

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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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.