

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

S

D

SENATE BILL 656
PROPOSED COMMITTEE SUBSTITUTE S656-PCS35304-TC-37

Short Title: Electoral Freedom Act of 2017.

(Public)

Sponsors:

Referred to:

April 5, 2017

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, AND TO REDUCE THE THRESHOLD FOR A
6 SUBSTANTIAL PLURALITY TO THIRTY PERCENT.

7 The General Assembly of North Carolina enacts:

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

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

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

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

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

- 33 (1) If the office is a statewide office, file written petitions with the State Board
34 of Elections supporting the voter's candidacy for a specified office. These
35 petitions must be filed with the State Board of Elections on or before 12:00
36 noon on the second Wednesday prior to the primary election and must be



* S 6 5 6 - P C S 3 5 3 0 4 - T C - 3 7 *

1 signed by at least 5,000 qualified voters of the ~~State equal in number to two~~
2 ~~percent (2%) of the total number of voters who voted in the most recent~~
3 ~~general election for Governor.State~~. Also, the petition must be signed by at
4 least 200 registered voters from ~~each of four~~ at least three congressional
5 districts in North Carolina. The petitions shall be divided into sections based
6 on the county in which the signatures were obtained. Provided the petitions
7 are timely filed, the State Board of Elections shall require the filed petition
8 be verified no later than 15 business days after canvass of the primary in one
9 of the following ways:

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

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

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

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

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

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

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

37 **SECTION 2.5.** G.S. 163-111(a) reads as rewritten:

38 "(a) Nomination Determined by Substantial Plurality; Definition of Substantial Plurality.
39 – Except as otherwise provided in this section, nominations in primary elections shall be
40 determined by a substantial plurality of the votes cast. A substantial plurality within the
41 meaning of this section shall be determined as follows:

42 (1) If a nominee for a single office is to be selected, and there is more than one
43 person seeking nomination, the substantial plurality shall be ascertained by
44 multiplying the total vote cast for all aspirants by ~~forty percent (40%)~~thirty
45 percent (30%). Any excess of the sum so ascertained shall be a substantial
46 plurality, and the aspirant who obtains a substantial plurality shall be
47 declared the nominee. If two candidates receive a substantial plurality, the
48 candidate receiving the highest vote shall be declared the nominee.

49 (2) If nominees for two or more offices (constituting a group) are to be selected,
50 and there are more persons seeking nomination than there are offices, the
51 substantial plurality shall be ascertained by dividing the total vote cast for all

1 aspirants by the number of positions to be filled, and by multiplying the
2 result by ~~forty percent (40%)~~thirty percent (30%). Any excess of the sum so
3 ascertained shall be a substantial plurality, and the aspirants who obtain a
4 substantial plurality shall be declared the nominees. If more candidates
5 obtain a substantial plurality than there are positions to be filled, those
6 having the highest vote (equal to the number of positions to be filled) shall
7 be declared the nominees."

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