

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 656  
Select Committee on Elections Committee Substitute Adopted 4/25/17  
House Committee Substitute Favorable 6/21/17  
House Committee Substitute #2 Favorable 6/28/17

Short Title: Electoral Freedom Act of 2017.

(Public)

Sponsors:

Referred to:

April 5, 2017

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; TO AUTHORIZE PARTICIPATION BY POLITICAL PARTIES IN PRESIDENTIAL PRIMARIES AND ELECTIONS FOR PARTIES RECOGNIZED IN A SUBSTANTIAL NUMBER OF STATES IN THE PRIOR PRESIDENTIAL ELECTION; TO CHANGE TIMING OF FILING OF PETITIONS; AND TO REDUCE THE THRESHOLD FOR A SUBSTANTIAL PLURALITY TO THIRTY PERCENT.

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:~~ one of the following:

- (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;~~ electors.
- (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 registered and qualified voters in this State equal in number to ~~two percent (2%)~~ one-quarter of one percent (0.25%) 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. 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.
- (3) Any group of voters which shall have filed with the State Board of Elections documentation that the group of voters had a candidate nominated by that group on the general election ballot of at least eighty percent (80%) of the



1 states in the prior Presidential election. To be effective, the group of voters  
2 must file their documentation with the State Board of Elections no later than  
3 120 days preceding the North Carolina presidential preference primary. The  
4 State Board of Elections shall forthwith verify the documentation filed with  
5 it and shall immediately communicate its determination to the State  
6 chairman of the proposed new political party. A political party recognized as  
7 provided in this subdivision shall be eligible to participate only in the  
8 presidential preference primary as provided in Article 18A of this Chapter  
9 and the election of presidential electors as provided in Article 18 of this  
10 Chapter."

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

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

- 16 (1) If the office is a statewide office, file written petitions with the State Board  
17 of Elections supporting the voter's candidacy for a specified office. These  
18 petitions must be filed with the State Board of Elections on or before 12:00  
19 noon on the ~~second Wednesday prior to day~~ of the primary election and must  
20 be signed by qualified voters of the State equal in number to ~~two percent~~  
21 ~~(2%)~~ one and a half percent (1.5%) of the total number of voters who voted  
22 in the most recent general election for Governor. Also, the petition must be  
23 signed by at least 200 registered voters from ~~each of four~~ at least three  
24 congressional districts in North Carolina. The petitions shall be divided into  
25 sections based on the county in which the signatures were obtained.  
26 Provided the petitions are timely filed, the State Board of Elections shall  
27 require the filed petition be verified no later than 15 business days after  
28 canvass of the primary in one of the following ways:

- 29 a. The Executive Director shall examine the names on the petition and  
30 place a check mark on the petition by the name of each signer who is  
31 qualified and registered to vote in the designated county and shall  
32 attach to the petition a signed certificate. Said certificates shall state  
33 that the signatures on the petition have been checked against the  
34 registration records and shall indicate the number of signers to be  
35 qualified and registered to vote in each county.
- 36 b. The chair shall examine the names on the petition and place a check  
37 mark on the petition by the name of each signer who is qualified and  
38 registered to vote in the chair's county and shall attach to the petition  
39 the chair's signed certificate. Said certificates shall state that the  
40 signatures on the petition have been checked against the registration  
41 records and shall indicate the number of signers to be qualified and  
42 registered to vote in the chair's county. The chair shall return the  
43 petition and certificate to the State Board.

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

- 47 (2) Except as provided in this subsection, if the office is a district office under  
48 the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file  
49 written petitions with the State Board of Elections supporting that voter's  
50 candidacy for a specified office. These petitions must be filed with the State  
51 Board of Elections on or before 12:00 noon on the ~~second Wednesday prior~~

1           ~~today~~ of the primary election and must be signed by qualified voters of the  
2           district equal in number to ~~four-three~~ percent (4%)(3%) of the total number  
3           of registered voters in the district as reflected by the voter registration  
4           records of the State Board of Elections as of January 1 of the year in which  
5           the general election is to be held. The petitions shall be divided into sections  
6           based on the county in which the signatures were obtained. The petitions  
7           shall be verified as specified in subdivision (1) of this subsection.

8           (3) If the office is a county office or a single county legislative district, file  
9           written petitions with the chair or director of the county board of elections  
10          supporting the voter's candidacy for a specified county office. These  
11          petitions must be filed with the county board of elections on or before 12:00  
12          noon on the ~~second Wednesday prior to~~today of the primary election and must  
13          be signed by qualified voters of the county equal in number to ~~four-three~~  
14          percent (4%)(3%) of the total number of registered voters in the county as  
15          reflected by the voter registration records of the State Board of Elections as  
16          of January 1 of the year in which the general election is to be held, except if  
17          the office is for a district consisting of less than the entire county and only  
18          the voters in that district vote for that office, the petitions must be signed by  
19          qualified voters of the district equal in number to ~~four-three~~ percent  
20          (4%)(3%) of the total number of voters in the district according to the voter  
21          registration records of the State Board of Elections as of January 1 of the  
22          year in which the general election is to be held. Each petition shall be  
23          presented to the chairman or director of the county board of elections. The  
24          chair or director of the county board of elections shall verify the filed  
25          petition no later than 15 business days after canvass as provided in  
26          sub-subdivision b. of subdivision (1) of this subsection, and shall return a  
27          copy of each petition, together with a copy of the certificate required in this  
28          section, to the person who presented it to the county board of elections.

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

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

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

5 **SECTION 2.(b)** G.S. 163-296 reads as rewritten:

6 "**§ 163-296. Nomination by petition.**

7 In cities conducting partisan elections, any qualified voter who seeks to have his name  
8 printed on the regular municipal election ballot as an unaffiliated candidate may do so in the  
9 manner provided in G.S. 163-122, except that the petitions and affidavits shall be filed not later  
10 than 12:00 noon on the Friday preceding the seventh Saturday before the election, and the  
11 petitions shall be signed by a number of qualified voters of the municipality equal to at least  
12 ~~four percent (4%)~~three percent (3%) of the whole number of voters qualified to vote in the  
13 municipal election according to the voter registration records of the State Board of Elections as  
14 of January 1 of the year in which the general municipal election is held. A person whose name  
15 appeared on the ballot in a primary election is not eligible to have his name placed on the  
16 regular municipal election ballot as an unaffiliated candidate for the same office in that year.  
17 The Board of Elections shall examine and verify the signatures on the petition, and shall certify  
18 only the names of signers who are found to be qualified registered voters in the municipality.  
19 Provided that in the case where a qualified voter seeks to have his name printed on the regular  
20 municipal election ballot as an unaffiliated candidate for election from an election district  
21 within the municipality, the petition shall be signed by ~~four percent (4%)~~three percent (3%) of  
22 the voters qualified to vote for that office."

23 **SECTION 3.** G.S. 163-111(a) reads as rewritten:

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

- 28 (1) If a nominee for a single office is to be selected, and there is more than one  
29 person seeking nomination, the substantial plurality shall be ascertained by  
30 multiplying the total vote cast for all aspirants by ~~forty percent (40%)~~thirty  
31 percent (30%). Any excess of the sum so ascertained shall be a substantial  
32 plurality, and the aspirant who obtains a substantial plurality shall be  
33 declared the nominee. If two candidates receive a substantial plurality, the  
34 candidate receiving the highest vote shall be declared the nominee.
- 35 (2) If nominees for two or more offices (constituting a group) are to be selected,  
36 and there are more persons seeking nomination than there are offices, the  
37 substantial plurality shall be ascertained by dividing the total vote cast for all  
38 aspirants by the number of positions to be filled, and by multiplying the  
39 result by ~~forty percent (40%)~~thirty percent (30%). Any excess of the sum so  
40 ascertained shall be a substantial plurality, and the aspirants who obtain a  
41 substantial plurality shall be declared the nominees. If more candidates  
42 obtain a substantial plurality than there are positions to be filled, those  
43 having the highest vote (equal to the number of positions to be filled) shall  
44 be declared the nominees."

45 **SECTION 4.** This act becomes effective January 1, 2018, and applies to all  
46 primaries and elections held on or after that date.