

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 22

Short Title: Abolish Runoff Primary.

(Public)

Sponsors: Representatives Michaux; Adams, Boyd-McIntyre, and Earle.

Referred to: Judiciary II.

January 26, 1995

A BILL TO BE ENTITLED

AN ACT TO ABOLISH THE RUNOFF PRIMARY.

The General Assembly of North Carolina enacts:

PART 1. GENERAL LAW AMENDMENTS

Section 1. G.S. 163-111 reads as rewritten:

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

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

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

(2) ~~If nominees for two or more offices (constituting a group) are to be selected, and there are more persons seeking nomination than there are~~

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

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

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

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

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

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

1 originally thought to be eligible to call for a second primary is in fact  
2 eligible to call for a second primary, the Executive Secretary Director of  
3 the State Board of Elections shall immediately notify such candidate  
4 and permit him to exercise any options available to him within a 48-  
5 hour period following the notification:

6 Governor,

7 Lieutenant Governor,

8 All State executive officers,

9 Justices, Judges, or District Attorneys of the General Court of  
10 Justice,

11 United States Senators,

12 Members of the United States House of Representatives, State  
13 Senators in multi county senatorial districts, and Members of the  
14 State House of Representatives in multi county representative  
15 districts.

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

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

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

33 (d) Tie Votes; How Determined.—

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

1           the remaining aspirant shall be declared the nominee. In the event of a  
2           tie for the highest number of votes in a first primary among more than  
3           two candidates for party nomination for one of the offices mentioned in  
4           this subdivision, no recount shall be held, but all of the tied candidates  
5           shall be entered in a second primary.

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

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

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

38          There shall be no registration of voters between the dates of the first and second  
39          primaries. Persons whose qualifications to register and vote mature after the day of the  
40          first primary and before the day of the second primary may register on the day of the  
41          second primary and, when thus registered, shall be entitled to vote in the second primary.  
42          The second primary is a continuation of the first primary and any voter who files a proper  
43          and timely affidavit of transfer of precinct, under the provisions of G.S. 163-72(e), before

1 the first primary may vote in the second primary without having to refile the affidavit of  
2 transfer if he is otherwise qualified to vote in the second primary. Subject to this  
3 provision for registration, the second primary shall be held under the laws, rules, and  
4 regulations provided for the first primary.

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

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

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

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

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

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

28 Sec. 2. G.S. 163-227.1 is repealed.

29 Sec. 3. G.S. 163-227.3 reads as rewritten:

30 "**§ 163-227.3. Date by which absentee ballots must be available for voting.**

31 (a) The State Board of Elections shall provide absentee ballots of the kinds to be  
32 furnished by the State Board, to the county boards of elections 60 days prior to the date  
33 on which the election shall be conducted unless there shall exist an appeal before the  
34 State Board or the courts not concluded, in which case the State Board shall provide the  
35 ballots as quickly as possible upon the conclusion of such an appeal. In every instance the  
36 State Board shall exert every effort to provide absentee ballots, of the kinds to be  
37 furnished by the State Board, to each county by the date on which absentee voting is  
38 authorized to commence.

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

42 Sec. 4. G.S. 163-278.6(8) reads as rewritten:

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

4           Sec. 5. G.S. 163-278.9(a)(3) reads as rewritten:

5           "(3) Postprimary Report(s). – The treasurer shall file a report with the Board  
6           no later than the 30th day after the primary election if the candidate was  
7           eliminated in the primary. ~~If there is a second primary, the treasurer shall~~  
8           ~~file a report with the Board no later than the 30th day after the second primary~~  
9           ~~election if the candidate was eliminated in the second primary."~~

10          Sec. 6. G.S. 163-278.13(d) reads as rewritten:

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

15          Sec. 7. G.S. 163-278.40B(2) reads as rewritten:

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

20          Sec. 8. G.S. 163-279(a)(2) reads as rewritten:

21          "(a) Primaries and elections for offices filled by election of the people in cities,  
22          towns, incorporated villages, and special districts shall be held in ~~1973-1997~~ and every  
23          two or four years thereafter as provided by municipal charter on the following days:

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

26           (2) If the election is partisan, the election shall be held on Tuesday after the  
27           first Monday in November, ~~the first primary shall be held on the sixth~~  
28           ~~Tuesday before the election, and the second primary, if required, shall~~  
29           ~~be held on the third Tuesday before the election~~the primary shall be held  
30           on the fourth Tuesday before the elections.

31           (3) If the election is nonpartisan and the nonpartisan primary method of  
32           election is used, the election shall be held on Tuesday after the first  
33           Monday in November and the nonpartisan primary shall be held on the  
34           fourth Tuesday before the election.

35           (4) If the election is nonpartisan and the election and runoff election method  
36           of election is used, the election shall be held on the fourth Tuesday  
37           before the Tuesday after the first Monday in November, and the runoff  
38           election, if required, shall be held on Tuesday after the first Monday in  
39           November."

40          Sec. 9. G.S. 163-291 reads as rewritten:

41          "**§ 163-291. Partisan primaries and elections.**

42          The nomination of candidates for office in cities, towns, villages, and special districts  
43          whose elections are conducted on a partisan basis shall be governed by the provisions of

1 this Chapter applicable to the nomination of county officers, and the terms 'county board  
2 of elections,' 'chairman of the county board of elections,' 'county officers,' and similar  
3 terms shall be construed with respect to municipal elections to mean the appropriate  
4 municipal officers and candidates, except that:

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

6 (2) A candidate seeking party nomination for municipal or district office  
7 shall file his notice of candidacy with the board of elections no earlier  
8 than 12:00 noon on the first Friday in July and no later than 12:00 noon  
9 on the first Friday in August preceding the election, ~~except:~~

10 a. ~~In 1991 a candidate seeking party nomination for municipal or~~  
11 ~~district office in any city which elects members of its governing~~  
12 ~~board on a district basis, or requires that candidates reside in a~~  
13 ~~district in order to run, shall file his notice of candidacy with the~~  
14 ~~board of elections no earlier than 12:00 noon on the fourth~~  
15 ~~Monday in July and no later than 12:00 noon on the second~~  
16 ~~Friday in August preceding the election; and~~

17 b. ~~In 1992 if the election is held then under G.S. 160A-23.1, a~~  
18 ~~candidate seeking party nomination for municipal or district~~  
19 ~~office shall file his notice of candidacy with the board of~~  
20 ~~elections at the same time as notices of candidacy for county~~  
21 ~~officers are required to be filed under G.S. 163-106. election.~~

22 No person may file a notice of candidacy for more than one municipal  
23 office at the same election. If a person has filed a notice of candidacy  
24 for one office with the county board of elections under this section, then  
25 a notice of candidacy may not later be filed for any other municipal  
26 office for that election unless the notice of candidacy for the first office  
27 is withdrawn first.

28 (3) The filing fee for municipal and district primaries shall be fixed by the  
29 governing board not later than the day before candidates are permitted  
30 to begin filing notices of candidacy. There shall be a minimum filing fee  
31 of five dollars (\$5.00). The governing board shall have the authority to  
32 set the filing fee at not less than five dollars (\$5.00) nor more than one  
33 percent (1%) of the annual salary of the office sought unless one percent  
34 (1%) of the annual salary of the office sought is less than five dollars  
35 (\$5.00), in which case the minimum filing fee of five dollars (\$5.00)  
36 will be charged. The fee shall be paid to the board of elections at the  
37 time notice of candidacy is filed.

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

39 (5) The canvass of the primary and second primary shall be held on the  
40 Thursday following the primary ~~or second primary.~~

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

1           Sec. 10. G.S. 163-179.1(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) ~~Has received the number of votes necessary to be declared nominated~~  
7           ~~for an office in a second primary election~~  
8 and the number of votes received by any candidate in the race is not more than one  
9 percent (1%) of the total votes which were cast for that office, except in multi-seat races  
10 one percent (1%) of the total votes cast for those two candidates, the county board of  
11 elections shall, before declaring the person nominated, order a recount of the primary if a  
12 candidate whose votes fell within one percent (1%) of a successful candidate shall, by  
13 noon on the second day (Saturdays and Sundays excepted) following the canvass, request  
14 in writing such a recount."

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

38           Sec. 12. G.S. 163-82.6(d) reads as rewritten:  
39       "(d) Instances When Person May Register and Vote on Election Day. – If a person  
40 has become qualified to register and vote between the twenty-fifth day before an election  
41 and election day, then that person may apply to register on election day by submitting an  
42 application form described in G.S. 163-82.3(a) or (b) to:  
43       (1) A member of the county board of elections;



1           (2)    The county supervisor of elections; or  
2           (3)    The chief judge or a judge of the precinct in which the person is eligible  
3                   to vote,  
4 and, if the application is approved, that person may vote the same day. The official in  
5 subdivisions (1) through (3) of this subsection to whom the application is submitted shall  
6 decide whether the applicant is eligible to vote. The applicant shall present to the official  
7 written or documentary evidence that the applicant is the person he represents himself to  
8 be. The official, if in doubt as to the right of the applicant to register, may require other  
9 evidence satisfactory to that official as to the applicant's qualifications. If the official  
10 determines that the person is eligible, the person shall be permitted to vote in the election  
11 and the county board shall add the person's name to the list of registered voters. If the  
12 official denies the application, the person shall be permitted to vote a challenged ballot  
13 under the provisions of G.S. 163-88.1, and may appeal the denial to the full county board  
14 of elections. The State Board of Elections shall promulgate rules for the county boards of  
15 elections to follow in hearing appeals for denial of election-day applications to register.  
16 ~~No person shall be permitted to register on the day of a second primary unless he shall have~~  
17 ~~become qualified to register and vote between the date of the first primary and the date of the~~  
18 ~~succeeding second primary.~~—For purposes of this subsection, persons who 'become  
19 qualified to register and vote' during a time period:

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

26       Sec. 13. G.S. 163-82.17(a)   reads as rewritten:

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

### 35           **PART 2. EDGECOMBE COUNTY BOARD OF EDUCATION.**

36       Sec. 14. Section 3 of Chapter 809 of the 1991 Session Laws reads as rewritten:

37       "Sec. 3. Elections shall be determined by a ~~substantial~~ plurality as provided in G.S.  
38 ~~163-111 for party primaries.~~ 163-292. Any runoff, if needed, shall be held at the same time  
39 as the second primary for county offices."

### 40           **PART 3. ORANGE COUNTY BOARD OF EDUCATION**

41       Sec. 15. (a) Section 1 of Chapter 603, Session Laws of 1977, reads as  
42 rewritten:

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

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

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

#### 15 **PART 4. BUNCOMBE COUNTY BOARD OF EDUCATION**

16 Sec. 16. (a) Section 1.1(a) of Chapter 532, Session Laws of 1975, as added by  
17 Section 2 of Chapter 178, Session Laws of 1981, reads as rewritten:

18 "(a) Beginning with the ~~1982-1996~~ primary election and biennially thereafter, each  
19 candidate elected in the primary election as herein provided for shall be elected for a term  
20 of four years. The election shall be held on the date of the primary election as determined  
21 by G.S. 163-1(b). The election shall be conducted under the nonpartisan ~~election and~~  
22 ~~runoff~~ plurality election method, and determined by a majority of the votes cast ~~in~~  
23 accordance with G.S. 163-292."

24 (b) Section 1.1(b) through (g) of Chapter 532, Session Laws of 1975, as added  
25 by Section 2 of Chapter 178, Session Laws of 1981, are repealed.

#### 26 **PART 5. YANCEY COUNTY BOARD OF EDUCATION**

27 Sec. 17. Section 1 of Chapter 203, Session Laws of 1973, as rewritten by  
28 Section 1 of Chapter 135, Session Laws of 1985, reads as rewritten:

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

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

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

#### 39 **PART 6. MCDOWELL COUNTY BOARD OF EDUCATION**

40 Sec. 18. Section 1 of Chapter 322, Session Laws of 1987, reads as rewritten:

41 "Section 1. Notwithstanding the provisions of G.S. 115C-37, the McDowell County  
42 Board of Education shall be elected on a nonpartisan basis at the time of the primary  
43 election in 1988 and biennially thereafter. The names of the candidates shall be printed

1 on the ballot without reference to any party affiliations. The nonpartisan election and  
2 runoff plurality election method shall be used with the results determined as provided in  
3 G.S. 163-293, except that the runoff shall be held on the date provided by G.S. 163-111(e). G.S.  
4 163-292."

5 **PART 7. OMNIBUS LOCAL ACT AMENDMENTS**

6 Sec. 19. Any local act which provides for nonpartisan election of a county  
7 board of education on the date of the partisan primary under G.S. 163-1, with a  
8 nonpartisan runoff election on the date of the second primary, is amended to provide that  
9 the election is determined by the nonpartisan plurality method as provided by G.S. 163-  
10 292.

11 Sec. 20. Any local acts in conflict with this act are repealed to the extent of the  
12 conflict.

13 Sec. 21. This act becomes effective with respect to elections held on or after  
14 January 1, 1996.