

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2005

Legislative Fiscal Note

BILL NUMBER: House Bill 4 (First Edition)

SHORT TITLE: Abolish Second Primary.

SPONSOR(S): Representative Miller

FISCAL IMPACT

Yes (X) No () No Estimate Available ()

FY 2005-06 FY 2006-07 FY 2007-08 FY 2008-09 FY 2009-10

REVENUES

EXPENDITURES

See Assumptions and Methodology

POSITIONS (cumulative):

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: County Boards of Election

EFFECTIVE DATE: The bill is effective when it becomes law and applies to all elections held after that date

BILL SUMMARY:

This bill amends G.S. § 163-111 to abolish second primaries by providing that the person receiving the highest number of votes for office would be the nominee. The amendment to G.S. § 163-111 overrides any local act to the contrary. The bill also makes conforming amendments to other sections of G.S. Ch. 163. The bill adds a new G.S. § 115C-37(j) to provide that the election of any county board of education or any merger plan would be determined by a plurality under G.S. § 163-292 and that there would be no runoff election.

Source: Modified from the Bill Digest for H.B. 4 (01/27/2005).

ASSUMPTIONS AND METHODOLOGY:

Under current law, nominations in primary elections are to be determined by a substantial plurality of the votes cast. Current law specifies the conditions under which an aspirant in the primary may demand a second primary when an insufficient number of the aspirants in the primary received a

substantial plurality. The right to demand a second primary applies to the following offices: Governor, Lieutenant Governor, all State Executive officers, District Attorneys of the General Court of Justice, United States Senators, Members of the United States House of Representatives, State Senators, Members of the State House of Representatives, and all county officers. Also, current law provides in G.S. § 115C-37(a) that the election of county boards of education is to be conducted according to the provisions of G.S. Ch. 163 then governing primary elections.

This bill amends current law to abolish second primaries. It also provides that the election of any county board of education held at the time of a primary is to be determined by plurality without a runoff. Currently, counties bear the cost of the primary and general elections as well as the cost of any second primary elections or runoff elections that must be held. Fiscal Research believes that the fiscal impact of this bill would be savings to the counties because they would no longer be required to hold second primaries. However, while we have second primary average cost data by county based on a survey conducted by the State Board of Elections, we cannot estimate the annual fiscal impact of the bill because the counties which would be required to hold second primaries can vary based on the results of their respective primary election. We will note, however, that of the 88 counties that reported their average cost for second primary elections, the average cost ranged from \$1,700 in Tyrell County with approximately 2,400 registered voters to \$278,021 in Wake County with over 408,000 registered voters. With the exception of Wake County, Guilford County (reported average cost of \$220,000) and Mecklenburg County (reported average cost of \$250,000), the other counties reported average cost of \$70,000 or less. The total of the cost reported by the 88 counties is \$2,372,553 with an average of \$26,961. But again, because of the uncertainty of which counties would be required to hold second primary elections, we cannot determine what portion of the \$2,372,553 would be saved on an annual basis.

SOURCES OF DATA: State Board of Elections

TECHNICAL CONSIDERATIONS: None

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