

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 2
Judiciary Committee Substitute Adopted 3/3/97

Short Title: Shorter Election Year.

(Public)

Sponsors:

Referred to:

February 3, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR A LATER PRIMARY DATE; TO ABOLISH THE
3 RUNOFF PRIMARY; AND TO CHANGE THE DATE OF THE PRESIDENTIAL
4 PRIMARY.

5 The General Assembly of North Carolina enacts:

6 **PART 1. LATER PRIMARY DATE.**

7 Section 1. G.S. 163-1(b) reads as rewritten:

8 "(b) On ~~Tuesday next after the first Monday in May~~ the second Tuesday after the first
9 Monday in September preceding each general election to be held in November for the
10 officers referred to in subsection (a) of this section, there shall be held in all election
11 precincts within the territory for which the officers are to be elected a primary election
12 for the purpose of nominating candidates for each political party in the State for those
13 offices."

14 Section 2. (a) G.S. 163-106(c) reads as rewritten:

15 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
16 nominations for the following offices shall file their notice of candidacy with the State
17 Board of Elections no earlier than 12:00 noon on the ~~first Monday in January~~ last Monday
18 in June and no later than 12:00 noon on the ~~first Monday in February~~ second Monday
19 thereafter preceding the primary:

1 Governor
2 Lieutenant Governor
3 All State executive officers
4 Justices of the Supreme Court, Judges of the Court of Appeals
5 Judges of the district courts
6 United States Senators
7 Members of the House of Representatives of the United States
8 District attorneys

9 Candidates seeking party primary nominations for the following offices shall file their
10 notice of candidacy with the county board of elections no earlier than 12:00 noon on the
11 ~~first Monday in January~~ last Monday in June and no later than 12:00 noon on the ~~first~~
12 ~~Monday in February~~ second Monday thereafter preceding the primary:

13 State Senators
14 Members of the State House of Representatives
15 All county offices."

16 (b) G.S. 163-323(b) reads as rewritten:

17 "(b) Time for Filing Notice of Candidacy. – Candidates seeking election to the
18 following offices shall file their notice of candidacy with the State Board of Elections no
19 earlier than 12:00 noon on the ~~first Monday in January~~ last Monday in June and no later
20 than 12:00 noon on the ~~first Monday in February~~ second Monday thereafter preceding the
21 election:

22 Judges of the superior courts."

23 Section 3. G.S. 163-98 reads as rewritten:

24 "**§ 163-98. General election participation by new political party.**

25 In the first general election following the date on which a new political party qualifies
26 under the provisions of G.S. 163-96, it shall be entitled to have the names of its
27 candidates for State, congressional, and national offices printed on the official ballots, but
28 it shall not be entitled to have the names of candidates for other offices printed on State,
29 district, or county ballots at that election.

30 For the first general election following the date on which it qualifies under G.S. 163-
31 96, a new political party shall select its candidates by party convention. Following
32 adjournment of the nominating convention, but not later than the ~~first day of July prior to~~
33 ~~the general election,~~ day of the primary election under G.S. 163-1(b), the president of the
34 convention shall certify to the State Board of Elections the names of persons chosen in
35 the convention as the new party's candidates for ~~State, congressional, and national~~ offices in
36 the ensuing general election. The State Board of Elections shall print names thus certified
37 on the appropriate ballots as the nominees of the new party."

38 Section 4. G.S. 163-122(a) reads as rewritten:

39 "(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any
40 qualified voter who seeks to have his name printed on the general election ballot as an
41 unaffiliated candidate shall:

42 (1) If the office is a statewide office, file written petitions with the State
43 Board of Elections supporting his candidacy for a specified office.

1 These petitions must be filed with the State Board of Elections on or
2 before 12:00 noon on the last Friday in ~~June~~August preceding the
3 general election and must be signed by qualified voters of the State
4 equal in number to two percent (2%) of the total number of registered
5 voters in the State as reflected by the most recent statistical report issued
6 by the State Board of Elections. Each petition shall be presented to the
7 chairman of the board of elections of the county in which the signatures
8 were obtained. The chairman shall examine the names on the petition
9 and place a check mark on the petition by the name of each signer who
10 is qualified and registered to vote in his county and shall attach to the
11 petition his signed certificate. Said certificates shall state that the
12 signatures on the petition have been checked against the registration
13 records and shall indicate the number of signers to be qualified and
14 registered to vote in his county. The chairman shall return each petition,
15 together with the certificate required in this section, to the person who
16 presented it to him for checking. Verification by the chairman of the
17 county board of elections shall be completed within two weeks from the
18 date such petitions are presented and a fee of five cents (5¢) for each
19 name appearing on the petition has been received.

20 (2) If the office is a district office comprised of two or more counties, file
21 written petitions with the State Board of Elections supporting his
22 candidacy for a specified office. These petitions must be filed with the
23 State Board of Elections on or before 12:00 noon on the last Friday in
24 ~~June~~August preceding the general election and must be signed by
25 qualified voters of the district equal in number to four percent (4%) of
26 the total number of registered voters in the district as reflected by the
27 latest statistical report issued by the State Board of Elections. Each
28 petition shall be presented to the chairman of the board of elections of
29 the county in which the signatures were obtained. The chairman shall
30 examine the names on the petition and the procedure for certification
31 shall be the same as specified in (1) above.

32 (3) If the office is a county office or a single county legislative district, file
33 written petitions with the chairman or director of the county board of
34 elections supporting his candidacy for a specified county office. These
35 petitions must be filed with the county board of elections on or before
36 12:00 noon on the last Friday in ~~June~~August preceding the general
37 election and must be signed by qualified voters of the county equal in
38 number to four percent (4%) of the total number of registered voters in
39 the county as reflected by the most recent statistical report issued by the
40 State Board of Elections, except if the office is for a district consisting
41 of less than the entire county and only the voters in that district vote for
42 that office, the petitions must be signed by qualified voters of the district
43 equal in number to four percent (4%) of the total number of voters in the

1 district according to the most recent figures certified by the State Board
2 of Elections. Each petition shall be presented to the chairman or
3 director of the county board of elections. The chairman shall examine,
4 or cause to be examined, the names on the petition and the procedure for
5 certification shall be the same as specified in (1) above.

- 6 (4) If the office is a partisan municipal office, file written petitions with the
7 chairman or director of the county board of elections in the county
8 wherein the municipality is located supporting his candidacy for a
9 specified municipal office. These petitions must be filed with the
10 county board of elections on or before the time and date specified in
11 G.S. 163-296 and must be signed by the number of qualified voters
12 specified in G.S. 163-296. The procedure for certification shall be the
13 same as specified in (1) above.

14 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
15 board of elections with which the petitions and affidavit have been timely filed shall
16 cause the unaffiliated candidate's name to be printed on the general election ballots in
17 accordance with G.S. 163-140.

18 An individual whose name appeared on the ballot in a primary election preliminary to
19 the general election shall not be eligible to have his name placed on the general election
20 ballot as an unaffiliated candidate for the same office in that year."

21 Section 5. G.S. 163-123(c) reads as rewritten:

22 "(c) Petitions for Write-in Candidacy. – An applicant for write-in candidacy shall:

- 23 (1) If the office is a statewide office, file written petitions with the State
24 Board of Elections supporting his candidacy for a specified office.
25 These petitions shall be filed on or before noon ~~on the 90th day before the~~
26 ~~general election~~ the day of the primary under G.S. 163-1(b). They shall
27 be signed by 500 qualified voters of the State. Before being filed with
28 the State Board of Elections, each petition shall be presented to the
29 board of elections of the county in which the signatures were obtained.
30 A petition presented to a county board of elections shall contain only
31 names of voters registered in that county. The chairman of the county
32 board of elections shall examine the names on the petition and place a
33 check mark by the name of each signer who is qualified and registered
34 to vote in his county. The chairman of the county board shall attach to
35 the petition his signed certificate. On his certificate the chairman shall
36 state that the signatures on the petition have been checked against the
37 registration records and shall indicate the number of signers who are
38 qualified and registered to vote in his county and eligible to vote for that
39 office. The chairman shall return each petition, together with the
40 certificate required in this section, to the person who presented it to him
41 for checking. The chairman of the county board shall complete the
42 verification within two weeks from the date the petition is presented. At

1 the time of submitting the petition, a fee of five cents (5¢) shall be paid
2 for each name appearing on the petition.

3 (2) If the office is a district office comprising all or part of two or more
4 counties, file written petitions with the State Board of Elections
5 supporting his candidacy for a specified office. These petitions must be
6 filed with the State Board of Elections on or before noon on the ~~90th day~~
7 ~~before the general election~~ day of the primary under G.S. 163-1(b) and
8 must be signed by 250 qualified voters. Before being filed with the State
9 Board of Elections, each petition shall be presented to the board of
10 elections of the county in which the signatures were obtained. A petition
11 presented to a county board of elections shall contain only names of
12 voters registered in that county who are eligible to vote for that office.
13 The chairman of the county board shall examine the names on the
14 petition and the procedure for certification shall be the same as specified
15 in subdivision (1).

16 (3) If the office is a county office, or is a school administrative unit office
17 elected on a partisan basis, or is a legislative district consisting of a
18 single county or a portion of a county, file written petitions with the
19 county board of elections supporting his candidacy for a specified
20 office. A petition presented to a county board of elections shall contain
21 only names of voters registered in that county. These petitions must be
22 filed on or before noon on the ~~90th day before the general election~~ day of
23 the primary under G.S. 163-1(b) and must be signed by 100 qualified
24 voters who are eligible to vote for the office, unless fewer than 5,000
25 persons are eligible to vote for the office as shown by the most recent
26 records of the appropriate board of elections. If fewer than 5,000
27 persons are eligible to vote for the office, an applicant's petition must be
28 signed by not less than one percent (1%) of those registered voters.
29 Before being filed with the county board of elections, each petition shall
30 be presented to the county board of elections for examination. The
31 chairman of the county board of elections shall examine the names on
32 the petition and the procedure for certification shall be the same as
33 specified in subdivision (1)."

34 Section 6. G.S. 163-114 reads as rewritten:

35 "**§ 163-114. Filling vacancies among party nominees occurring after nomination and**
36 **before election.**

37 If any person nominated as a candidate of a political party for one of the offices listed
38 below (either in a primary or convention or by virtue of having no opposition in a
39 primary) dies, resigns, or for any reason becomes ineligible or disqualified before the
40 date of the ensuing general election, the vacancy shall be filled by appointment according
41 to the following instructions:

42
43 Position

| Vacancy is to be filled by

1	Any elective State office		appointment of State
2	United States Senator		executive committee of
3			political party in which
4			vacancy occurs
5			
6	A district office, including:		
7	Member of the United States		
8	House of Representatives		
9	Judge of district court		
10	District Attorney		Appropriate district executive
11	State Senator in a multi-		committee of political party
12	county senatorial district		in which vacancy occurs
13	Member of State House of		
14	Representatives in a multi-		
15	county representative		
16	district		
17			
18	State Senator in a single-		County executive committee
19	county senatorial district		of political party in which
20	Member of State House of		vacancy occurs, provided, in
21	Representatives in a		the case of the State
22	single-county		Senator or State
23	representative district		Representative in a
24	Any elective county office		single-county district where
25			not all the county is
26			located in that district,
27			then in voting, only those
28			members of the county
29			executive committee who
30			reside within the
31			district shall vote
32			

33 The party executive making a nomination in accordance with the provisions of this
 34 section shall certify the name of its nominee to the chairman of the board of elections,
 35 State or county, charged with the duty of printing the ballots on which the name is to
 36 appear. If at the time a nomination is made under this section the general election ballots
 37 have already been printed, the provisions of G.S. 163-139 shall apply. ~~If any person~~
 38 ~~nominated as a candidate of a political party vacates such nomination and such vacancy arises~~
 39 ~~from a cause other than death and the vacancy in nomination occurs more than 120 days before~~
 40 ~~the general election, the vacancy in nomination may be filled under this section only if the~~
 41 ~~appropriate executive committee certifies the name of the nominee in accordance with this~~
 42 ~~paragraph at least 75 days before the general election.~~

1 In a county which is partly in a multi-county superior court district, in choosing that
2 county's member or members of the superior court district executive committee for the
3 multi-county district, only the county convention delegates or county executive
4 committee members who reside within the area of the county which is within that multi-
5 county district may vote.

6 In a county not all of which is located in one congressional district, in choosing the
7 congressional district executive committee member or members from that area of the
8 county, only the county convention delegates or county executive committee members
9 who reside within the area of the county which is within the congressional district may
10 vote.

11 In a county which is partly in a multi-county senatorial district or which is partly in a
12 multi-county House of Representatives district, in choosing that county's member or
13 members of the senatorial district executive committee or House of Representatives
14 district executive committee for the multi-county district, only the county convention
15 delegates or county executive committee members who reside within the area of the
16 county which is within that multi-county district may vote."

17 Section 7. Article 20 of Chapter 163 of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 163-226.4. Special deadlines for general election.**

20 Notwithstanding any other provision of this Article or Article 21 of this Chapter, the
21 State Board of Elections shall provide that absentee ballots shall be available for the
22 primary or general election at the earliest time practicable and may provide an alternative
23 schedule for meetings of the county board of elections under G.S. 163-230 to
24 accommodate the revised schedule."

25 **PART 2. ABOLISH SECOND PRIMARY.**

26 Section 8. G.S. 163-111 reads as rewritten:

27 **"§ 163-111. Determination of primary results; ~~second primaries.~~**

28 ~~(a) Nomination Determined by Substantial Plurality; Definition of Substantial~~
29 ~~Plurality.—Except as otherwise provided in this section, nominations in primary elections~~
30 ~~shall be determined by a substantial plurality of the votes cast. A substantial plurality~~
31 ~~within the meaning of this section shall be determined as follows:~~

32 (1) ~~If a nominee for a single office is to be selected, and there is more than~~
33 ~~one person seeking nomination, the substantial plurality shall be~~
34 ~~ascertained by multiplying the total vote cast for all aspirants by forty~~
35 ~~percent (40%). Any excess of the sum so ascertained shall be a~~
36 ~~substantial plurality, and the aspirant who obtains a substantial plurality~~
37 ~~shall be declared the nominee. If two candidates receive a substantial~~
38 ~~plurality, the candidate receiving the highest vote shall be declared the~~
39 ~~nominee.~~

40 (2) ~~If nominees for two or more offices (constituting a group) are to be~~
41 ~~selected, and there are more persons seeking nomination than there are~~
42 ~~offices, the substantial plurality shall be ascertained by dividing the total~~
43 ~~vote cast for all aspirants by the number of positions to be filled, and by~~

1 multiplying the result by forty percent (40%). Any excess of the sum so
2 ascertained shall be a substantial plurality, and the aspirants who obtain
3 a substantial plurality shall be declared the nominees. If more candidates
4 obtain a substantial plurality than there are positions to be filled, those
5 having the highest vote (equal to the number of positions to be filled)
6 shall be declared the nominees.

7 (b) ~~Right to Demand Second Primary.~~— If an insufficient number of aspirants
8 receive a substantial plurality of the votes cast for a given office or group of offices in a
9 primary, a second primary, subject to the conditions specified in this section, shall be
10 held:

11 (1) If a nominee for a single office is to be selected and no aspirant receives
12 a substantial plurality of the votes cast, the aspirant receiving the highest
13 number of votes shall be declared nominated by the appropriate board of
14 elections unless the aspirant receiving the second highest number of
15 votes shall request a second primary in accordance with the provisions
16 of subsection (c) of this section. In the second primary only the two
17 aspirants who received the highest and next highest number of votes
18 shall be voted for.

19 (2) If nominees for two or more offices (constituting a group) are to be
20 selected and aspirants for some or all of the positions within the group
21 do not receive a substantial plurality of the votes, those candidates equal
22 in number to the positions remaining to be filled and having the highest
23 number of votes shall be declared the nominees unless some one or all
24 of the aspirants equal in number to the positions remaining to be filled
25 and having the second highest number of votes shall request a second
26 primary in accordance with the provisions of subsection (c) of this
27 section. In the second primary to select nominees for the positions in the
28 group remaining to be filled, the names of all those candidates receiving
29 the highest number of votes and all those receiving the second highest
30 number of votes and demanding a second primary shall be printed on
31 the ballot.

32 (c) ~~Procedure for Requesting Second Primary.~~—

33 (1) A candidate who is apparently entitled to demand a second primary,
34 according to the unofficial results, for one of the offices listed below,
35 and desiring to do so, shall file a request for a second primary in writing
36 or by telegram with the Executive Secretary Director of the State Board
37 of Elections no later than 12:00 noon on the seventh day (including
38 Saturdays and Sundays) following the date on which the primary was
39 conducted, and such request shall be subject to the certification of the
40 official results by the State Board of Elections. If the vote certification
41 by the State Board of Elections determines that a candidate who was not
42 originally thought to be eligible to call for a second primary is in fact
43 eligible to call for a second primary, the Executive Secretary Director of

1 the State Board of Elections shall immediately notify such candidate
2 and permit him to exercise any options available to him within a 48-
3 hour period following the notification:

4 Governor,
5 Lieutenant Governor,
6 All State executive officers,
7 Justices, Judges, or District Attorneys of the
8 General Court of Justice, other than
9 superior court judge,
10 United States Senators,
11 Members of the United States House of
12 Representatives,
13 State Senators in multi-county senatorial
14 districts, and
15 Members of the State House of Representatives
16 in multi-county representative districts.

17 (2) A candidate who is apparently entitled to demand a second primary,
18 according to the unofficial results, for one of the offices listed below
19 and desiring to do so, shall file a request for a second primary in writing
20 or by telegram with the chairman or director of the county board of
21 elections no later than 12:00 noon on the seventh day (including
22 Saturdays and Sundays) following the date on which the primary was
23 conducted, and such request shall be subject to the certification of the
24 official results by the county board of elections:

25 State Senators in single-county senatorial
26 districts,
27 Members of the State House of Representatives
28 in single-county representative districts, and
29 All county officers.

30 (3) Immediately upon receipt of a request for a second primary the
31 appropriate board of elections, State or county, shall notify all
32 candidates entitled to participate in the second primary, by telephone
33 followed by written notice, that a second primary has been requested
34 and of the date of the second primary.

35 (d) Tie Votes; How Determined.—

36 (1) In the event of a tie for the highest number of votes in a first primary
37 between two candidates for party nomination for a single county, or
38 single county legislative district office, the board of elections of the
39 county in which the two candidates were voted for shall conduct a
40 recount and declare the results. If the recount shows a tie vote, a second
41 primary shall be held on the date prescribed in subsection (e) of this
42 section between the two candidates having an equal vote, unless one of
43 the aspirants, within three days after the result of the recount has been

1 officially declared, files a written notice of withdrawal with the board of
2 elections with which he filed notice of candidacy. Should that be done,
3 the remaining aspirant shall be declared the nominee. In the event of a
4 tie for the highest number of votes in a first primary among more than
5 two candidates for party nomination for one of the offices mentioned in
6 this subdivision, no recount shall be held, but all of the tied candidates
7 shall be entered in a second primary.

8 (2) In the event of a tie for the highest number of votes in a first primary
9 between two candidates for a State office, for United States Senator, or
10 for any district office (including State Senator in a multi-county
11 senatorial district and member of the State House of Representatives in
12 a multi-county representative district), no recount shall be held solely by
13 reason of the tie, but the two candidates having an equal vote shall be
14 entered in a second primary to be held on the date prescribed in
15 subsection (e) of this section, unless one of the two candidates files a
16 written notice of withdrawal with the State Board of Elections within
17 three days after the result of the first primary has been officially
18 declared and published. Should that be done, the remaining aspirant
19 shall be declared the nominee. In the event of a tie for the highest
20 number of votes in a first primary among more than two candidates for
21 party nomination for one of the offices mentioned in this subdivision, no
22 recount shall be held, but all of the tied candidates shall be entered in a
23 second primary.

24 (3) In the event one candidate receives the highest number of votes cast in a
25 first primary, but short of a substantial plurality, and two or more of the
26 other candidates receive the second highest number of votes cast in an
27 equal number, the proper board of elections shall declare the candidate
28 having the highest vote to be the party nominee, unless all but one of the
29 tied candidates give written notice of withdrawal to the proper board of
30 elections within three days after the result of the first primary has been
31 officially declared. If all but one of the tied candidates withdraw within
32 the prescribed three-day period, and the remaining candidate demands a
33 second primary in accordance with the provisions of subsection (e) of
34 this section, a second primary shall be held between the candidate who
35 received the highest vote and the remaining candidate who received the
36 second highest vote.

37 (e) Date of Second Primary; Procedures.—If a second primary is required under
38 the provisions of this section, the appropriate board of elections, State or county, shall
39 order that it be held four weeks after the first primary.

40 There shall be no registration of voters between the dates of the first and second
41 primaries. Persons whose qualifications to register and vote mature after the day of the
42 first primary and before the day of the second primary may register on the day of the
43 second primary and, when thus registered, shall be entitled to vote in the second primary.

1 The second primary is a continuation of the first primary and any voter who files a proper
2 and timely affidavit of transfer of precinct, under the provisions of G.S. 163-72(e), before
3 the first primary may vote in the second primary without having to refile the affidavit of
4 transfer if he is otherwise qualified to vote in the second primary. Subject to this
5 provision for registration, the second primary shall be held under the laws, rules, and
6 regulations provided for the first primary.

7 (f) ~~No Third Primary Permitted.~~—~~In no case shall there be a third primary. The~~
8 ~~candidates receiving the highest number of votes in the second primary shall be~~
9 ~~nominated. If in a second primary there is a tie for the highest number of votes between~~
10 ~~two candidates, the proper party executive committee shall select the party nominee for~~
11 ~~the office in accordance with the provisions of G.S. 163-114.~~

12 (g) Nominations in primary elections shall be determined as follows:

13 (1) When more than one person is seeking election to a single office, the
14 candidate who receives the highest number of votes shall be declared
15 the nominee.

16 (2) When more persons are seeking nomination to two or more offices
17 (constituting a group) than there are offices to be filled, those candidates
18 receiving the highest number of votes, equal in number to the number of
19 offices to be filled, shall be declared the nominees.

20 (h) When more than one person is seeking election to a single office, and two or
21 more candidates receiving the highest number of votes each receive the same number of
22 votes, the proper party executive committee shall, from among those candidates receiving
23 the same number of votes, select the party nominee in accordance with G.S. 163-114.

24 (i) When more persons are seeking nomination to two or more offices
25 (constituting a group) than there are offices to be filled, and two or more candidates
26 receiving the lowest number of votes necessary for nomination each receive the same
27 number of votes, the proper party executive committee shall, from among those
28 candidates receiving the same number of votes, select the party nominee in accordance
29 with G.S. 163-114."

30 Section 9. G.S. 163-227.1 is repealed.

31 Section 10. G.S. 163-227.3 reads as rewritten:

32 "**§ 163-227.3. Date by which absentee ballots must be available for voting.**

33 (a) The State Board of Elections shall provide absentee ballots of the kinds to be
34 furnished by the State Board, to the county boards of elections 50 days prior to the date
35 on which the election shall be conducted unless there shall exist an appeal before the
36 State Board or the courts not concluded, in which case the State Board shall provide the
37 ballots as quickly as possible upon the conclusion of such an appeal. In every instance the
38 State Board shall exert every effort to provide absentee ballots, of the kinds to be
39 furnished by the State Board, to each county by the date on which absentee voting is
40 authorized to commence.

41 (b) ~~Second Primary.~~—~~The State Board of Elections shall provide absentee ballots,~~
42 ~~of the kinds to be furnished by the State Board, as quickly as possible after the ballot~~
43 ~~information has been determined."~~

1 Section 11. G.S. 163-278.6(8) reads as rewritten:

2 "(8) The term 'election' means any general or special election, a ~~first or~~
3 ~~second~~ primary, a runoff election, or an election to fill a vacancy. The
4 term 'election' shall not include any local or statewide referendum."

5 Section 12. G.S. 163-278.13(d) reads as rewritten:

6 "(d) For the purposes of this section, the term 'an election' means any primary,
7 ~~second primary~~, or general election in which the candidate or political committee may be
8 involved, without regard to whether the candidate is opposed or unopposed in the
9 election."

10 Section 13. G.S. 163-278.40B(2) reads as rewritten:

11 "(2) Pre-election Report. – The treasurer shall file a report 10 days prior to
12 the election, ~~unless a second primary is held and the candidate appeared~~
13 ~~on the ballot in the second primary, in which case the report shall be~~
14 ~~filed 10 days before the second primary."~~

15 Section 14. G.S. 163-279(a) reads as rewritten:

16 "(a) Primaries and elections for offices filled by election of the people in cities,
17 towns, incorporated villages, and special districts shall be held in ~~1973–1999~~ and every
18 two or four years thereafter as provided by municipal charter on the following days:

19 (1) If the election is nonpartisan and decided by simple plurality, the
20 election shall be held on Tuesday after the first Monday in November.

21 (2) If the election is partisan, the election shall be held on Tuesday after the
22 first Monday in November, ~~the first primary shall be held on the sixth~~
23 ~~Tuesday before the election, and the second primary, if required, shall~~
24 ~~be held on the third Tuesday before the election and the primary shall be~~
25 held on the sixth Tuesday before the election.

26 (3) If the election is nonpartisan and the nonpartisan primary method of
27 election is used, the election shall be held on Tuesday after the first
28 Monday in November and the nonpartisan primary shall be held on the
29 fourth Tuesday before the election.

30 (4) If the election is nonpartisan and the election and runoff election method
31 of election is used, the election shall be held on the fourth Tuesday
32 before the Tuesday after the first Monday in November, and the runoff
33 election, if required, shall be held on Tuesday after the first Monday in
34 November."

35 Section 15. G.S. 163-291 reads as rewritten:

36 "**§ 163-291. Partisan primaries and elections.**

37 The nomination of candidates for office in cities, towns, villages, and special districts
38 whose elections are conducted on a partisan basis shall be governed by the provisions of
39 this Chapter applicable to the nomination of county officers, and the terms "county board
40 of elections," "chairman of the county board of elections," "county officers," and similar
41 terms shall be construed with respect to municipal elections to mean the appropriate
42 municipal officers and candidates, except that:

43 (1) The dates of primary and election shall be as provided in G.S. 163-279.

1 (2) A candidate seeking party nomination for municipal or district office
2 shall file his notice of candidacy with the board of elections no earlier
3 than 12:00 noon on the first Friday in July and no later than 12:00 noon
4 on the first Friday in August preceding the election.

5 No person may file a notice of candidacy for more than one
6 municipal office at the same election. If a person has filed a notice of
7 candidacy for one office with the county board of elections under this
8 section, then a notice of candidacy may not later be filed for any other
9 municipal office for that election unless the notice of candidacy for the
10 first office is withdrawn first.

11 (3) The filing fee for municipal and district primaries shall be fixed by the
12 governing board not later than the day before candidates are permitted
13 to begin filing notices of candidacy. There shall be a minimum filing fee
14 of five dollars (\$5.00). The governing board shall have the authority to
15 set the filing fee at not less than five dollars (\$5.00) nor more than one
16 percent (1%) of the annual salary of the office sought unless one percent
17 (1%) of the annual salary of the office sought is less than five dollars
18 (\$5.00), in which case the minimum filing fee of five dollars (\$5.00)
19 will be charged. The fee shall be paid to the board of elections at the
20 time notice of candidacy is filed.

21 (4) The municipal ballot may not be combined with any other ballot.

22 (5) The canvass of the primary ~~and second primary~~ shall be held on the third
23 day (Sunday excepted) following the primary ~~or second primary~~. In
24 accepting the filing of complaints concerning the conduct of an election,
25 a board of elections shall be subject to the rules concerning Sundays and
26 holidays set forth in G.S. 103-5.

27 ~~(6) Candidates having the right to demand a second primary shall do so not~~
28 ~~later than 12:00 noon on the Monday following the canvass of the first~~
29 ~~primary."~~

30 Section 16. G.S. 163-179.1(a) reads as rewritten:

31 "(a) Whenever, according to the canvass made under this Article, the difference
32 between the number of votes received by a candidate who:

33 (1) ~~Has~~ has received the number of votes necessary to be declared
34 nominated for an office in a primary election with a majority; ~~or~~

35 (2) ~~Has received the number of votes necessary to be declared nominated~~
36 ~~for an office in a second primary election~~

37 plurality and the number of votes received by any candidate in the race is not more than
38 one percent (1%) of the total votes which were cast for that office, except in multi-seat
39 races one percent (1%) of the total votes cast for those two candidates, the county board
40 of elections shall, before declaring the person nominated, order a recount of the primary
41 if a candidate whose votes fell within one percent (1%) of a successful candidate shall, by
42 noon on the second day (Saturdays and Sundays excepted) following the canvass, request
43 in writing such a recount."

1 Section 17. G.S. 163-192.1(a) reads as rewritten:
2 "(a) Whenever, according to the canvass made under this Article, the difference
3 between the number of votes received by a candidate who:
4 (1) ~~Has~~ has received the number of votes necessary to be declared
5 nominated for an office in a primary election with a ~~majority~~; ~~or~~
6 (2) ~~Received the number of votes necessary to be declared~~ ~~nominated for an~~
7 ~~office in a second primary election~~
8 plurality and the number of votes received by any candidate in the race is not more than
9 one percent (1%) of the total votes which were cast for that office, except in multi-seat
10 races one percent (1%) of the total votes cast for those two candidates, the State Board of
11 Elections shall, before declaring the person nominated, order a recount of the primary if a
12 candidate whose votes, according to a tally of the canvasses made under Article 15 of this
13 Chapter, fell within one percent (1%) of a successful candidate shall, by noon on the
14 eighth day (Saturdays and Sundays included) following the election, request in writing
15 such a recount. Provided, however, that in a statewide contest, no candidate shall be
16 entitled to an automatic recount under this section unless the difference is at least one-
17 half of one percent (0.5%) of the votes cast, or 10,000 votes, whichever is less. Provided
18 further that if the canvass made under this Article determines that a candidate who was
19 not originally thought to be within the percentage entitling him to a recount based on the
20 tally of canvasses made under Article 15 of this Chapter is in fact within the percentage
21 entitling him to a recount, the Executive Secretary-Director of the State Board of
22 Elections shall immediately notify the candidate and the candidate shall be entitled to a
23 recount if he so requests within 48 hours of notification."

24 Section 18. G.S. 163-82.6(d) reads as rewritten:

25 "(d) Instances When Person May Register and Vote on Election Day. – If a person
26 has become qualified to register and vote between the twenty-fifth day before an election
27 and election day, then that person may apply to register on election day by submitting an
28 application form described in G.S. 163-82.3(a) or (b) to:

- 29 (1) A member of the county board of elections;
30 (2) The county director of elections; or
31 (3) The chief judge or a judge of the precinct in which the person is eligible
32 to vote,

33 and, if the application is approved, that person may vote the same day. The official in
34 subdivisions (1) through (3) of this subsection to whom the application is submitted shall
35 decide whether the applicant is eligible to vote. The applicant shall present to the official
36 written or documentary evidence that the applicant is the person he represents himself to
37 be. The official, if in doubt as to the right of the applicant to register, may require other
38 evidence satisfactory to that official as to the applicant's qualifications. If the official
39 determines that the person is eligible, the person shall be permitted to vote in the election
40 and the county board shall add the person's name to the list of registered voters. If the
41 official denies the application, the person shall be permitted to vote a challenged ballot
42 under the provisions of G.S. 163-88.1, and may appeal the denial to the full county board
43 of elections. The State Board of Elections shall promulgate rules for the county boards of

1 elections to follow in hearing appeals for denial of election-day applications to register.
2 ~~No person shall be permitted to register on the day of a second primary unless he shall have~~
3 ~~become qualified to register and vote between the date of the first primary and the date of the~~
4 ~~succeeding second primary.~~—For purposes of this subsection, persons who 'become
5 qualified to register and vote' during a time period:

- 6 (1) Include those who during that time period are naturalized as citizens of
7 the United States or who are restored to citizenship after a conviction of
8 a felony; but
- 9 (2) Do not include persons who reach the age of 18 during that time period,
10 if those persons were eligible to register while 17 years old during an
11 earlier period."

12 Section 19. G.S. 163-82.17(a) reads as rewritten:

13 "(a) Registrant's Duty to Report. – Any registrant who desires to have the record of
14 his party affiliation or unaffiliated status changed on the registration list shall, no later
15 than the last day for making application to register under G.S. 163-82.6 before the
16 election, indicate the change on an application form as described in G.S. 163-82.3 or on a
17 voter registration card described in G.S. 163-82.8. No registrant shall be permitted to
18 change party affiliation or unaffiliated status for a ~~primary, second primary, or special~~
19 primary, special, or general election after the deadline for registration applications for
20 that election as set out in G.S. 163-82.6."

21 PART 3. MOVE PRESIDENTIAL PRIMARY.

22 Section 20. G.S. 163-213.2 reads as rewritten:

23 "**§ 163-213.2. (For effective date see note) Primary to be held; date; qualifications**
24 **and registration of voters.**

25 On the Tuesday after the first Monday in ~~May, 1992,~~ March 2000, and every four
26 years thereafter, the voters of this State shall be given an opportunity to express their
27 preference for the person to be the presidential candidate of their political party.

28 Any person otherwise qualified who will become qualified by age to vote in the
29 general election held in the same year of the presidential preference primary shall be
30 entitled to register and vote in the presidential preference primary. Such persons may
31 register not earlier than 60 days nor later than ~~the last day for making application to register~~
32 ~~under G.S. 163-67~~ the twenty-fifth day prior to the said primary. In addition, persons who
33 will become qualified by age to register and vote in the general election for which the
34 primary is held, who do not register during the special period may register to vote after
35 such period as if they were qualified on the basis of age, but until they are qualified by
36 age to vote, they may vote only in primary elections."

37 PART 4. CAMPAIGN REPORTING CHANGES.

38 Section 21. G.S. 163-278.9(a) reads as rewritten:

39 "(a) ~~The~~ Except as provided in G.S. 163-278.10A, the treasurer of each candidate
40 and of each political committee shall file under verification with the Board the following
41 reports:

- 42 (1) Organizational Report. – The appointment of the treasurer as required
43 by G.S. 163-278.7(a), the statement of organization required by G.S.

1 163-278.7(b), and a report of all contributions and expenditures not
2 previously reported shall be filed with the Board no later than the tenth
3 day following the day the candidate files his notice of candidacy or the
4 tenth day following the organization of the political committee,
5 whichever occurs first. Any candidate whose campaign is being
6 conducted by a political committee which is handling all contributions
7 and expenditures for his campaign shall file a statement with the Board
8 stating such fact at the time required herein for the organizational report.
9 Thereafter, the candidate's political committee shall be responsible for
10 filing all reports required by law. Any contribution or expenditure to
11 further a candidacy shall be subject to the reporting requirements of
12 subdivisions (5a) and (6) of this subsection, even if the report is due
13 before the individual has filed notice of candidacy.

14 (2) Preprimary Report. – The treasurer shall file a report with the Board no
15 later than the tenth day preceding the primary election.

16 (3) ~~Postprimary Report(s).—The treasurer shall file a report with the Board~~
17 ~~no later than the 30th day after the primary election if the candidate was~~
18 ~~eliminated in the primary. If there is a second primary, the treasurer~~
19 ~~shall file a report with the Board no later than the 30th day after the~~
20 ~~second primary election if the candidate was eliminated in the second~~
21 ~~primary.~~

22 (4) ~~Preelection Report.—The treasurer shall file a report with the Board not~~
23 ~~later than the tenth day preceding the general election.~~

24 (5) ~~Repealed by Session Laws 1985, c. 164, s. 1.~~

25 (5a) Quarterly Reports. – During even-numbered years during which there is
26 an election for that candidate or in which the campaign committee is
27 supporting a candidate, the treasurer shall file a report with the Board
28 not later than seven days after the end of each calendar quarter covering
29 the prior calendar quarter, except that the report for the third quarter
30 shall also cover the period in October through the seventeenth day
31 before the election, the third quarter report shall be due seven days after
32 that date, and the fourth quarter report shall not include that period if a
33 third quarter report was required to be filed.

34 (6) ~~Annual—Semiannual Reports. – If contributions are received or~~
35 ~~expenditures made during a calendar year, for which no reports are~~
36 ~~otherwise required by this Article, any and all such contributions and~~
37 ~~expenditures shall be reported by the last Friday in January—July,~~
38 ~~covering the period through the last day of June, and shall be reported~~
39 ~~by the last Friday in January, covering the period through the last day of~~
40 ~~December. of the following year."~~

41 **PART 5. EDGEcombe COUNTY BOARD OF EDUCATION.**

42 Section 22. Section 3 of Chapter 809 of the 1991 Session Laws reads as

43 rewritten:

1 "Sec. 3. Elections shall be determined by a ~~substantial~~ plurality as provided in G.S.
2 ~~163-111 for party primaries.~~ 163-292. ~~Any runoff, if needed, shall be held at the same~~
3 ~~time as the second primary for county offices."~~

4 **PART 6. ORANGE COUNTY BOARD OF EDUCATION.**

5 Section 23. (a) Section 1 of Chapter 603, Session Laws of 1977, reads as
6 rewritten:

7 "Section 1. The Orange County Board of Education shall be elected on a nonpartisan
8 basis at the time of the primary election in 1978 and biennially thereafter. The names of
9 the candidates shall be printed on the ballots without reference to any party affiliation.
10 The ~~election and runoff~~ plurality election method shall be used with the results determined
11 as provided in ~~G.S. 163-293,~~ G.S. 163-292, and absentee ballots shall be permitted. Except
12 as may be otherwise provided herein, the elections shall be conducted according to the
13 provisions of Chapter 163 of the General Statutes governing elections for county
14 officers."

15 (b) Section 6 of Chapter 603, Session Laws of 1977, as enacted by Section 2 of
16 Chapter 1214, Session Laws of 1981, reads as rewritten:

17 "Sec. 6. ~~If a runoff election is required, the runoff election shall be held at the time~~
18 ~~for the second primary as provided in G.S. 163-111(e) and those~~ Those persons elected
19 members of Orange County Board of Education shall qualify and take office on the first
20 Monday of the month following their election."

21 **PART 7. YANCEY COUNTY BOARD OF EDUCATION.**

22 Section 24. Section 1 of Chapter 203, Session Laws of 1973, as rewritten by
23 Section 1 of Chapter 135, Session Laws of 1985, reads as rewritten:

24 "Section 1. The Yancey County Board of Education shall consist of five members
25 who shall be elected by the voters of Yancey County, for staggered terms of four years, in
26 a nonpartisan election as herein provided.

27 Beginning with the primary election for county offices to be held in 1974, there shall be
28 a nonpartisan election to elect successors to the present members of the school board
29 whose terms expire in 1974, and every two years thereafter, as the terms of the members
30 expire.

31 The nonpartisan ~~election and runoff~~ plurality election method shall be used with the
32 results determined as provided in ~~G.S. 163-293, except that the runoff shall be held on the~~
33 ~~date provided by G.S. 163-111(e).~~ G.S. 163-292."

34 **PART 8. OMNIBUS LOCAL ACT AMENDMENTS.**

35 Section 25. Any local act which provides for nonpartisan election of a county
36 board of education on the date of the partisan primary under G.S. 163-1, with a
37 nonpartisan runoff election on the date of the second primary, is amended to provide that
38 the election is determined by the nonpartisan plurality method as provided by G.S. 163-
39 292.

40 Section 26. If any members of any county board of education are elected at the
41 primary election and take office under a local act in July after the primary, they shall
42 instead take office on the same day in October after the primary, and the terms of any

1 such member which would otherwise expire in July of 1998 or July of 2000 are extended
2 accordingly.

3 Section 27. Any local acts in conflict with this act are repealed to the extent of
4 the conflict.

5 Section 28. This act becomes effective with respect to elections held on or
6 after January 1, 1998.