

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 383
SENATE BILL 195

1 AN ACT TO AMEND G.S. 163-140 SO AS TO CLARIFY THE LAW RELATIVE TO THE
2 TIME IN WHICH A CANDIDATE IN A PRIMARY ELECTION MAY CALL FOR A
3 SECOND PRIMARY.
4

5 The General Assembly of North Carolina do enact:
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7 **Section 1.** Amend G.S. 163-140 by deleting the following sentence from the second
8 paragraph thereof:

9 "Provided, further, that unless the aspirant receiving the second highest number of votes
10 shall, within five days after the result of such primary election shall have been officially
11 declared, and such aspirant has been notified by the appropriate board of elections, file in
12 writing with the appropriate board of elections a request that a second primary be called and
13 held, the aspirant receiving the highest number of votes cast shall be declared nominated by
14 such appropriate board.",

15 and by substituting the following therefor:

16 "Provided further, that unless the aspirant for any legislative, county or township office
17 receiving the second highest number of votes shall, by twelve o'clock noon on the fifth day
18 after the result of the first primary election shall have been officially declared, and such
19 aspirant has been notified by the chairman or secretary of the appropriate county board of
20 elections, file in writing with the appropriate county board of elections a request that a second
21 primary be called and held, the aspirant receiving the highest number of votes cast shall be
22 declared nominated by the county board of elections; or unless the aspirant for any district or
23 State office, who is required by law to file with the State Board of Elections, and who receives
24 the second highest number of votes shall, by twelve o'clock noon on the third day after the
25 result of the first primary election shall have been officially declared, and such aspirant has
26 been notified by the chairman or secretary of the State Board of Elections, file in writing or by
27 telegram with the State Board of Elections a request that a second primary be called and held,
28 the aspirant receiving the highest number of votes cast shall be declared nominated by the State
29 Board of Elections."

30 **Sec. 2.** All laws and clauses of laws in conflict with the provisions of this Act are
31 hereby repealed.

32 **Sec. 3.** This Act shall be in full force and effect from and after its ratification.

33 In the General Assembly read three times and ratified, this the 9th day of May,
34 1961.