

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1684

Short Title: Unaffiliated Candidates.

(Public)

Sponsors: Representative Lewis.

Referred to: Election Law and Campaign Finance Reform, if favorable, Judiciary I.

April 19, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAWS CONCERNING UNAFFILIATED
3 CANDIDATES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 163-122 reads as rewritten:

6 "§ 163-122. Unaffiliated candidates nominated by petition.

7 (a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. –
8 ~~Any Except as provided in G.S. 163-122.1, any~~ qualified voter who seeks to have his
9 name printed on the general election ballot as an unaffiliated candidate shall:

- 10 (1) If the office is a statewide office, file written petitions with the State
11 Board of Elections supporting his candidacy for a specified office.
12 These petitions must be filed with the State Board of Elections on or
13 before 12:00 noon on the last ~~Friday in June~~ business day in February
14 preceding the general election and must be signed by qualified voters
15 of the State equal in number to two percent (2%) of the total number of
16 voters who voted in the most recent general election for Governor.
17 Also, the petition must be signed by at least 200 registered voters from
18 each of four congressional districts in North Carolina. No later than
19 5:00 p.m. on the fifteenth day preceding the date the petitions are due
20 to be filed with the State Board of Elections, each petition shall be
21 presented to the chairman of the board of elections of the county in
22 which the signatures were obtained. Provided the petitions are timely
23 submitted, the chairman shall examine the names on the petition and
24 place a check mark on the petition by the name of each signer who is
25 qualified and registered to vote in his county and shall attach to the
26 petition his signed certificate. Said certificates shall state that the
27 signatures on the petition have been checked against the registration
28 records and shall indicate the number of signers to be qualified and
29 registered to vote in his county. The chairman shall return each

1 petition, together with the certificate required in this section, to the
2 person who presented it to him for checking. Verification by the
3 chairman of the county board of elections shall be completed within
4 two weeks from the date such petitions are presented.

5 (2) If the office is a district office comprised of two or more counties, file
6 written petitions with the State Board of Elections supporting his
7 candidacy for a specified office. These petitions must be filed with the
8 State Board of Elections on or before 12:00 noon on the last ~~Friday in~~
9 ~~June~~ business day in February preceding the general election and must
10 be signed by qualified voters of the district equal in number to four
11 percent (4%) of the total number of registered voters in the district as
12 reflected by the voter registration records of the State Board of
13 Elections as of January 1 of the year in which the general election is to
14 be held. Each petition shall be presented to the chairman of the board
15 of elections of the county in which the signatures were obtained. The
16 chairman shall examine the names on the petition and the procedure
17 for certification and deadline for submission to the county board shall
18 be the same as specified in (1) above.

19 (3) If the office is a county office or a single county legislative district, file
20 written petitions with the chairman or director of the county board of
21 elections supporting his candidacy for a specified county office. These
22 petitions must be filed with the county board of elections on or before
23 12:00 noon on the last ~~Friday in June~~ business day in February
24 preceding the general election and must be signed by qualified voters
25 of the county equal in number to four percent (4%) of the total number
26 of registered voters in the county as reflected by the voter registration
27 records of the State Board of Elections as of January 1 of the year in
28 which the general election is to be held, except if the office is for a
29 district consisting of less than the entire county and only the voters in
30 that district vote for that office, the petitions must be signed by
31 qualified voters of the district equal in number to four percent (4%) of
32 the total number of voters in the district according to the voter
33 registration records of the State Board of Elections as of January 1 of
34 the year in which the general election is to be held. Each petition shall
35 be presented to the chairman or director of the county board of
36 elections. The chairman shall examine, or cause to be examined, the
37 names on the petition and the procedure for certification shall be the
38 same as specified in (1) above.

39 (4) If the office is a partisan municipal office, file written petitions with
40 the chairman or director of the county board of elections in the county
41 wherein the municipality is located supporting his candidacy for a
42 specified municipal office. These petitions must be filed with the
43 county board of elections on or before the time and date specified in
44 G.S. 163-296 and must be signed by the number of qualified voters

1 specified in G.S. 163-296. The procedure for certification shall be the
2 same as specified in (1) above.

3 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
4 board of elections with which the petitions have been timely filed shall cause the
5 unaffiliated candidate's name to be printed on the general election ballots in accordance
6 with G.S. ~~163-140~~.163-165.6.

7 ~~An individual whose name appeared on the ballot in a primary election preliminary~~
8 ~~to the general election shall not be eligible to have his name placed on the general~~
9 ~~election ballot as an unaffiliated candidate for the same office in that year. No person~~
10 ~~may file as a candidate for party nomination and as an unaffiliated candidate in the same~~
11 ~~election.~~

12 (b) Form of Petition. – Petitions requesting an unaffiliated candidate to be placed
13 on the general election ballot shall contain on the heading of each page of the petition in
14 bold print or in all capital letters the words: "THE UNDERSIGNED REGISTERED
15 VOTERS IN _____ COUNTY HEREBY PETITION ON BEHALF OF
16 _____ AS AN UNAFFILIATED CANDIDATE FOR THE OFFICE OF
17 _____ IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED
18 HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED ON THE
19 APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS
20 CONTAINED IN G.S. 163-122."

21 (c) This section does not apply to elections under Article 25 of this Chapter.

22 (d) When any person files a petition with a board of elections under this section,
23 the board of elections shall, immediately upon receipt of the petition, inspect the
24 registration records of the county and cancel the petition of any person who does not
25 meet the constitutional or statutory qualifications for the office, including residency.

26 The board shall give notice of cancellation to any person whose petition has been
27 cancelled under this subsection by mail or by having the notice served on that person by
28 the sheriff and to any other candidate filing for the same office. A person whose petition
29 has been cancelled or another candidate for the same office affected by a substantiation
30 under this subsection may request a hearing on the issue of constitutional or statutory
31 qualifications for the office. If the person requests a hearing, the hearing shall be
32 conducted in accordance with Article 11B of Chapter 163 of the General Statutes.

33 (e) Any candidate seeking to have that candidate's name printed on the general
34 election ballot under this section shall pay a filing fee equal to that provided for
35 candidates for the office in G.S. 163-107 or comply with the alternative available to
36 candidates for the office in G.S. 163-107.1."

37 **SECTION 2.** G.S. 163-296 reads as rewritten:

38 **"§ 163-296. Nomination by petition.**

39 In cities conducting partisan elections, any qualified voter who seeks to have his
40 name printed on the regular municipal election ballot as an unaffiliated candidate may
41 do so in the manner provided in G.S. 163-122, except that the petitions and affidavits
42 shall be filed not later than 12:00 noon on the ~~Friday preceding the seventh Saturday~~
43 third Friday in July before the election, and the petitions shall be signed by a number of
44 qualified voters of the municipality equal to at least four percent (4%) of the whole

1 number of voters qualified to vote in the municipal election according to the voter
2 registration records of the State Board of Elections as of January 1 of the year in which
3 the general municipal election is held. ~~A person whose name appeared on the ballot in a~~
4 ~~primary election is not eligible to have his name placed on the regular municipal~~
5 ~~election ballot as an unaffiliated candidate for the same office in that year. No person~~
6 may file as a candidate for party nomination and as an unaffiliated candidate in the same
7 election. The Board of Elections shall examine and verify the signatures on the petition,
8 and shall certify only the names of signers who are found to be qualified registered
9 voters in the municipality. Provided that in the case where a qualified voter seeks to
10 have his name printed on the regular municipal election ballot as an unaffiliated
11 candidate for election from an election district within the municipality, the petition shall
12 be signed by four percent (4%) of the voters qualified to vote for that office."

13 **SECTION 3.** Article 11 of Chapter 163 of the General Statutes is amended
14 by adding a new section to read:

15 **"§ 163-122.1. Unaffiliated candidates for President.**

16 (a) Procedure for Qualifying as Unaffiliated Candidate. – Any person who seeks
17 to be listed on the general election ballot as an unaffiliated candidate for President shall
18 file written petitions with the State Board of Elections supporting the candidacy. These
19 petitions must be filed with the State Board of Elections on or before 12:00 noon on the
20 last Friday in June preceding the general election and must be signed by qualified voters
21 of the State equal in number to two percent (2%) of the total number of voters who
22 voted in the most recent general election for Governor. Also, the petition must be signed
23 by at least 200 registered voters from each of four congressional districts in North
24 Carolina. No later than 5:00 P.M. on the fifteenth day preceding the date the petitions
25 are due to be filed with the State Board of Elections, each petition shall be presented to
26 the chairman of the board of elections of the county in which the signatures were
27 obtained. Provided the petitions are timely submitted, the chairman shall examine the
28 names on the petition and place a check mark on the petition by the name of each signer
29 who is qualified and registered to vote in his county and shall attach to the petition his
30 signed certificate. The certificates shall state that the signatures on the petition have
31 been checked against the registration records and shall indicate the number of signers to
32 be qualified and registered to vote in his county. The chairman shall return each
33 petition, together with the certificate required in this section, to the person who
34 presented it to him for checking. Verification by the chairman of the county board of
35 elections shall be completed within two weeks from the date such petitions are
36 presented. Upon compliance with the provisions of this subsection, the State Board of
37 Elections shall cause the unaffiliated candidate's name to be printed on the general
38 election ballots in accordance with G.S. 163-165.6.

39 (b) Form of Petition. – Petitions requesting an unaffiliated candidate to be placed
40 on the general election ballot shall contain on the heading of each page of the petition in
41 bold print or in all capital letters the words: "THE UNDERSIGNED REGISTERED
42 VOTERS IN _____ COUNTY HEREBY PETITION ON BEHALF OF
43 _____ AS AN UNAFFILIATED CANDIDATE FOR THE OFFICE OF
44 PRESIDENT IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED

1 HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED ON THE
2 APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS
3 CONTAINED IN G.S. 163-122."

4 (c) When any person files a petition with a board of elections under this section,
5 the board of elections shall, immediately upon receipt of the petition, inspect the
6 registration records of the county and cancel the petition of any person who does not
7 meet the constitutional or statutory qualifications for the office, including residency.

8 The board shall give notice of cancellation to any person whose petition has been
9 cancelled under this subsection by mail or by having the notice served on that person by
10 the sheriff and to any other candidate filing for the same office. A person whose petition
11 has been cancelled or another candidate for the same office affected by a substantiation
12 under this subsection may request a hearing on the issue of constitutional or statutory
13 qualifications for the office. If the person requests a hearing, the hearing shall be
14 conducted in accordance with Article 11B of Chapter 163 of the General Statutes."

15 **SECTION 4.** This act becomes effective January 1, 2008, and applies to all
16 elections conducted on or after that date.