

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

FILED SENATE
Apr 4, 2017
S.B. 656
PRINCIPAL CLERK

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SENATE BILL DRS45399-LU-87 (03/17)

Short Title: Electoral Freedom Act of 2017.

(Public)

Sponsors: Senator Brock (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING
3 THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW
4 POLITICAL PARTY AND FOR UNAFFILIATED CANDIDATES TO OBTAIN
5 BALLOT ACCESS ELIGIBILITY.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 163-96(a) reads as rewritten:

8 "(a) Definition. – A political party within the meaning of the election laws of this State
9 shall be either:

10 (1) Any group of voters which, at the last preceding general State election,
11 polled for its candidate for Governor, or for presidential electors, at least two
12 percent (2%) of the entire vote cast in the State for Governor or for
13 presidential electors; or

14 (2) Any group of voters which shall have filed with the State Board of Elections
15 petitions for the formulation of a new political party which are signed by at
16 least 10,000 registered and qualified voters in this State ~~equal in number to~~
17 ~~two percent (2%) of the total number of voters who voted in the most recent~~
18 ~~general election for Governor.~~ State. Also the petition must be signed by at
19 least 200 registered voters from each of ~~four~~ three congressional districts in
20 North Carolina. To be effective, the petitioners must file their petitions with
21 the State Board of Elections before 12:00 noon on the first day of June
22 preceding the day on which is to be held the first general State election in
23 which the new political party desires to participate. The State Board of
24 Elections shall forthwith determine the sufficiency of petitions filed with it
25 and shall immediately communicate its determination to the State chairman
26 of the proposed new political party."

27 **SECTION 2.** G.S. 163-122(a), as amended by Section 10 of S.L. 2017-3, reads as
28 rewritten:

29 "(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any
30 qualified voter who seeks to have the voter's name printed on the general election ballot as an
31 unaffiliated candidate shall:

32 (1) If the office is a statewide office, file written petitions with the State Board
33 of Elections supporting the voter's candidacy for a specified office. These
34 petitions must be filed with the State Board of Elections on or before 12:00
35 noon on the second Wednesday prior to the primary election and must be
36 signed by at least 5,000 qualified voters of the ~~State equal in number to two~~



1 percent (2%) of the total number of voters who voted in the most recent
2 general election for Governor. ~~State~~. Also, the petition must be signed by at
3 least 200 registered voters from ~~each of four~~ at least three congressional
4 districts in North Carolina. The petitions shall be divided into sections based
5 on the county in which the signatures were obtained. Provided the petitions
6 are timely filed, the State Board of Elections shall require the filed petition
7 be verified no later than 15 business days after canvass of the primary in one
8 of the following ways:

- 9 a. The Executive Director shall examine the names on the petition and
10 place a check mark on the petition by the name of each signer who is
11 qualified and registered to vote in the designated county and shall
12 attach to the petition a signed certificate. Said certificates shall state
13 that the signatures on the petition have been checked against the
14 registration records and shall indicate the number of signers to be
15 qualified and registered to vote in each county.
- 16 b. The chair shall examine the names on the petition and place a check
17 mark on the petition by the name of each signer who is qualified and
18 registered to vote in the chair's county and shall attach to the petition
19 the chair's signed certificate. Said certificates shall state that the
20 signatures on the petition have been checked against the registration
21 records and shall indicate the number of signers to be qualified and
22 registered to vote in the chair's county. The chair shall return the
23 petition and certificate to the State Board.

24 The State Board shall return a copy of each petition, together with a copy of
25 the certificate required in this section, to the person who presented it to the
26 State Board.

- 27 (2) Except as provided in this subsection, if the office is a district office under
28 the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file
29 written petitions with the State Board of Elections supporting that voter's
30 candidacy for a specified office. These petitions must be filed with the State
31 Board of Elections on or before 12:00 noon on the second Wednesday prior
32 to the primary election and must be signed by qualified voters of the district
33 equal in number to ~~four~~ three percent (~~4%~~)(3%) of the total number of
34 registered voters in the district as reflected by the voter registration records
35 of the State Board of Elections as of January 1 of the year in which the
36 general election is to be held. The petitions shall be divided into sections
37 based on the county in which the signatures were obtained. The petitions
38 shall be verified as specified in subdivision (1) of this subsection.
- 39 (3) If the office is a county office or a single county legislative district, file
40 written petitions with the chair or director of the county board of elections
41 supporting the voter's candidacy for a specified county office. These
42 petitions must be filed with the county board of elections on or before 12:00
43 noon on the second Wednesday prior to the primary election and must be
44 signed by qualified voters of the county equal in number to ~~four~~ three
45 percent (~~4%~~)(3%) of the total number of registered voters in the county as
46 reflected by the voter registration records of the State Board of Elections as
47 of January 1 of the year in which the general election is to be held, except if
48 the office is for a district consisting of less than the entire county and only
49 the voters in that district vote for that office, the petitions must be signed by
50 qualified voters of the district equal in number to ~~four~~ three percent
51 (~~4%~~)(3%) of the total number of voters in the district according to the voter

1 registration records of the State Board of Elections as of January 1 of the
2 year in which the general election is to be held. Each petition shall be
3 presented to the chairman or director of the county board of elections. The
4 chair or director of the county board of elections shall verify the filed
5 petition no later than 15 business days after canvass as provided in
6 sub-subdivision b. of subdivision (1) of this subsection, and shall return a
7 copy of each petition, together with a copy of the certificate required in this
8 section, to the person who presented it to the county board of elections.

9 (4) If the office is a partisan municipal office, file written petitions with the
10 chair or director of the county board of elections in the county wherein the
11 municipality is located supporting the voter's candidacy for a specified
12 municipal office. These petitions must be filed with the county board of
13 elections on or before the time and date specified in G.S. 163-296 and must
14 be signed by the number of qualified voters specified in G.S. 163-296. The
15 chair or director of the county board of elections shall verify the filed
16 petition no later than 15 business days after canvass as provided in
17 sub-subdivision b. of subdivision (1) of this subsection, and shall return a
18 copy of each petition, together with a copy of the certificate required in this
19 section, to the person who presented it to the county board of elections.

20 (5) If the office is a superior court judge or a district court judge, regardless of
21 whether the district lies entirely in one county or in more than one county,
22 file written petitions with the State Board of Elections supporting that voter's
23 candidacy for a specified office. These petitions must be filed with the State
24 Board of Elections on or before 12:00 noon on the second Wednesday prior
25 to the primary election and must be signed by qualified voters of the district
26 equal in number to two percent (2%) of the total number of registered voters
27 in the district as reflected by the voter registration records of the State Board
28 of Elections as of January 1 of the year in which the general election is to be
29 held. The petitions shall be divided into sections based on the county in
30 which the signatures were obtained. The petitions shall be verified as
31 specified in subdivision (1) of this subsection.

32 Upon compliance with the provisions of subdivisions (1), (2), (3), (4), or (5) of this
33 subsection, the board of elections with which the petitions have been timely filed shall cause
34 the unaffiliated candidate's name to be printed on the general election ballots in accordance
35 with Article 14A of this Chapter."

36 **SECTION 3.** This act becomes effective January 1, 2018, and applies to all
37 primaries and elections held on or after that date.