



# State of North Carolina

**ROY COOPER**  
GOVERNOR

FEBRUARY 27, 2019

## WRIT OF ELECTION AND PROCLAMATION

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

### SPECIAL PRIMARY ELECTION AND GENERAL ELECTION FOR THE THIRD CONGRESSIONAL DISTRICT OF NORTH CAROLINA

**WHEREAS**, the passing of United States Congressman Walter B. Jones, Jr. on February 10, 2019, created a vacant seat in the Third Congressional District of North Carolina; and

**WHEREAS**, Article 1, Section 2 of the United States Constitution provides that “when vacancies happen in the Representation of any state, the executive authority thereof shall issue writs of election to fill such vacancies”; and

**WHEREAS**, N.C. Gen. Stat. § 163A-721(a) (2018) provides that the undersigned shall issue a writ of election “if at any time after an election, there shall be a vacancy in this State’s representation in the House of Representatives of the United States Congress” and by proclamation, “fix the date on which an election to fill the vacancy shall be held in the appropriate congressional district”; and

**WHEREAS**, the vacancy in the Third Congressional District of North Carolina arose more than ten (10) days before the end of the 2020 election filing period specified in N.C. Gen. Stat. § 163A-974 (2018); and

**WHEREAS**, N.C. Gen. Stat. § 163A-721(b) (2018) requires the undersigned to “call a special primary for the purpose of nominating candidates to be voted on” in a special general election; and

**WHEREAS**, any primary elections required under N.C. Gen. Stat. § 163A-721(b) “shall be conducted in accordance with the general laws governing primaries, except that the opening and closing dates for filing notices of candidacy with the State Board [of Elections] shall be fixed by the Governor in his call for the special primary”; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 163A-721(b), the undersigned “may also fix the absentee voting period for the special election and for the special first primary, but such period shall not be less than 30 days”; and

**WHEREAS**, N.C. Session Law 2018-146, enacted on December 27, 2018, will recodify Chapter 163A of the General Statutes, including §§ 163A-721, -972, -974 and -984 though the statutes have yet to be revised as of the date of this Writ and Proclamation; and

**WHEREAS**, all applicable state and federal laws should be adhered to in the State’s administration and oversight of this 2019 Special Election; and

**WHEREAS**, the orderly and efficient administration of the special general election and special primary election required under N.C. Gen. Stat. § 163A-721 is necessary to provide representation in Congress for residents of the Third Congressional District of North Carolina.

**NOW, THEREFORE**, I, Roy Cooper, Governor of the State of North Carolina, pursuant to Article III, Sections 1 and 5(4) of the North Carolina State Constitution and N.C. Gen. Stat. § 163A-721, do hereby issue a Writ of Election, proclaim a “**SPECIAL PRIMARY ELECTION AND GENERAL ELECTION FOR THE HOUSE SEAT IN THE THIRD CONGRESSIONAL DISTRICT OF NORTH CAROLINA**,” and order the following:

1. A special general election shall be held in the Third Congressional District of North Carolina on July 9, 2019, for the purpose of electing a congressional representative to serve out the remainder of the two-year term.
2. Absentee voting for the special general election shall commence May 24, 2019.
3. Candidates seeking to fill the seat representing the Third Congressional District of North Carolina shall prepare notices of candidacy that comply with N.C. Gen. Stat. § 163A-972 and file such notices with the State Board of Elections between March 4, 2019, and March 8, 2019.
4. A special primary election for the purpose of nominating candidates to be voted on in the special general election shall be held April 30, 2019.
5. Absentee voting for the special primary election shall commence on March 15, 2019.
6. If a second primary is required under N.C. Gen. Stat. § 163A-984(a)(1) because no candidate receives thirty (30) percent of the primary vote in the first primary, the following changes shall apply to the date of the special general election:
  - (a) The second special primary election shall be held July 9, 2019, with absentee voting commencing May 24, 2019.
  - (b) The special general election shall be held September 10, 2019, with absentee voting commencing July 26, 2019.
7. As set forth in N.C. Gen. Stat. § 163A-721(b), any primary election required under this Writ of Election and Proclamation shall be conducted in accordance with the general state and federal laws governing primaries.
8. Consistent with existing federal and state law, the State Board of Elections and the county boards of elections affected by this Writ of Election and Proclamation are encouraged to take additional actions necessary to ensure the orderly and efficient administration of the special general election and special primary election(s) required under this Writ of Election and Proclamation. The State Board of Elections and affected county boards of elections in the Third Congressional District of North Carolina are encouraged to set and identify one-stop early voting dates, times, and locations that take into account all resources as well as state and federal holidays occurring during that period of time.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 27<sup>th</sup> day of February in the year of our Lord two thousand and nineteen.



  
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Roy Cooper  
Governor