

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 43
Committee Substitute Favorable 5/29/03

Short Title: New Party Filing Fee.

(Public)

Sponsors:

Referred to:

February 20, 2003

A BILL TO BE ENTITLED

AN ACT TO REQUIRE NEW PARTY CANDIDATES TO PAY FILING FEES ON A
SIMILAR BASIS TO MAJOR PARTY CANDIDATES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-98 reads as rewritten:

"§ 163-98. General election participation by new political party.

In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for national, State, congressional, and local offices printed on the official ballots.

For the first general election following the date on which it qualifies under G.S. 163-96, a new political party shall select its candidates by party convention. Following adjournment of the nominating convention, but not later than the first day of July prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's candidates ~~for State, congressional, and national offices in the ensuing general election.~~ At the time their names are certified, each person nominated shall pay to the State Board of Elections the same amount that a candidate filing for the same office in a party primary would be required to pay under G.S. 163-107. In lieu of making that payment, the candidate may file with the State Board a written petition that meets the requirements set forth in G.S. 163-107.1. ~~The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party.~~ The State Board of Elections shall send to each county board of elections the list of any new party candidates so that the county board can add those names to the appropriate ballot."

SECTION 2. G.S. 163-107.1 reads as rewritten:

"§ 163-107.1. Petition in lieu of payment of filing fee.

(a) Any qualified voter who seeks nomination in the party primary of the political party with which he affiliates or who receives the nomination of a political party under G.S. 163-98 may, in lieu of payment of any filing fee required for the office

1 he seeks, file a written petition requesting him to be a candidate for a specified office
2 with the appropriate board of elections, State, county or municipal.

3 (b) **(Effective with respect to primaries and elections held before January 1,**
4 **2004)** If the candidate is seeking the office of United States Senator, Governor,
5 Lieutenant Governor, any State executive officer, Justice of the Supreme Court or Judge
6 of the Court of Appeals, the petition must be signed by 10,000 registered voters who are
7 members of the political party in whose primary the candidate desires to run, except that
8 in the case of a political party as defined by G.S. 163-96(a)(2) which will be making
9 nominations by primary election, the petition must be signed by ten percent (10%) of
10 the registered voters of the State who are affiliated with the same political party in
11 whose primary the candidate desires to run, or in the alternative, the petition shall be
12 signed by no less than 10,000 registered voters regardless of the voter's political party
13 affiliation, whichever requirement is greater. The petition must be filed with the State
14 Board of Elections not later than 12:00 noon on Monday preceding the filing deadline
15 before the primary in which he seeks to run. The names on the petition shall be verified
16 by the board of elections of the county where the signer is registered, and the petition
17 must be presented to the county board of elections at least 15 days before the petition is
18 due to be filed with the State Board of Elections. When a proper petition has been filed,
19 the candidate's name shall be printed on the primary ballot.

20 (b) **(Effective with respect to primaries and elections held on or after**
21 **January 1, 2004)** If the candidate is seeking the office of United States Senator,
22 Governor, Lieutenant Governor, or any State executive officer, the petition must be
23 signed by 10,000 registered voters who are members of the political party in whose
24 primary the candidate desires to run, except that in the case of a political party as
25 defined by G.S. 163-96(a)(2) which will be making nominations by primary election,
26 the petition must be signed by ten percent (10%) of the registered voters of the State
27 who are affiliated with the same political party in whose primary the candidate desires
28 to run, or in the alternative, the petition shall be signed by no less than 10,000 registered
29 voters regardless of the voter's political party affiliation, whichever requirement is
30 greater. The petition must be filed with the State Board of Elections not later than 12:00
31 noon on Monday preceding the filing deadline before the primary in which he seeks to
32 ~~run~~ run, or in the case of a candidate nominated under G.S. 163-98, not later than noon
33 on the third Monday after the candidate's nomination is certified to the State Board of
34 Elections by the nominating convention. The names on the petition shall be verified by
35 the board of elections of the county where the signer is registered, and the petition must
36 be presented to the county board of elections at least 15 days before the petition is due
37 to be filed with the State Board of Elections. When a proper petition has been filed, the
38 candidate's name shall be printed on the primary ballot.

39 (c) County, Municipal and District Primaries. – If the candidate is seeking one of
40 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this
41 section, or a municipal or any other office requiring a partisan primary which is not set
42 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board
43 of elections no later than 12:00 noon on Monday preceding the filing deadline before
44 the ~~primary~~ primary, or in the case of a candidate nominated under G.S. 163-98, not

1 later than noon on the third Monday after the candidate's name is certified to the State
2 Board of Elections by the nominating convention. The petition shall be signed by ten
3 percent (10%) of the registered voters of the election area in which the office will be
4 voted for, who are affiliated with the same political party in whose primary the
5 candidate desires to run, or in the alternative, the petition shall be signed by no less than
6 200 registered voters regardless of said voter's political party affiliation, whichever
7 requirement is greater. The board of elections shall verify the names on the petition, and
8 if the petition is found to be sufficient, the candidate's name shall be printed on the
9 appropriate primary ballot. Petitions for candidates for member of the U.S. House of
10 Representatives, District Attorney, and members of the State House of Representatives
11 from multi-county districts or members of the State Senate from multi-county districts
12 must be presented to the county board of elections for verification at least 15 days
13 before the petition is due to be filed with the State Board of Elections, and such petition
14 must be filed with the State Board of Elections no later than 12:00 noon on Monday
15 preceding the filing deadline. The State Board of Elections may adopt rules to
16 implement this section and to provide standard petition forms.

17 (d) Nonpartisan Primaries and Elections. – Any qualified voter who seeks to be a
18 candidate in any nonpartisan primary or election may, in lieu of payment of the filing
19 fee required, file a written petition signed by ten percent (10%) of the registered voters
20 in the election area in which the office will be voted for with the appropriate board of
21 elections. Any qualified voter may sign the petition. The petition shall state the
22 candidate's name, address and the office which he is seeking. The petition must be filed
23 with the appropriate board of elections no later than 60 days prior to the filing deadline
24 for the primary or election, and if found to be sufficient, the candidate's name shall be
25 printed on the ballot."

26 **SECTION 3.** This act becomes effective January 1, 2004, and applies to all
27 primaries and elections held after that date.