

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 178
SENATE BILL 190

AN ACT TO PROVIDE THAT THE BUNCOMBE COUNTY BOARD OF EDUCATION SHALL BE ELECTED IN THE FIRST PRIMARY BY A MODIFIED ELECTION AND RUNOFF METHOD.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 532, Session Laws of 1975 is amended by deleting the last sentence.

Sec. 2. Chapter 532, Session Laws of 1975 is amended by adding a new section to read:

"Sec. 1.1(a) Beginning with the 1982 primary election and biennially thereafter, each candidate elected in the primary election as herein provided for shall be elected for a term of four years. The election shall be held on the date of the primary election as determined by G.S. 163-1(b). The election shall be conducted under the nonpartisan election and runoff election method, and determined by a majority of the votes cast.

(b) A majority within the meaning of this section shall be determined as follows:

When more than one person is seeking election to a single office, the majority shall be ascertained by dividing the total vote cast for all candidates by two. Any excess of the sum so ascertained shall be a majority, and the candidate who obtains a majority shall be declared elected.

(c) If no candidate for a single office receives a majority of the votes cast, a runoff election shall be held as herein provided:

If no candidate for a single office receives a majority of the votes cast, a runoff election shall be held unless the candidate receiving the second highest number of votes withdraws under subsection (d) of this section. If such a request is made, then the candidate receiving the highest number of votes shall be declared elected. In the runoff election only the names of the two candidates who received the highest and next highest number of votes shall be printed on the ballot.

(d) The canvass of the first election shall be held on the Thursday after the election. If any candidate is entitled to withdraw under subsection (c) of this section he must do so by filing a written withdrawal with the board of elections no later than 12:00 noon on the Monday after the result of the first election has been officially declared.

(e) Tie votes; how determined:

(1) If there is a tie for the highest number of votes in a first election, the board of elections shall conduct a recount and declare the results. If the recount shows a tie vote, a runoff election between the two shall be held unless one of the candidates, within three days after the result of

the recount has been officially declared, files a written notice of withdrawal with the board of elections. Should that be done, the remaining candidate shall be declared elected.

(2) If one candidate receives the highest number of votes cast in a first election, but short of a majority, and there is a tie between two or more of the other candidates receiving the second highest number of votes, the board of elections shall declare the candidate having the highest number of votes to be elected, unless all but one of the tied candidates give written notice of withdrawal to the board of elections within three days after the result of the first election has been officially declared. If all but one of the tied candidates withdraw within the prescribed three-day period, a runoff election shall be held between the candidate who received the highest vote and the remaining candidate who received the second highest vote, unless the remaining candidate who received the second highest vote withdraws.

(f) Runoff elections shall be held on the date fixed in G.S. 163-111(e). The runoff election shall be held under the laws, rules, and regulations provided for the first election.

(g) A second runoff election shall not be held. The candidates receiving the highest number of votes in a runoff election shall be elected. If in a runoff election there is a tie for the highest number of votes between two candidates, the board of elections shall determine the winner by lot."

Sec. 3. The first two sentences of Section 4 of Chapter 532, Session Laws of 1975 are rewritten to read:

"The members representing the various districts on the Buncombe County Board of Education shall be residents of these said districts and shall file with the County Board of Elections of Buncombe County a notice of candidacy during the period prescribed by G.S. 163-106(c) which shall give the candidate's name, address, place of residence and a statement that he desires to be a candidate for membership on the said Buncombe County Board of Education for the district in which he resides. The election of said members of said board of education shall be by nonpartisan election. The Board of Elections of Buncombe County shall prepare a separate ballot for the election of said members which shall, among other things, contain the name of the candidate, the school district that he desires to represent and shall not contain any reference to party affiliation in any manner or form."

Sec. 4. Section 5 of Chapter 532, Session Laws of 1975 is amended by deleting the words "first Monday in December", and inserting in lieu thereof the words "first Monday in July".

Sec. 5. Section 7 of Chapter 532, Session Laws of 1975 is amended by deleting the words "and general".

Sec. 6. This act is effective upon ratification except that Section 4 shall become effective July 1, 1986.

In the General Assembly read three times and ratified, this the 3rd day of April, 1981.