

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 541

Short Title: Opt. Top-2 Same-Day Primary Runoff/Elections. (Public)

Sponsors: Representatives Morey and Harrison (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 27, 2025

A BILL TO BE ENTITLED

AN ACT TO ALLOW POLITICAL PARTIES THE OPTION OF USING A TOP-TWO, SAME-DAY RUNOFF METHOD IN SELECTED PRIMARIES THAT MAY TRIGGER A RUNOFF.

The General Assembly of North Carolina enacts:

SECTION 1. Article 10 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-111.5. Optional top-two, same-day primary runoff method.

(a) Purpose. – Notwithstanding any other provision of law to the contrary and except as otherwise required by federal law, the purpose of this section is to establish a method (modeled on the "top-two instant runoff" election to the State Court of Appeals in 2010) for an optional top-two, same-day primary runoff when no candidate receives thirty percent (30%) of the vote in a primary for designated elected offices. Implementing this method will (i) help assure nominees have broader support, (ii) avoid voters returning to the polls in expensive, low-turnout second primaries, and (iii) allow political parties to optionally use this top-two runoff method in selected primaries that may trigger a runoff.

(b) Scope. – The method described in this section shall apply to primaries for any federal or State office, including United States Senate, United States House of Representatives, Council of State, member of the State Senate, member of the State House of Representatives, and elected judicial and county offices. It shall not apply to presidential primaries.

(c) Party-Optional Use. – As stipulated in G.S. 163-111, when no candidate has received a substantial plurality of total votes cast in a primary, the second highest-polling candidate may request a runoff. Pursuant to this section, a political party shall have the option to use a top-two, same-day runoff method for a primary if the party determines a divided vote may prevent one candidate from attaining thirty percent (30%) of the vote and trigger a runoff.

(d) Top-Two Runoff Method. – In a multicandidate primary selected for a top-two, same-day runoff, a voter may rank up to three candidates in order of preference. If after an initial tabulation no candidate attains thirty percent (30%) of the first-preference votes, the two candidates with the most first-preference votes shall advance to a "runoff." All other candidates are eliminated. The ballots from the eliminated candidates shall be tabulated and those marked with either of the runoff candidates as a second preference shall be counted. Then, the remaining ballots from the eliminated candidates shall be tabulated and those marked with the runoff candidates as a third preference shall be counted. The first-, second-, and third-preference votes shall be added together and the runoff candidate with the most votes shall be declared the winner. Should the General Assembly decide to adjust the substantial plurality requirement, provisions



1 of the top-two, same-day primary runoff method shall apply in the same manner to the new
2 threshold.

3 (e) Process to Request Top-Two, Same-Day Runoff. – To request a top-two runoff in a
4 primary, the political party shall file a written request with the Executive Director of the State
5 Board within 21 days after the filing deadline. To request a top-two runoff for a primary in a
6 single-county State Senate or State House of Representatives district or for a county office, the
7 request shall be submitted to the respective county board of elections within 21 days after the
8 filing deadline."

9 **SECTION 2.** The State Board of Elections (State Board) shall develop an optimal
10 method for conducting and counting a top-two, same-day runoff primary. The State Board shall
11 research and design an easy-to-understand ballot for voters to rank their preferred candidates.
12 The ballot design must interwork with various voting equipment used by different jurisdictions
13 in the State. It should afford voters an easy transition to other races that use the standard voting
14 method. Additionally, the State Board shall develop a program of voter education for using the
15 system.

16 **SECTION 3.** There is appropriated from the General Fund to the State Auditor,
17 pursuant to Section 3A.2 of S.L. 2024-57, for the State Board of Elections (State Board) the sum
18 of four hundred ten thousand dollars (\$410,000) nonrecurring for each year of the 2025-2027
19 fiscal biennium for implementation, education, and training needed in the development of the
20 optional top-two, same-day primary runoff method as provided by this act. The State Board shall
21 allocate funds appropriated pursuant to this section as follows:

- 22 (1) The sum of two hundred ten thousand dollars (\$210,000) nonrecurring for
23 each year of the 2025-2027 fiscal biennium for information technology
24 development work related to election reporting and ballot changes to integrate
25 into the current Statewide Elections Information Management System
26 (SEIMS).
- 27 (2) The sum of two hundred thousand dollars (\$200,000) nonrecurring for each
28 year of the 2025-2027 fiscal biennium for statewide education and training
29 requirements related to implementing the provisions of this act.

30 **SECTION 4.** Section 3 of this act becomes effective July 1, 2025. The remainder of
31 this act becomes effective December 1, 2025, and applies to elections held on or after that date.