

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 177  
Feb 22, 2017  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10055-BB-3 (01/03)

Short Title: Eliminate Second Primaries. (Public)

Sponsors: Representatives Floyd, Jordan, Michaux, and C. Graham (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE SECOND PRIMARIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 163-111 reads as rewritten:

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

(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~~ Nominations in primary elections 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 number of votes 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 offices, ~~the substantial plurality shall be ascertained by dividing the total vote cast for all aspirants by the number of positions to be filled, and by multiplying the result by forty percent (40%). Any excess of the sum so ascertained shall be a substantial plurality, and the aspirants who obtain a substantial plurality shall be declared the nominees. If more candidates obtain a substantial plurality than there are positions to be filled, those~~ the nominees having the highest vote number of votes (equal to the number of positions to be filled) shall be declared the nominees.

(a1) When more than one person is seeking election to a single office and two or more candidates receiving the highest numbers of votes each receive the same number of votes, the board of elections shall determine the nominee by lot.

(a2) When there are more persons seeking nomination to two or more offices (constituting a group) than there are offices to be filled, and two or more candidates receiving the lowest numbers of votes necessary for nomination each receive the same number of votes, the board of elections shall, from among those candidates receiving the same number of votes, determine the nominee by lot.

(a3) This section prevails over any local act.



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

4       (1) ~~If a nominee for a single office is to be selected and no aspirant receives a~~  
5 ~~substantial plurality of the votes cast, the aspirant receiving the highest number~~  
6 ~~of votes shall be declared nominated by the appropriate board of elections~~  
7 ~~unless the aspirant receiving the second highest number of votes shall request a~~  
8 ~~second primary in accordance with the provisions of subsection (c) of this~~  
9 ~~section. In the second primary only the two aspirants who received the highest~~  
10 ~~and next highest number of votes shall be voted for.~~

11       (2) ~~If nominees for two or more offices (constituting a group) are to be selected and~~  
12 ~~aspirants for some or all of the positions within the group do not receive a~~  
13 ~~substantial plurality of the votes, those candidates equal in number to the~~  
14 ~~positions remaining to be filled and having the highest number of votes shall be~~  
15 ~~declared the nominees unless some one or all of the aspirants equal in number~~  
16 ~~to the positions remaining to be filled and having the second highest number of~~  
17 ~~votes shall request a second primary in accordance with the provisions of~~  
18 ~~subsection (c) of this section. In the second primary to select nominees for the~~  
19 ~~positions in the group remaining to be filled, the names of all those candidates~~  
20 ~~receiving the highest number of votes and all those receiving the second highest~~  
21 ~~number of votes and demanding a second primary shall be printed on the ballot.~~

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

23       (1) ~~A candidate who is apparently entitled to demand a second primary, according~~  
24 ~~to the unofficial results, for one of the offices listed below, and desiring to do~~  
25 ~~so, shall file a request for a second primary in writing with the Executive~~  
26 ~~Director of the State Board of Elections no later than 12:00 noon on the ninth~~  
27 ~~day (including Saturdays and Sundays) following the date on which the primary~~  
28 ~~was conducted, and such request shall be subject to the certification of the~~  
29 ~~official results by the State Board of Elections. If the vote certification by the~~  
30 ~~State Board of Elections determines that a candidate who was not originally~~  
31 ~~thought to be eligible to call for a second primary is in fact eligible to call for a~~  
32 ~~second primary, the Executive Director of the State Board of Elections shall~~  
33 ~~immediately notify such candidate and permit him to exercise any options~~  
34 ~~available to him within a 48-hour period following the notification:~~

35               ~~Governor,~~

36               ~~Lieutenant Governor,~~

37               ~~All State executive officers,~~

38               ~~District Attorneys of the General Court of Justice,~~

39               ~~United States Senators,~~

40               ~~Members of the United States House of Representatives,~~

41               ~~State Senators in multi-county senatorial districts, and~~

42               ~~Members of the State House of Representatives in multi-county~~  
43 ~~representative districts.~~

44       (2) ~~A candidate who is apparently entitled to demand a second primary, according~~  
45 ~~to the unofficial results, for one of the offices listed below and desiring to do so,~~  
46 ~~shall file a request for a second primary in writing with the chairman or director~~  
47 ~~of the county board of elections no later than 12:00 noon on the ninth day~~  
48 ~~(including Saturdays and Sundays) following the date on which the primary~~  
49 ~~was conducted, and such request shall be subject to the certification of the~~  
50 ~~official results by the county board of elections:~~

51               ~~State Senators in single-county senatorial districts,~~

- 1                   Members of the State House of Representatives in single-county  
2                   representative districts, and  
3                   All county officers.
- 4           (3)   Immediately upon receipt of a request for a second primary the appropriate  
5           board of elections, State or county, shall notify all candidates entitled to  
6           participate in the second primary, by telephone followed by written notice, that  
7           a second primary has been requested and of the date of the second primary.
- 8   (d)   Tie Votes; How Determined.—
- 9           (1)   In the event of a tie for the highest number of votes in a first primary between  
10           two candidates for party nomination for a single county, or single county  
11           legislative district office, the board of elections of the county in which the two  
12           candidates were voted for shall conduct a recount and declare the results. If the  
13           recount shows a tie vote, a second primary shall be held on the date prescribed  
14           in subsection (e) of this section between the two candidates having an equal  
15           vote, unless one of the aspirants, within three days after the result of the recount  
16           has been officially declared, files a written notice of withdrawal with the board  
17           of elections with which he filed notice of candidacy. Should that be done, the  
18           remaining aspirant shall be declared the nominee. In the event of a tie for the  
19           highest number of votes in a first primary among more than two candidates for  
20           party nomination for one of the offices mentioned in this subdivision, no  
21           recount shall be held, but all of the tied candidates shall be entered in a second  
22           primary.
- 23           (2)   In the event of a tie for the highest number of votes in a first primary between  
24           two candidates for a State office, for United States Senator, or for any district  
25           office (including State Senator in a multi-county senatorial district and member  
26           of the State House of Representatives in a multi-county representative district),  
27           no recount shall be held solely by reason of the tie, but the two candidates  
28           having an equal vote shall be entered in a second primary to be held on the date  
29           prescribed in subsection (e) of this section, unless one of the two candidates  
30           files a written notice of withdrawal with the State Board of Elections within  
31           three days after the result of the first primary has been officially declared and  
32           published. Should that be done, the remaining aspirant shall be declared the  
33           nominee. In the event of a tie for the highest number of votes in a first primary  
34           among more than two candidates for party nomination for one of the offices  
35           mentioned in this subdivision, no recount shall be held, but all of the tied  
36           candidates shall be entered in a second primary.
- 37           (3)   In the event one candidate receives the highest number of votes cast in a first  
38           primary, but short of a substantial plurality, and two or more of the other  
39           candidates receive the second highest number of votes cast in an equal number,  
40           the proper board of elections shall declare the candidate having the highest vote  
41           to be the party nominee, unless all but one of the tied candidates give written  
42           notice of withdrawal to the proper board of elections within three days after the  
43           result of the first primary has been officially declared. If all but one of the tied  
44           candidates withdraw within the prescribed three-day period, and the remaining  
45           candidate demands a second primary in accordance with the provisions of  
46           subsection (e) of this section, a second primary shall be held between the  
47           candidate who received the highest vote and the remaining candidate who  
48           received the second highest vote.
- 49           (e)   Date of Second Primary; Procedures.— If a second primary is required under the  
50           provisions of this section, the appropriate board of elections, State or county, shall order that it be  
51           held 10 weeks after the first primary if any of the offices for which a second primary is required

1 are for a candidate for the office of United States Senate or member of the United States House of  
2 Representatives. Otherwise, the second primary shall be held seven weeks after the first primary.

3 ~~There shall be no registration of voters between the dates of the first and second primaries.~~  
4 ~~Persons whose qualifications to register and vote mature after the day of the first primary and~~  
5 ~~before the day of the second primary may register on the day of the second primary and, when~~  
6 ~~thus registered, shall be entitled to vote in the second primary. The second primary is a~~  
7 ~~continuation of the first primary and any voter who files a proper and timely written affirmation of~~  
8 ~~change of address within the county under the provisions of G.S. 163-82.15, in the first primary~~  
9 ~~may vote in the second primary without having to refile that written affirmation if the voter is~~  
10 ~~otherwise qualified to vote in the second primary. Subject to this provision for registration, the~~  
11 ~~second primary shall be held under the laws, rules, and regulations provided for the first primary.~~

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

17 **SECTION 2.** G.S. 160A-23.1(d) reads as rewritten:

18 "(d) If the council adopts the resolution provided for in subsection (a) of this section and  
19 does not adopt the changes, or does adopt the changes, but approval under the Voting Rights Act  
20 of 1965, as amended, is required, and notice of such approval is not received, by the end of the  
21 third day before the opening of the filing period, the municipal election shall be rescheduled as  
22 provided in this subsection and current officeholders shall hold over until their successors are  
23 elected and qualified. For cities using the:

- 24 (1) Partisan primary and election method under G.S. 163-291, the primary shall be  
25 held on the primary election date for county officers in the second year  
26 following a federal decennial census, ~~the second primary, if necessary, shall be~~  
27 ~~held on the second primary election date for county officers in that year,~~census  
28 and the general election shall be held on the general election date for county  
29 officers in that year.
- 30 (2) Nonpartisan primary and election method under G.S. 163-294, the primary shall  
31 be held on the primary election date for county officers in the second year  
32 following a federal decennial census, and the election shall be held ~~on the date~~  
33 ~~for the second primary at the same time as the election~~ for county officers in  
34 that year.
- 35 (3) Nonpartisan plurality election method under G.S. 163-292, the election shall be  
36 held on the primary election date for county officers in the second year  
37 following a federal decennial census.
- 38 (4) Election and runoff method under G.S. 163-293, the election shall be held on  
39 the primary election date for county officers in the second year following a  
40 federal decennial census, ~~and the runoffs, if necessary, shall be held on the date~~  
41 ~~for the second primary for county officers in that year.~~but the results shall  
42 instead be determined by the nonpartisan plurality election method under  
43 G.S. 163-292.

44 The organizational meeting of the new council may be held at any time after the results of the  
45 election have been officially determined and published, but not later than the time and date of the  
46 first regular meeting of the council in November of the second year following a federal decennial  
47 census, except in the case of partisan municipal elections, when the organizational meeting shall  
48 be held not later than the time and date of the first regular meeting of the council in December of  
49 the second year following a federal decennial census."

50 **SECTION 3.** G.S. 163-13(b) reads as rewritten:

1       "(b) Nominating Procedures. – If a congressional vacancy occurs beginning on the tenth  
2 day before the filing period ends under G.S. 163-106(c) preceding the next succeeding general  
3 election, candidates for the special election to fill the vacancy shall not be nominated in primaries.  
4 Instead, nominations may be made by the political party congressional district executive  
5 committees in the district in which the vacancy occurs. The chairman and secretary of each  
6 political party congressional district executive committee nominating a candidate shall  
7 immediately certify his name and party affiliation to the State Board of Elections so that it may be  
8 printed on the special election ballots.

9       If the congressional vacancy occurs before the tenth day before the filing period ends under  
10 G.S. 163-106(c) prior to the next succeeding general election, the Governor shall call a special  
11 primary for the purpose of nominating candidates to be voted on in a special election called by the  
12 Governor in accordance with the provisions of subsection (a) of this section. Such a primary  
13 election shall be conducted in accordance with the general laws governing primaries, except that  
14 the opening and closing dates for filing notices of candidacy with the State Board of Elections  
15 shall be fixed by the Governor in his call for the special primary. The Governor may also fix the  
16 absentee voting period for the special election and for the special ~~first~~ primary, but such period  
17 shall not be less than 30 days."

18       **SECTION 4.** G.S. 163-55(c) reads as rewritten:

19       "(c) Elections. – For purposes of the 30-day residence requirement to vote in an election in  
20 subsection (a) of this section, the term "election" means the day of the primary, ~~second primary,~~  
21 general election, special election, or referendum."

22       **SECTION 5.** G.S. 163-82.6(d) reads as rewritten:

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

27           (1) A member of the county board of elections;

28           (2) The county director of elections; or

29           (3) The chief judge or a judge of the precinct in which the person is eligible to vote,

30 and, if the application is approved, that person may vote the same day. The official in subdivisions  
31 (1) through (3) of this subsection to whom the application is submitted shall decide whether the  
32 applicant is eligible to vote. The applicant shall present to the official written or documentary  
33 evidence that the applicant is the person he represents himself to be. The official, if in doubt as to  
34 the right of the applicant to register, may require other evidence satisfactory to that official as to  
35 the applicant's qualifications. If the official determines that the person is eligible, the person shall  
36 be permitted to vote in the primary or election and the county board shall add the person's name to  
37 the list of registered voters. If the official denies the application, the person shall be permitted to  
38 vote a challenged ballot under the provisions of G.S. 163-88.1, and may appeal the denial to the  
39 full county board of elections. The State Board of Elections shall promulgate rules for the county  
40 boards of elections to follow in hearing appeals for denial of primary or election day applications  
41 to register. ~~No person shall be permitted to register on the day of a second primary unless he shall  
42 have become qualified to register and vote between the date of the first primary and the date of the  
43 succeeding second primary."~~

44       **SECTION 6.** G.S. 163-82.17(a) reads as rewritten:

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

1           **SECTION 7.** G.S. 163-182.11(a) reads as rewritten:

2   "**§ 163-182.11. Appeal of a protest decision by the county board to the State Board of**  
3   **Elections.**

4       (a) Notice and Perfection of Appeal. – The decision by the county board of elections on an  
5 election protest may be appealed to the State Board of Elections by any of the following:

6           (1) The person who filed the protest.

7           (2) A candidate or elected official adversely affected by the county board's  
8 decision.

9           (3) Any other person who participated in the hearing and has a significant interest  
10 adversely affected by the county board's decision.

11       Written notice of the appeal must be given to the county board within 24 hours after the county  
12 board files the written decision at its office. The appeal to the State Board must be in writing. The  
13 appeal must be delivered or deposited in the mail, addressed to the State Board, by the appropriate  
14 one of the following: (i) the end of the second day after the day the decision was filed by the  
15 county board in its office, if the decision concerns a ~~first~~-primary; or (ii) the end of the fifth day  
16 after the day the decision was filed in the county board office, if the decision concerns an election  
17 other than a ~~first~~-primary.

18       The State Board shall prescribe forms for filing appeals from the county board."

19           **SECTION 8.** G.S. 163-226(c) reads as rewritten:

20       "(c) The Term "Election". – As used in this Subchapter, unless the context clearly requires  
21 otherwise, the term "election" includes a general, primary, ~~second-primary~~, runoff election, bond  
22 election, referendum, or special election."

23           **SECTION 9.** G.S. 163-227.1 is repealed.

24           **SECTION 10.** G.S. 163-227.3(b) is repealed.

25           **SECTION 11.** G.S. 163-258.9(a) reads as rewritten:

26       "(a) Not later than 60 days before the statewide general election in even-numbered years  
27 and not later than 50 days before any other election, the county board of elections shall transmit a  
28 ballot and balloting materials to all covered voters who by that date submit a valid  
29 military-overseas ballot ~~application, except for a second primary application.~~ application. Provided, in a  
30 presidential election year, the board of elections shall provide general election ballots no later than  
31 three days after nomination of the presidential and vice presidential candidates if that nomination  
32 occurs later than 63 days prior to the statewide general election and makes compliance with the  
33 60-day deadline impossible. However, in the case of municipal elections, absentee ballots shall be  
34 made available no later than 30 days before an election. ~~For a second primary which includes a~~  
35 ~~candidate for federal office, the county board of elections shall transmit a ballot and balloting~~  
36 ~~material to all covered voters who by that date submit a valid military-overseas ballot application~~  
37 ~~no later than 45 days before the second primary. For a second primary which does not include a~~  
38 ~~candidate for federal office, the transmission of the ballot and ballot materials shall be as soon as~~  
39 ~~practicable and shall be transmitted electronically no later than three business days and by mail no~~  
40 ~~later than 15 days from the date the appropriate board of elections orders that the second primary~~  
41 ~~be held pursuant to G.S. 163-111. If additional offices are added to the ballot to fill a vacancy~~  
42 occurring after the deadline provided by this subsection, those ballots shall be transmitted as soon  
43 as practicable."

44           **SECTION 12.** G.S. 163-258.16(a) reads as rewritten:

45       "(a) Not later than 100 days before a regularly scheduled election to which this Article  
46 applies, and as soon as practicable in the case of an election or vacancy election not regularly  
47 scheduled, each county board of elections shall prepare an election notice for that jurisdiction to be  
48 used in conjunction with the federal write-in absentee ballot described in G.S. 163-258.11. ~~For a~~  
49 ~~second primary required by G.S. 163-111, the county board of elections shall prepare, no later~~  
50 ~~than the day following the date the appropriate board of elections orders that a second primary be~~  
51 ~~held, an election notice for that jurisdiction to be used in conjunction with the federal write in~~

1 ~~absentee ballot.~~ The election notice shall contain a list of all of the ballot measures and federal,  
2 State, and local offices that, as of that date, the official expects to be on the ballot on the date of  
3 the election. The notice also shall contain specific instructions for how a voter is to indicate on the  
4 federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot  
5 measure to be contested."

6 **SECTION 13.** G.S. 163-258.29 reads as rewritten:

7 "**§ 163-258.29. Absentee voting at office of board of elections.**

8 Notwithstanding any other provisions of this Chapter, any covered voter under this Article  
9 shall be permitted to vote an absentee ballot pursuant to G.S. 163-227.2 if the covered voter has  
10 not already voted an absentee ballot which has been returned to the board of elections, and if the  
11 covered voter will not be in the county on the day of the primary or election.

12 In the event an absentee application or ballot has already been mailed to the covered voter  
13 applying to vote pursuant to G.S. 163-227.2, the board of elections shall void the application and  
14 ballot unless the voted absentee ballot has been received by the board of elections. The covered  
15 voter shall be eligible to vote pursuant to G.S. 163-227.2 no later than 5:00 P.M. on the day next  
16 preceding the ~~primary, second~~ primary or election."

17 **SECTION 14.** G.S. 163-278.6(8) reads as rewritten:

18 "**§ 163-278.6. Definitions.**

19 When used in this Article:

20 ...

21 (8) The term "election" means any general or special election, a ~~first or second~~  
22 primary, a run-off election, or an election to fill a vacancy. The term "election"  
23 shall not include any local or statewide referendum."

24 **SECTION 15.** G.S. 163-278.13(d) reads as rewritten:

25 "(d) For the purposes of this section, the term "an election" means the period of time from  
26 January 1 of an odd-numbered year through the day of the ~~primary, the day after the primary~~  
27 ~~through the day of the second primary,~~ primary or the day after the primary through December 31  
28 of the next even-numbered year, without regard to whether the candidate is opposed or unopposed  
29 in the election, ~~except that where a candidate is not on the ballot in a second primary, that second~~  
30 ~~primary is not "an election" with respect to that candidate.~~ election."

31 **SECTION 16.** G.S. 163-278.13B(d) is repealed.

32 **SECTION 17.** G.S. 163-278.40B(2) reads as rewritten:

33 "**§ 163-278.40B. Campaign report; partisan election.**

34 In any city election conducted on a partisan basis in accordance with G.S. 163-279(a)(2) and  
35 163-291, the following reports shall be filed in addition to the organizational report:

36 ...

37 (2) Pre-election Report. – The treasurer shall file a report 10 days before the  
38 election, ~~unless a second primary is held and the candidate appeared on the~~  
39 ~~ballot in the second primary, in which case the report shall be filed 10 days~~  
40 ~~before the second primary election."~~

41 **SECTION 18.** G.S. 163-279(a)(2) reads as rewritten:

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

45 ...

46 (2) If the election is partisan, the election shall be held on Tuesday after the first  
47 Monday in ~~November, the first~~ November and the primary shall be held on the  
48 second Tuesday after Labor Day, and the second primary, if required, shall be  
49 held on the fourth Tuesday before the election. Day."

50 **SECTION 19.** G.S. 163-291 reads as rewritten:

51 "**§ 163-291. Partisan primaries and elections.**

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

7 ...

8 (5) The canvass of the primary ~~and second primary~~ shall be held on the seventh day  
9 following the ~~primary or second primary~~. In accepting the filing of complaints  
10 concerning the conduct of an election, a board of elections shall be subject to  
11 the rules concerning Sundays and holidays set forth in G.S. 103-5.

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

14 **SECTION 20.** G.S. 163-329(b1) reads as rewritten:

15 "(b1) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme  
16 Court, judge of the Court of Appeals, or judge of the superior court occurs more than 60 days  
17 before the general election and after the opening of the filing period for the primary, then the State  
18 Board of Elections shall designate a special filing period of one week for candidates for the office.  
19 If more than two candidates file and qualify for the office in accordance with G.S. 163-323, then  
20 the Board shall conduct ~~the election for the office as follows:~~

21 (1) ~~When the vacancy described in this section occurs more than 63 days before the~~  
22 ~~date of the second primary for members of the General Assembly, a special~~  
23 ~~primary shall be held on the same day as the second primary. The two~~  
24 ~~candidates with the most votes in the special primary shall have their names~~  
25 ~~placed on the ballot for the general election held on the same day as the general~~  
26 ~~election for members of the General Assembly.~~

27 (2) ~~When the vacancy described in this section occurs less than 64 days before the~~  
28 ~~date of the second primary, a general election for all the candidates shall be~~  
29 ~~held on the same day as the general election for members of the General~~  
30 ~~Assembly and the results shall be determined on a plurality basis as provided by~~  
31 ~~G.S. 163-292.~~

32 (3) ~~Repealed by Session Laws 2013-381, s. 51.1, effective January 1, 2014."~~

33 **SECTION 21.** This act is effective when it becomes law and applies to elections held  
34 on or after that date.