

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

1

HOUSE BILL 994

Short Title: Top Four Open Primary/Elections. (Public)

Sponsors: Representatives Morey, Hawkins, and Russell (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Elections and Ethics Law, if favorable, Appropriations, General Government, if favorable, Rules, Calendar, and Operations of the House

April 26, 2019

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PROCESS FOR TOP FOUR OPEN PRIMARY AND ELECTIONS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Purpose. – Notwithstanding any other provision of law to the contrary and except as otherwise required by federal law, the purpose of this act is to establish a process for the election of certain offices through an open primary, sometimes referred to as a nonpartisan blanket primary or nonpartisan preliminary election. An open primary process, established pursuant to this act, shall be followed by a general election conducted by ranked-choice voting.

SECTION 1.(b) Scope. – The procedures described in this act shall apply to the election of any State or federal office, including any statewide executive office, the office of United States Senate, the office of United States House of Representatives, member of the State Senate, member of the State House of Representatives, and elected judicial offices. However, it shall not apply to any candidate for president.

SECTION 1.(c) Open Primary. – The open primary described under this act shall be held on a Tuesday to be set by the General Assembly. The primary shall determine which candidates shall be entitled to appear on the ballot at the next ensuing general election. To appear on the primary ballot, candidates shall meet any petitioning requirements set by State law for nomination. The open primary shall allow every eligible voter, irrespective of party affiliation or unaffiliated status, to vote for any candidate, irrespective of their party affiliation. The primary ballot shall list the candidate's name and party affiliation, if any. An unaffiliated candidate may list one endorsement from a private association. Every voter may vote for one candidate in the primary. The four candidates with the most votes from the primary shall advance to the general election.

SECTION 1.(d) Minor Parties and Unaffiliated Candidates. – Minor parties that are qualified for the general election in accordance with Article 18 of Chapter 163A of the General Statutes are not required to compete in the primary and may choose their nominees by party convention. Other minor parties and unaffiliated candidates may qualify for the general election by meeting ballot access requirements set by State law. As such, the general election may consist of the four highest-polling candidates in the primary and any minor party and unaffiliated candidates who meet State ballot access requirements.

SECTION 1.(e) General Election. – The general election shall be held on the first Tuesday after the first Monday of November in even-numbered years. It shall be conducted by



* H 9 9 4 - V - 1 *

1 ranked-choice voting in accordance with subsection (f) of this section. The open primary may
2 qualify up to four candidates for the general election. However, should fewer than four candidates
3 advance, ranked-choice voting shall be used any time there are at least three candidates in the
4 general election. If only two candidates are in the general election, the standard voting method
5 under Article 20 of Chapter 163A of the General Statutes shall apply.

6 **SECTION 1.(f)** Ranked-Choice Voting. – Ranked-choice voting is a system of
7 election whereby voters rank candidates in order of preference. The purpose is to avoid vote
8 splitting and a spoiler outcome when support is divided among similar candidates. The system
9 generally proceeds after an initial tabulation of the first-preference votes. Candidates with the
10 fewest first-preference votes are eliminated and votes are redistributed to candidates that voters
11 have marked as their next preferences.

12 **SECTION 2.** The State Board of Elections (State Board) shall research and develop
13 an optimal method for conducting and counting a ranked-choice voting election that consists of
14 the various components described under Section 1 of this act. In developing the method for a
15 ranked-choice voting election, the State Board shall review, at a minimum, the following:

- 16 (1) Ranked-choice elections used in various local jurisdictions in other states.
- 17 (2) Previous ranked-choice elections in this State.
- 18 (3) Recently implemented statewide ranked-choice elections in the State of
19 Maine.
- 20 (4) Any other ranked-choice method that may be implemented.

21 **SECTION 3.** Additionally, in developing and implementing a method for
22 ranked-choice voting under this act, the State Board of Elections (State Board) shall research and
23 design an easy-to-understand ballot for voters to rank their preferred candidates, including any
24 write-in candidates. The ballot design must interwork with various voting equipment used by
25 different jurisdictions in the State. It should afford voters an easy transition to races not using
26 ranked-choice voting. Additionally, the State Board shall develop a program of voter education
27 in the ranked-choice election method. The State Board may use information from sources listed
28 under Section 2 of this act for assistance with ballot design and voter education.

29 **SECTION 4.** There is appropriated from the General Fund to the State Board of
30 Elections (State Board) the sum of four hundred ten thousand dollars (\$410,000) nonrecurring
31 for each year of the 2019-2021 fiscal biennium for implementation, education, and training
32 needed in the development of the ranked-choice election as provided by this act. The State Board
33 shall allocate funds appropriated pursuant to this section as follows:

- 34 (1) The sum of two hundred ten thousand dollars (\$210,000) nonrecurring for
35 each year of the 2019-2021 fiscal biennium for information technology
36 development work related to election reporting and ballot changes to integrate
37 into the current Statewide Elections Information Management System
38 (SEIMS).
- 39 (2) The sum of two hundred thousand dollars (\$200,000) nonrecurring for each
40 year of the 2019-2021 fiscal biennium for statewide education and training
41 requirements related to implementing the provisions of this act.

42 **SECTION 5.** Section 4 of this act becomes effective July 1, 2019. The remainder of
43 this act becomes effective December 1, 2019.