ease. (Pause.) Representative Lewis, the chair of the committee of -- the Redistricting Committee, is recognized to send forth the committee report. The Clerk will read.

CLERK: Representative Lewis, Redistricting Committee report, House Bill 2, 2016 House of Representatives primary, favorable committee substitute, unfavorable original bill.

SPEAKER MOORE: The original bill is placed on the unfavorable calendar. The Committee substitute will be calendared for immediate consideration.

House Bill 2, the Clerk will read.

CLERK: House Committee Substitute to House Bill 2, 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.

SPEAKER MOORE: The gentleman from Rockingham, Representative Jones, is recognized to debate -- debate the bill.

REP. JONES: Thank you, Mr. Speaker. Ladies and gentlemen of the House, you have before you House Bill 2, which has been quite a monumental effort. I just want to take the opportunity, as I did in committee, to recognize the expertise and the dedication of our hard-working staff. It's quite a bit more complicated than most people might imagine to try to put this together, and it's been a lot of hard work that went into this, a lot of items to consider, but I just want to recognize those people that really worked so hard on this.

I will walk you through, real quick, the bill, if you will. Section 1(a) says that we are going to conduct a 2016 primary election for the U.S. House of Representatives. Section 1(b) says that that primary election will be Tuesday,
June the 7th, 2016. Section 1(c) establishes the filing period for that election, which would be beginning at 12 noon on March the 16th. I would just point out to you. I would just point out to you that that is, of course, the day after the March 15th primary election, and it would close on March the 25th.

Section 1(d), about the eligibility to file. You must be affiliated with your political party for at least 75 days before registering to file with that political party for Congress.

Section 1(e) says that you cannot run for two separate offices at the same time. Current state law says that you cannot do this. Since we are having a separate primary for the Congressional primary, you are allowed, if you are currently the nominee for a different office in the state, you can file to run for Congress, but if you win that primary on June the 7th, then you would have to withdraw from one of those races, after which you could not run for both offices in the November election.

Section 1(f) returns the filing fee for anyone that might have filed for Congress already in the election that was underway when this exercise began, so for a person that filed for that, they could have their filing fee — they're eligible to have their filing fee returned.

Section 2(a) says that there will be no second primary, and that would be throughout the 2016 primary election cycle, so that would apply to the March 15th primary, as well as the June 7th Congressional primary. There would be no second primary.

Section 2(b) speaks to that as well, repeals language that has to do with second primaries.

Section 2(c), authorizes by statute that is set for the date of the second primary shall be placed on the ballot at the time. So, any other election that would be taking place, such as a judicial vacancy election, would be held at the same time as that June 7th primary.

Section 3 has to do with nominating electors to the Electoral College. This has to do with the presidential election. North Carolina gets 15 electors, including one elector from each presidential district. And for the purpose of electing presidential electors, we would use the maps that were in place on June — it says here, to be on those ballots and the maps as they are now, and clearly, that election would be null and void, and so the State Board of Elections is directed here not to certify that election, and to keep any results from that confidential. They would not be a public record.

Section 6 makes this act effective when it becomes law, but it applies to this election cycle unless prior to March the 16th, the U.S. Supreme Court reverses or stays the decision that has brought us all here this week. And so, I hope that clearly explains to anyone. Mr. Speaker, I'd be happy to entertain any questions. I would urge my colleagues, please vote green on House Bill 2.

Further discussion and further debate? For what purpose does the gentleman from Wake, Representative Jackson, arise?

REP. JACKSON: To send forth an amendment.

SPEAKER MOORE: The gentleman is rec... the Clerk does not have a copy of the amendment. Further discussion and further debate, while we're awaiting the amendment? The House will be at ease momentarily.
from Haywood, Representative Queen, arise?
REP. QUEEN: Just for a question to the
bill sponsor.
SPEAKER MOORE: Does the gentleman from
Harnett yield to — oh, excuse me, does the
gentleman from Rockingham yield to the gentleman
from Haywood?
REP. JONES: Yes, sir.
SPEAKER MOORE: He yields.
REP. QUEEN: Would you explain the -- the
situation where you’re running for two offices and
then have to drop out of one once again, just so I
can get that straight?
REP. JONES: Yes, sir. Right now, the
state law says that you cannot run for two offices
at the same time, you cannot file for election for
two offices at the same time. Obviously, this is a
special Congressional primary; it’s going to be
conducted later than the other primaries, and no
one knew about this until now. So, what we’re
saying is that if you are already the nominee for
the State House, the State Senate, county
commissioner, any other elected official in the
state, you are allowed to file to run for Congress.
But if you win your primary on June the 7th, you
cannot go forward as your party’s nominee in two
separate offices. You would have to withdraw from
one of those two offices.
SPEAKER MOORE: The gentleman from Wake,
Representative Jackson, is now recognized to send
forth an amendment. The Clerk will read.
CLERK: Representative Jackson moves to
amend the bill on page 1, lines 5 through page 2,
line 28, by rewriting those lines to read.
SPEAKER MOORE: The gentleman has the
floor to debate the amendment.
REP. JACKSON: Thank you, Mr. Speaker,
Ladies and gentlemen, for those of you who were not
in the Redistricting Committee, this is the same
amendment I just read a few minutes ago there. It
would move all our primaries, even the bond, to
June 21st. I want to tell you why I chose that
date. That is the latest date we could hold a
presidential primary. I believe D.C. holds their
presidential primary on that day.
I believe this would save some money.
The Board of Elections was clear that it would not
save the entire price of having a primary, because
of the work that’s already been done; however, it
would certainly save the labor cost of all the poll
workers only have one primary.
Just today, we had an issue that affects
our Supreme Court election this year. The
retention elections were struck down by a three-
judge panel. I have not seen that order, but I
guess, I am speculating that that’s going to
require us to open up another filing period and
allow a primary in that race as well. We’ve got a
lot of other litigation going on in this state. We
have a case in Wake County that is currently
pending in front of the district -- federal
district court that could change our county
commissioner districts and our school board
districts.
And so I tried to pick a date that was
the farthest away, in the hope that we can do this
once and do it right. There would be no runoff, it
would be the same that’s in the bill before you,
but hopefully, it would save the State some money
and give us time.
And one of the arguments I want to tell
you is, we are making this -- this bill today
before you with the expectation that the federal
district court will approve the maps that we have
yet to see in this chamber but were seen by the
Redistricting Committee and approved by the Senate
today. However, there were some novel arguments
raised in our Redistricting Committee.
The majority has argued that in drawing
these new maps, they didn’t consider race at all,
and instead of using a racial gerrymander, they
replaced it, freely admitting, with a political
gerrymander. I’m telling you that that is a novel
legal argument, to say that in the South, when you
draw Congressional seats, you use race not at all
in consideration.
I think it’s going to take the federal
district court a while to look at that and look at
what we’ve done. And if it takes them one month or
two months to approve these new districts, we are
going to wish that we had the latest primary we
could have, and because of that, I’m going to ask
you to support this bill.
Now, earlier, we had some people stand
up, or speak in committee, and they said, ’Well,
you know, this isn’t fair to our current candidates
who are all on the March primary who think that
they’re having an election in March.’ And I agree
that it’s probably not fair, but we’re changing the
rules on those folks already, because those folks
filed to run in districts, sometimes thinking,
well, they just needed to get to the runoff. They
didn't have to win the primary on March 15th. They
just had to be second place and make sure the
winner didn't pass that 40 percent threshold, but
we've done away with that. So we have already
changed the rules on them. This would at least
give them more time to be ready for this winner-
take-all format.
And the second thing I want to say is, it
was pointed out, and I know this bothered a lot of
people on the Congressional races. The way this
current bill is set up is that if the Court issues
a stay prior to March 16th, then the current
districts will stay in place and the current
elections scheduled for March 15 would count.
So what that means is, if you're a
current Congressional candidate in this state, and
you see these new maps and say, "Oh, I may not be
in my district," or "I may be in a different
district," or "I may be running for something
else," it doesn't matter. You've got to continue
running and spending money, because if the Court
steps in on March 14th and issues a stay, whatever
happens on March 15th is going to count. There
will be no primary in June for you.
So, for all those reasons, I think this
is the safer, more responsible. I think it will
give certainty, and we'll all leave here today
knowing we're not going to be back here in a month,
and I'd ask for your support.
SPEAKER MOORE: For what purpose does the
gentleman from Rockingham, Representative Jones,
 arise?
REP. JONES: To debate the amendment.
SPEAKER MOORE: The gentleman has the
floor to debate the amendment.
REP. JONES: Thank you, Mr. Speaker. I
certainly appreciate my friend from Wake and his
amendment, but ladies and gentlemen, I'm going to
ask that you would please defeat this amendment.
You know, we're here this week and recognize that
what has happened has been a tremendous disruption
for the Congressional elections in North Carolina,
those 13 elections. What we're proposing here
would be a disruption of hundreds of elections
across the state. I don't think we want to create
more disruption than is necessary. I believe that
we are better suited to go forward on March 15th
with all those people that have planned to run and
have already been campaigning, spending money.
The gentleman mentioned the State saving
money. Before, we heard earlier from the director
of the State Board of Elections, was that, you
know, these ballots have already not only been
printed, but the coding that goes into them is, you
know, more expensive, really, than the printing
part. So, I don't see where there's going to be a
cost savings, but honestly, I think the best reason
to vote this down is that we don't need to create
further chaos and disruption for every election in
North Carolina, and for that reason alone, I would
ask for you to please defeat this amendment.
SPEAKER MOORE: For what purpose does the
gentleman from Wake, Representative Martin, arise?
REP. MARTIN: To debate the amendment.
SPEAKER MOORE: The gentleman has the
floor to debate the amendment.
REP. MARTIN: After listening to the --
both the amendment sponsor and the bill sponsor, it
sounds like we've all got the same end in sight
that we're all striving for, which is to reduce the
chaos around this election, and to reduce the
impact on North Carolina. I tend to side with my
friend from Wake County, the amendment sponsor,
his amendment would help those candidates who have
put their -- staked themselves out there to serve
the public.
But at the end, I think the main reason
to vote for his amendment is that it will reduce
the likelihood of chaos, not for the candidates,
but for the greater population of North Carolinians
who they seek to serve. So I'd urge you to support
his amendment.

SPEAKER MOORE: For what purpose does the
gentleman from Cumberland, Representative Floyd,
arise? For what purpose does the lady from
Buncombe, Representative Fisher, arise?

REP. FISHER: To ask the amendment
sponsor a question, please.

SPEAKER MOORE: Does the gentleman from
Wake, Representative Jackson, yield to the lady
from Buncombe?

REP. JACKSON: Yes, sir.

REP. MOORE: He yields.

REP. FISHER: Thank you, Representative
Jackson. During the committee meeting, was there
any talk about what the estimated cost of running
these primaries might be for North Carolina
taxpayers?

REP. JACKSON: The testimony was that
generally, a second primary costs between 9-1/2 and
10 million dollars. However, that's a lot
different this time, because the election has
already started, and the ballots have been printed,
and all the coding. So while you would save the
labor costs from the poll workers, there would be
more labor cost involved in recoding and doing
another set of ballots. And so, everybody was
speculating based on what they heard. There was no
hard and fast evidence as to, it would save this
amount or it would cost that much.

SPEAKER MOORE: Further discussion,
Floyd, the gentleman, he wishes to
debate the bill, so not on the amendment, is that
correct?

REP. FLOYD: Correct.

SPEAKER MOORE: For what purpose does the
gentleman from Durham, Representative Hall, arise?

REP. HALL: To speak on the amendment.

SPEAKER MOORE: The gentleman has the
floor to debate the amendment.

REP. HALL: Thank you, Mr. Speaker, and I
appreciate the work that's gone into trying to find

an amendment that would help us out of this problem
we're in right now, so I appreciate Representative
Jackson's work on this, and staff as well.

We're in a situation right now where the
focus is really going the wrong way, and that might
be why we're in the position that we're in now. As
you heard people speak tonight, one of the main
reasons for saying don't support this amendment
was, it's going to be inconvenient to candidates,
and it's going to cost them more money.

We're trying to do, or should be focused
on, what's going to be fairer to the people of
North Carolina as they try to vote for their
representation, and we should focus on that.

And so, putting this deal back and giving
us time not only to ensure everybody knows who
they're running -- who's running in their district,
who is going to represent them, and have a clear
knowledge of what their abilities are, is key. So
we do need the time to educate the voters, or give
us an opportunity to educate the voters.

The question of chaos on these districts,
or the question of chaos in the election, we made
major changes in the election to make it harder for
every individual North Carolinian to vote with the
voter ID law that we passed, and we didn't use that
as a reason not to do it. So we have an
opportunity to take more time, to get it right, to
have these elections settled, and educate the
people of North Carolina. It's going to cost
something, somewhere.

You know, democracy is messy. It's not
free, and candidates may have to spend, or maybe
not spend more money, depending upon these
districts. And so, I'd ask you to support the
amendment. Let's think about the interests of
North Carolinians. Let's think about the interests
of the voters. Let's give them some time and
opportunity to understand this.

We're up here, some folks were in on
drawing this plan, and they feel comfortable that
it's the right thing to do. Other folks weren't in
on the fast track, don't have an idea, and they
will be confused about who their representatives
are, who they're voting for, what they're voting
for. And we certainly want North Carolinians to
participate. We don't want them to be turned off
and think this is just an inside game.

So, I hope you'll give fair consideration
to the amendment. I hope you'll consider passing
it and giving the priority to the voters of North Carolina and not just to the candidates.

SPEAKER MOORE: For what purpose does the gentleman from Rutherford, Representative Hager, arise?

REP. HAGER: To debate the amendment.

SPEAKER MOORE: The gentleman has the floor to debate the amendment.

REP. HAGER: Thank you, Mr. Speaker. There's two issues I hear here, guys. One is, I think Representative Jackson, he brought his side up, and I brought my side up in committee, that this may save us a little money, but as he said earlier, that the coding of these ballots that has already taken place for the March 15th ballot has already been paid. It actually will probably cost us more to recode the June 7th or the date that he had out there for more candidates on there. So it has a high potential of costing us more money to move all these primaries to June -- to the June time frame.

Now, we talked about -- Representative Hall talked about doing the right thing for North Carolinians. You know, I'm pretty sure that the folks on that side of the aisle got the news, maybe even quicker than we did, of this three-judge panel discussion and opinion. So at that time, they had the same amount of time to draw these maps as we did. But yeah, Representative Lewis worked hard, and I commend him for doing that. Senator Rucho worked hard to get maps to the table that we'll have in front of us tomorrow.

Now, what they want to do is say, 'Well, let's wait three more months so everybody can run now,' when this issue only affects 13 races. It doesn't affect the 120 races in this House. It doesn't affect the 50 races over in the Senate, and it doesn't affect anything but 13 races in the state of North Carolina. But yet, we've got to wait three months so everybody understands what's going on.

Well, it's a wait, wait, wait, wait issue on the minority side. I think we all owe it to our citizens and to our constituents, to let's settle our piece of it. Let's settle the 120 House races.

Let's settle the 50 Senate races. Let's settle the Council of State races, the governor's race. Let's get that done, and then let's worry about educating folks for the next three months for the -- for the Congressional districts. So, please vote no on this amendment.

SPEAKER MOORE: For what purpose does the gentleman from Wake, Representative Jackson, arise?

REP. JACKSON: To speak a second time.

SPEAKER MOORE: The gentleman has the floor to debate the amendment a second time.

REP. JACKSON: Thank you, Mr. Speaker. I couldn't disagree with Representative Hager any more. To say that this bill only affects 13 Congressional districts, we are taking the right to run in a second primary away from every candidate. I mean, that -- that's big, folks. There are a lot of people who have laid out a lot of campaign strategy the last three months, the last four months, planning to only have to get into that runoff. They just wanted to be in the top two. And you're taking that away from them. So it's going to affect people across the state.

You're changing the game on a lot of candidates right before an election. So we should consider that. It does affect a lot more than 13 Congressional. It affects anybody with a primary with more than two candidates in it.

SPEAKER MOORE: Further discussion, further debate on the amendment? If not, the question before the House is the adoption of amendment 1 set forth by Representative Jackson to House Bill 2. Those in favor will vote aye; those opposed will vote no. The Clerk will open the vote.

(Votes recorded.)

SPEAKER MOORE: The Clerk will lock the machine and record the vote. 32 having voted in the affirmative and 69 in the negative, the amendment is not adopted. We are now back on the bill. For what purpose does the gentleman from Cumberland, Representative Floyd, arise?

REP. FLOYD: To see if the bill sponsor will yield for a question, Mr. Speaker.

SPEAKER MOORE: Does the gentleman from Rockingham yield to the gentleman from Cumberland?

REP. JONES: Yes, sir.

SPEAKER MOORE: He yields.

REP. FLOYD: I was trying to find it in here, where the thing was about the second primary. Could you elaborate on that just a little bit?

REP. JONES: Okay. Section 2 speaks to the second primary. Do you want me to elaborate on section 2?

REP. FLOYD: Yes, sir, because I want to
make it very clear, because this is something that I have been working on for eight years, so I just want to make sure that I get it correct. I know that they are going to have some effect on some, but this would save the State millions of dollars, so I just wondered.

REP. JONES: Okay. Thank you for your question, Representative Floyd. What this bill would do is, it’s only for the 2016 primary election cycle. There would be no second primaries. Obviously, for reasons that we’re here, we’re condensing the election cycle for the Congressional primary, and we thought that the best route would be not to have second primaries for either the March 15th election or the June 7th Congressional primary, so no second primaries, but that’s this year only.

REP. FLOYD: Follow-up, Mr. Speaker?

SPEAKER MOORE: Does the gentleman yield for an additional question?

REP. JONES: I yield.

SPEAKER MOORE: He yields.

REP. FLOYD: If it were a second primary this year, the estimated costs would be approximately?

REP. JONES: I believe the figure that I know Representative Jackson quoted earlier was 9-1/2 to 10 million dollars for a second primary, so I will accept that figure.

REP. FLOYD: Mr. Speaker, may I speak on the bill now?

SPEAKER MOORE: The gentleman is recognized to debate the bill.

REP. FLOYD: Mr. Speaker, given eight years of just trying to do a study to see how the second primary would affect the State, and the millions of dollars that it would cost the State, I’m just happy to see that at least it is tried this year, so that we can save the millions of dollars, just the first time, just to try and see and look at the second primary. Although the second primary was held about seven weeks after the first primary, but at the same time, as Representative Jackson mentioned, there’s a lot of individuals look at the first primary, and then set for you at the second primary, and you’ve spent all your money in the first primary. Seven weeks later, you don’t have sufficient enough funds to run in the second primary.

So, it’s a blessing that we’re looking at this time, and I just hope that this is something that we may visit again in the future.

Thank you.

SPEAKER MOORE: For what purpose does the gentleman from Wake, Representative Jackson, arise?

REP. JACKSON: A question for the bill sponsor.

SPEAKER MOORE: Does the gentleman from Rockingham yield to the gentleman from Wake?

REP. JONES: I yield.

SPEAKER MOORE: Representative Jones, I heard the explanation in the Redistricting Committee, but perhaps the other members might not be familiar. Since we are going to run a second, statewide election on June 7th for all 13 Congressional districts, why could we not have a runoff election for the March 15th candidates on that same day, since we’ll be doing statewide elections anyway?

REP. JONES: That is an excellent question; I appreciate you posing it. I was thinking that I would speak again and explain it anyway, so you gave me an opportunity.

A primary reason for doing it, quite honestly, is that normally, after an election, the poll books are closed. But in this case, because we would be having this second election on June the 7th, those poll books would remain open. So, normally, in order to vote in a second primary, you had to be eligible to vote in the first primary.

In this case, by leaving it open, you would not only be opening the second primary to people that might register to vote between those times, but theoretically, and I think practically that would be the case, you could be encouraging people to go out and change parties for that particular time, just so they could vote in a second primary. And we just felt like in weighing all the options, the best thing to do was just to eliminate the second primary altogether.

Quite frankly, it made the administration of it much, much simpler for the Board of Elections, but it also took away the opportunities that I just discussed, and we felt like it was the best option. Thank you, Representative Jackson.

SPEAKER MOORE: For what purpose does the gentleman from Robeson, Representative Graham, arise?

REP. C. GRAHAM: A question of the bill
REP. JONES: As the law currently exists, in a primary election, if no candidate gets a 40 percent plurality, then the other candidate can call for a second primary election, and this bill would say that would be another runoff, and there is any legal ramifications that a candidate could say, well, I thought this was always the case, and it's off to the legislative, we're going to change it, but there is anything legally that a candidate who comes in second place could argue in a case? I'm just trying to look at it from that standpoint. Is there anything that a second-place candidate can do, even though we're going to do what we're going to do, is there anything a candidate could do, if they come in second place? Thank you.

REP. JONES: Thank you for that question. We contemplated that. I think the answer from legal scholars is that no one has a constitutional right to a second primary, but quite honestly, yes, they -- they would have gone into the original election thinking that we were having a second primary. We are seeing now that we're not, but obviously, in response to this three-judge panel, a very unusual situation, we're having to make changes in our election. So thank you for your question.

SPEAKER MOORE: For what purpose does the gentleman from Haywood, Representative Queen, arise?

REP. QUEEN: To ask another question just for clarification to the bill sponsor.

SPEAKER MOORE: Does the gentleman from Haywood have any question?

REP. QUEEN: Does the gentleman from Haywood yield to the sponsor?

SPEAKER MOORE: The gentleman from Haywood has the floor.

REP. JONES: Yes, sir. I yield.

SPEAKER MOORE: He yields.

REP. JONES: Yes, sir.

SPEAKER MOORE: He yields.

REP. C. GRAHAM: Thank you, Representative Jones. Just to clear my mind, we have folks who are voting right now for these Congressional districts. Explain to me again what will happen to those votes. Make sure I'm clear in my mind; I want to be able to explain that to folks when I'm asked.

REP. JONES: Okay. What we're basically saying here is that in response to the three-judge panel and their ruling, that our Congressional election will, frankly, start over. There will be new districts, new maps, new candidates will come in, and they will have to file for those offices, and that election will start over, and under this bill, it would be held on June the 7th. So any votes that have been or will be cast for the March 15 primary election will be null and void, because those Congressional districts will no longer exist.

SPEAKER MOORE: Further discussion or further debate? For what purpose does the gentleman from Scotland, Representative Pierce, arise?

REP. PIERCE: Just wanted to ask the bill sponsor a question.

SPEAKER MOORE: Does the gentleman from Rockingham, Representative Jones, yield to the gentleman from Scotland?

REP. JONES: Yes, sir.

SPEAKER MOORE: He yields.

REP. PIERCE: Representative Jones, you did a good job explaining that. But the candidates that are presently running, it's obvious that the 40 plus 1, that's off the table, right, if you -- no, that's -- if a person's in second place, what's usually the numbers that would constitute a runoff?

REP. JONES: As the law currently exists, if a candidate fails to get a 40 percent plurality, then the other candidate can call for a second primary election, and this bill would say there would be no second primary, so, you know, the highest vote-getter would win the election.

REP. PIERCE: Mr. Speaker, follow-up question?

SPEAKER MOORE: Does the gentleman from Rockingham yield to an additional question from the gentleman from Scotland?

REP. JONES: Yes, sir, I yield.

SPEAKER MOORE: He yields.

REP. PIERCE: As -- and I mean, I'm not sure, but as a candidate, by filing for office, being assured or assumed that there would be a runoff, are there any legal ramifications that a candidate could say, well, I thought this was always the case, and it's off to the legislative, we're going to change it, but there is anything legally that a candidate who comes in second place could argue in a case? I'm just trying to look at it from that standpoint. Is there anything that a second-place candidate can do, even though we're going to do what we're going to do, is there anything a candidate could do, if they come in second place? Thank you.

REP. JONES: Thank you for that question. We contemplated that. I think the answer from legal scholars is that no one has a constitutional right to a second primary, but quite honestly, yes, they -- they would have gone into the original election thinking that we were having a second primary. We are seeing now that we're not, but obviously, in response to this three-judge panel, a very unusual situation, we're having to make changes in our election. So thank you for your question.
gets the most votes wins.

REP. QUEEN: Thank you.

SPEAKER MOORE: Further discussion, further debate? If not, the question before the House is the passage of House Bill 2 on its second reading. Those in favor will vote aye; those opposed will vote no. The Clerk will open the vote.

(Votes recorded.)

SPEAKER MOORE: The Clerk will lock the machine and record the vote. 71 having voted in the affirmative and 32 in the negative, House Bill 2 passes its second reading and will be read a third time.

CLERK: The General Assembly of North Carolina enacts.

SPEAKER MOORE: Further discussion, further debate. For what purpose does the gentleman from Durham, Representative Hall, arise?

REP. HALL: To speak on the bill.

SPEAKER MOORE: The gentleman has the floor to debate the bill.

REP. HALL: Thank you, Mr. Speaker.  And I understand that some items in the bill, as quickly as it was formulated this evening and pushed out of the committee, may have escaped the attention of members of our body here or maybe the public, but it is important to understand. We have made a major change which is going to allow folks to run for two offices during the same election cycle, meaning you could run for a state office and then run for a Congressional office, and then have to choose, and I think that's an important item for folks to understand, that we have changed this. This is a major change, and as people talk about being educated once again about what's going on and any confusion that might be in people's minds about it, it is important to note that.

So, again, this is a major piece of legislation, and I hope we'll take it seriously as we consider how to implement it. And ultimately, we probably need to look at providing for local boards of election, additional support. In effect, this could become an unfunded mandate. I hope that we will look at that and see what we can do in some way, form or fashion to help our local boards of election, because what we're getting ready to do is going to require additional effort on their part, especially educating voters. Thank you.

SPEAKER MOORE: Further discussion,
2016 contingent Congressional plan which is passed
over to us from the Senate. I would remind all
members and members of the public that may be
listening to this that the plan that passed over
from the Senate that will be considered tomorrow is
online to be reviewed. I would encourage all
members of the committee and all members that are
able to attend or to listen in online to join us
tomorrow at 9 a.m. in room 643. Again, we’ll have
public comment from 9 to 10, and we’ll consider the
bill beginning when the public comment is completed
or at 10:00. Thank you, Mr, Speaker.

SPEAKER MOORE: For what purpose does the
gentleman from Durham, Representative Hall, arise?

REP. HALL: For an announcement, Mr.
Speaker.

SPEAKER MOORE: The gentleman has the
floor for an announcement.

REP. HALL: Thank you, Mr. Speaker. The
Democratic Caucus meeting previously scheduled for
8:30 tomorrow morning has been canceled. It will
be rescheduled. Thank you.

SPEAKER MOORE: And, members, for
planning purposes, I mentioned earlier the session
will be at 11:30 tomorrow. As previously announced
by Chairman Lewis, the Redistricting Committee will
take up the Congressional redistricting bill, and
we have budgeted the time for that. If, however,
the hearings are continuing and the committee needs
more time, the Chair will certainly delay the
convening hour of session in deference to that.
But we believe 11:30 will be enough time, but that
remains to be seen. But as it stands right now,
session will be at 11:30 tomorrow morning.

Further notices and announcements? If
not, the gentleman from Harnett, Representative
Lewis, is recognized for a motion.

REP. LEWIS: Thank you, Mr. Speaker. I
move that the House do now adjourn to reconvene
Friday, February 19th at 11:30 a.m.

SPEAKER MOORE: Representative Lewis
moves, seconded by Representative West, that the
House do now adjourn to reconvene on Friday,
February 19th, 2016, at 11:30 a.m. Those in favor
will say aye?

(Voice vote.)

SPEAKER MOORE: Those opposed, no? The
ayes have it. We stand adjourned.

(THE PROCEEDINGS IN THIS MATTER ADJOURNED)