

SUPREME COURT OF NORTH CAROLINA

Stephenson v. Bartlett

355 N.C. 281 (2002) · Decided March 7, 2002

SUMMARY

The North Carolina Supreme Court enjoined the scheduled 7 May 2002 legislative primary elections while reviewing a trial court ruling that North Carolina's 2001 legislative redistricting plans violated the state Constitution. The injunction remained in effect until further order and did not preclude the General Assembly from rescheduling primaries for other offices.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	I. Beverly Lake, Jr., C.J.
JURISDICTION	North Carolina
DECIDED	March 7, 2002
DISPOSITION	other
PROCEDURAL POSTURE	Defendants appealed a trial-court order concluding that legislative redistricting plans enacted by the North Carolina General Assembly violated the North Carolina Constitution. Before oral argument and resolution of the appeal, the Supreme Court entered an emergency injunction postponing the scheduled legislative primary elections.
PRECEDENTIAL VALUE	Published emergency interlocutory order; the order resolves the immediate scheduling issue without deciding the merits of the redistricting appeal.
PARTIES	Defendants v. Plaintiffs

TOPICS

- redistricting
- election administration
- election law
- appellate procedure
- constitutional law

PRACTICE AREAS

- Election law
- Constitutional law
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court should enjoin the scheduled legislative primary elections while an expedited appeal concerning the constitutionality of the legislative redistricting plans remained pending.

KEY QUOTATIONS

“In light of the extraordinary nature of this case and the exigency of the circumstances for the legislative candidates and the citizens of this State, Defendants are hereby enjoined from conducting primary elections for the office of Senator in the North Carolina Senate and the office of Representative in the North Carolina House of Representatives, scheduled for 7 May 2002.” (282)

FACTUAL BACKGROUND

The North Carolina General Assembly enacted legislative redistricting plans in November 2001. The trial court concluded that the plans violated the North Carolina Constitution. Legislative primary elections for the offices of state senator and state representative were scheduled for 7 May 2002, creating a risk that the election process would proceed before the Supreme Court could resolve the appeal.

PROCEDURAL HISTORY

On 20 February 2002, the trial court ruled that legislative redistricting plans enacted in November 2001 violated the North Carolina Constitution. Defendants filed a notice of appeal on 5 March 2002. Because the appeal was expedited but might not be resolved in writing before the legislative primaries scheduled for 7 May 2002, the Supreme Court entered this unanimous order enjoining those primaries until further order.

DISPOSITION

other

OPINION

LAKE, J.

ORDER The trial court, by order entered in this case on 20 February 2002, concluded that the legislative redistricting plans enacted by the North Carolina General Assembly in November 2001 violate the North Carolina Constitution.

On 5 March 2002, Defendants filed notice of appeal in this Court. The principal legal question raised by the present case, arising under the North Carolina Constitution, is a matter of first impression *282for this Court. Notwithstanding the Court’s entry of an expedited scheduling order for resolution of this appeal, which provides for oral argument on 4 April 2002, the possibility exists that insufficient time will remain after proper resolution of this appeal by written decision for legislative primary elections, scheduled for 7 May 2002, to proceed in an orderly manner.

In light of the extraordinary nature of this case and the exigency of the circumstances for the legislative candidates and the citizens of this State, Defendants are hereby enjoined from

conducting primary elections for the office of Senator in the North Carolina Senate and the office of Representative in the North Carolina House of Representatives, scheduled for 7 May 2002.

Nothing in this order shall limit or preclude the North Carolina General Assembly, consistent with applicable law, from enacting legislation to reschedule primary elections for other offices now scheduled for 7 May 2002. This injunction shall remain in effect until further order of this Court. By unanimous order of the Court in' Conference, this 7th day of March, 2002.

I. Beverly Lake, Jr., C.J. For the Court