

Monthly Legislative Update for Chatham County CBA

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State Issues:

- **No change in Gang Bill (HB 275)** (A bill that would turn the CCCBA and other motorcycle groups into "gangs") The bill was heard in the Senate Judiciary II Committee Tuesday morning, 7-3-07. The sponsor of the bill, Senator Graham was not available for the meeting and although many questions remained unanswered, the bill was pushed through the committee with the justification that it would be still have to be considered by two more committees prior to reaching the floor of the Senate for discussion (Finance and Appropriations). Watch Doc's blog for updates: <http://docskivnv.bravejournal.com/>

- **No change in Lerner's Permit Bill (SB 375):** (A bill that will shorten the time a person has to learn to ride and increase the renewal fees from \$10 to \$50) We oppose this bill. The bill passed the Senate. It currently has been sitting in the House Transportation Committee since May 15th. Stay tuned for future action alerts concerning this bill.

- **No change in UNC Motorcycle Safety Study Bill (SB 1121)** (A bill to fund a motorcycle crash study at UNC) This bill is currently sitting in the finance committee. The problem with this bill is that several bikers have complained about the \$2 increase to our MC registrations that will fund this center. Bikers, including CBA members are not united on this bill and we are sending different messages to the sponsors of this bill. This bill will die unless we become united.

- **CBA NC Helmet Citation Defense** CBA/ABATE is not anti-helmet... we are pro-rider-choice. However, CBA/ABATE is adamantly opposed to any totalitarian act, and believes that it is important to continue this fight in the courts. In order to help citizens defend themselves against this, CBA/ABATE of NC has formed the "Helmet Citation Defense Committee". The purpose of this committee is to develop and disseminate information and materials to be used by individuals, in the legal battle in court against the increasingly more oppressive helmet laws of North Carolina. A special financial fund has also been established, to assist with organizational costs for legal counsel, materials, and procedures that may be involved in CBA sanctioned legal defense activities. The recently formed NC Helmet Citation Defense Project (HCDP) has leaped forward under the leadership of Chairperson Susan Huttman of the Hickory Chapter of the CBA/ABATE of NC. HCDP Team members are well prepared to assist and support fellow riders who receive a helmet citation and wish to present their own defense in court. Bear in mind... Team members are not lawyers, nor legal professionals; they are simply concerned bikers, preparing their own defense, who are willing to share their materials, knowledge, and experience with others of like mind. Contact a member of your local CBA/ABATE chapter, or attend a local chapter meeting to share in the free information and see what CBA is doing for all bikers in NC. We hope your visit will help to encourage you to fight the citation in court. It pays to fight the battle in the courtroom. The state of North Carolina has established that the cost of a helmet violation is \$100. The fine is \$25 and the court costs are \$75. The fine for a helmet violation for a passenger is \$10... there are no court costs for passenger helmet-violations. If you appear in court to defend against the citation, and are found guilty, it still costs the same... However, if you challenge the citation and win, it costs you nothing. Again, we are not attorneys, however, in a CBA/ABATE independent review of the language in GS 20-140.4 (a) we find it to be unconstitutionally vague and, unenforceable. More info: Please see the state webpage at: http://cba-abatenc.org/helmet_citation.htm

- **Helmet Protest on New Years Day** – Organized by BOLT (Janice/Mark)

Federal Issues:

- **NO CHANGE - HIPAA Loophole** – We have already contacted our legislators on this issue. We will continue to monitor this issue.

- **California Going to Appellate Court to Fight Helmet Law** – "There is important constitutional helmet law litigation, originally brought by Richard Quigley that requires your support for it to succeed. It is set for trial in May 2008 in the same California courthouse where Quigley obtained the judicial opinion that the California helmet law was unconstitutionally vague as applied. The present litigation, if successful, will build on that victory now to defeat the California helmet law on the same constitutional due process grounds. We anticipate, furthermore, that the appellate decision resulting from the case will also assist freedom fighters across the nation to defeat their helmet laws. The purpose of this correspondence is to request your help to properly fund the trial. We urge you to pass the hat, dig deep, and send your checks to: "Judicial Fund" c/o Abate of California, 10240 Seventh Avenue, Hesperia, CA 92345. True to the tradition of the small but great state of Delaware, the first state to ratify the United States Constitution, the three Delaware ABATE Chapters have announced that they will be the first to stand to defend the constitution, specifically by doing their part to assure that this important constitutional litigation prevails. These three small Delaware ABATE Chapters have made an \$8,000 contribution to this Judicial Fund set up as the war chest for the Quigley litigation. The contribution represents \$8.00 from each Delaware ABATE member.

How Does the Primary Process Work?

The Convention

Prior to a general election, there is a selection process to determine which candidate will appear on the ballot for a given political party in the nationwide general election. Political parties generally hold national conventions at which a group of delegates collectively decide upon which candidate they will run for the presidency. The process of choosing delegates to the national convention is undertaken at the state level, which means that there are significant differences from state to state and sometimes year to year. The two methods for choosing delegates to the national convention are the caucus and the primary.

The Caucus

Caucuses were the original method for selecting candidates but have decreased in number since the primary was introduced in the early 1900's. In states that hold caucuses a political party announces the date, time, and location of the meeting. Generally any voter registered with the party may attend. At the caucus, delegates are chosen to represent the state's interests at the national party convention. Prospective delegates are identified as favorable to a specific candidate or uncommitted. After discussion and debate an informal vote is taken to determine which delegates should be chosen.

The Primary

In the early twentieth century there was a movement to give more power to citizens in the selection of candidates for the party's nomination. The primary election developed from this reform movement. In a primary election, registered voters may participate in choosing the candidate for the party's nomination by voting through secret ballot, as in a general election.

There are two main types of primaries, closed or open, that determine who is eligible to vote in the primary. In a closed primary a registered voter may vote only in the election for the party with which that voter is affiliated. For example a voter registered as Democratic can vote only in the Democratic primary and a Republican can vote only in the Republican primary. In an open primary, on the other hand, a registered voter can vote in either primary regardless of party membership. The voter cannot, however, participate in more than one primary. A third less common type of primary, the blanket primary, allows registered voters to participate in all primaries. Vin Note: North Carolina is a "partially closed" primary state because an unaffiliated voter can vote in either primary, but not in both. A voter who is affiliated with a party, can only vote in that party's primary.

In addition to differences in which voters are eligible to vote in the primary, there are differences in whether the ballot lists candidate or delegate names. The presidential preference primary is a direct vote for a specific candidate. The voter chooses the candidate by name. The second method is more indirect, giving the voter a choice among delegate names rather than candidate names. As in the caucus, delegates voice support for a particular candidate or remain uncommitted.

In some states a combination of the primary and caucus systems are used. The primary serves as a measure of public opinion but is not necessarily binding in choosing delegates. Sometimes the Party does not recognize open primaries because members of other parties are permitted to vote.

Awarding the Delegates

The Democratic Party always uses a proportional method for awarding delegates. The percentage of delegates each candidate is awarded (or the number of undecided delegates) is representative of the mood of the caucus-goers or the number of primary votes for the candidate.

For example imagine a state with ten delegates and three candidates. If 60% of the people supported candidate X, 20% supported candidate Y, and 20% supported candidate Z, candidate X would receive six delegates and candidates Y and Z would each receive two delegates.

The Republican Party, unlike the Democratic Party, allows each state to decide whether to use the winner-take-all method or the proportional method. In the winner-take-all method the candidate whom the majority of caucus participants or voters support receives all the delegates for the state.

It is essential to remember that this is a general guide and that the primary system differs significantly from state to state.

Sources:

http://www.vote-smart.org/election_president_how_primary_works.php