Short Title: Electoral Freedom Act of 2017. (Public)

Sponsors: Senator Brock (Primary Sponsor).

Referred to: *DRS45399-LU-87*

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY AND FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

(1) If the office is a statewide office, file written petitions with the State Board of Elections supporting the voter's candidacy for a specified office. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the second Wednesday prior to the primary election and must be signed by at least 5,000 qualified voters of the State equal in number to two percent (2%) of the total number of voters who voted in the most recent general election for Governor, or for presidential electors; or

(2) If the office is a local office, file written petitions with the State Board of Elections supporting the voter's candidacy for a specified office. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the second Wednesday prior to the primary election and must be signed by at least 200 qualified voters from each of four congressional districts in North Carolina. To be effective, the petitioners must file their petitions with the State Board of Elections before 12:00 noon on the first day of June preceding the day on which is to be held the first general State election in which the new political party desires to participate. The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the State chairman of the proposed new political party."

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

a. The Executive Director shall examine the names on the petition and
place a check mark on the petition by the name of each signer who is
qualified and registered to vote in the designated county and shall
attach to the petition a signed certificate. Said certificates shall state
that the signatures on the petition have been checked against the
registration records and shall indicate the number of signers to be
qualified and registered to vote in each county.

b. The chair shall examine the names on the petition and place a check
mark on the petition by the name of each signer who is qualified and
registered to vote in the chair’s county and shall attach to the petition
the chair’s signed certificate. Said certificates shall state that the
signatures on the petition have been checked against the registration
records and shall indicate the number of signers to be qualified and
registered to vote in the chair’s county. The chair shall return the
petition and certificate to the State Board.

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

(2) Except as provided in this subsection, if the office is a district office under
the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file
written petitions with the State Board of Elections supporting that voter’s
candidacy for a specified office. These petitions must be filed with the State
Board of Elections on or before 12:00 noon on the second Wednesday prior
to the primary election and must be signed by qualified voters of the district
equal in number to four (4%) three (3%) percent of the total number of
registered voters in the district as reflected by the voter registration records
of the State Board of Elections as of January 1 of the year in which the
general election is to be held. The petitions shall be divided into sections
based on the county in which the signatures were obtained. The petitions
shall be verified as specified in subdivision (1) of this subsection.

(3) If the office is a county office or a single county legislative district, file
written petitions with the chair or director of the county board of elections
supporting the voter’s candidacy for a specified county office. These
petitions must be filed with the county board of elections on or before 12:00
noon on the second Wednesday prior to the primary election and must be
signed by qualified voters of the county equal in number to four (4%) three (3%) percent of the total number of registered voters in the county as
reflected by the voter registration records of the State Board of Elections as
of January 1 of the year in which the general election is to be held, except if
the office is for a district consisting of less than the entire county and only
the voters in that district vote for that office, the petitions must be signed by
qualified voters of the district equal in number to four (4%) three (3%) percent of the total number of voters in the district according to the voter
registration records of the State Board of Elections as of January 1 of the
year in which the general election is to be held. Each petition shall be
presented to the chairman or director of the county board of elections. The
chair or director of the county board of elections shall verify the filed
petition no later than 15 business days after canvass as provided in
sub-subdivision b. of subdivision (1) of this subsection, and shall return a
copy of each petition, together with a copy of the certificate required in this
section, to the person who presented it to the county board of elections.

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

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

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

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