

#2796



UNITED STATES DEPARTMENT OF JUSTICE CIVIL RIGHTS DIVISION
SECTION 5 VOTING SUBMISSION

Information of Person Making Submission

Submission ID: 2547 Submission Time: 2010-07-02 14:15:06
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Jurisdiction Covered by Submission

Name of Submitting Jurisdiction/Entity NC State Board of Elections
In what state is your jurisdiction located? North Carolina
In what county ALAMANCE
Jurisdiction Affected
If not from list, then enter jurisdiction:

Detail of Change Submitted

28 CFR §51.27 & 51.28(h)
Each submission should contain the following information or documents to enable the Attorney General to make the required determination pursuant to section 5 with respect to the submitted change affecting voting:

- a. A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting.

SL 2010-49. This law sets a referendum to amend the NC Constitution to be held on the date of the General Election , November 2, 2010. This submission is limited to preclearance of the date of the referendum as per 28 CFR 51.17 which requires preclearance of dates on special elections. We would consider this ballot item on a constitutional amendment to be a special election. WE UNDERSTAND THAT IF THE AMENDMENT PASSES, IT WILL HAVE TO BE PRECLEARED AS TO ITS CONTENTS.
- b. A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed.

See attached which sets out what would be added.
- c. A clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.

This submission is only as to the date of the vote on the proposed constitutional amendment.
- d. Identification of the person or body responsible for making the change and the mode of decision (e.g. act of state legislature, ordinance of city council, administrative decision by the registrar).

The NC General Assembly
- e. A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.

The NC Constitution allows the General Assembly to propose constitutional amendments subject to voter approval.
- f. A statement that the change has not yet been enforced or administrated, or an explanation of why such a statement cannot be made.

The proposed date of the special election is November 2, 2010 General Election . It will not be voted on until the General election voting starts.
- g. Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.
- h. A statement of the reasons for the change.

There was general concern both by the General Asembly and the public that six ex-felons ran for sheriff in primaries this May. None won. This vote will allow the voters to address the issue.
- i. A statement of the anticipated effect of the change on members of racial or language minority groups. In addition, per §51.28(h), include the names, addresses, daytime

telephone numbers, and organizational affiliation (if any) of racial and language minority group members residing in the jurisdiction who can be expected to be familiar with the proposed change or who have been active in the political process.

Setting the date for this vote at the same time as the General Election will have no adverse effect on minorities and in fact will ensure greater participation by minorities and other voters on this vote.

- j. A statement identifying any past or pending litigation concerning the change or related voting practice.

None

- k. For redistricting and annexations: the items listed under §51.28(a)(1) and (b)(1); for annexations only: the items listed under §51.28(c)(3).

n/a

- l. Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include items listed in §51.28 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission relating to voting changes of this type. When such information is required, but not provided, the Attorney General shall notify the submitting authority in the manner provided in §51.37.

This is a simple matter of setting the date of the vote on this amendment on the date that will allow the most voters to vote on it at the least expense to local and state government.

Attachments

The following attached files provide additional information for this submission. Following the file name is the files current status.
S L 2010-49.doc - Success
