

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 79*

Short Title: Ballot Access Changes.

(Public)

Sponsors: Representatives Rayfield; Aldridge, Capps, Clary, Davis, Gulley, Sexton, and Shubert.

Referred to: Election Law and Campaign Reform.

February 10, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT ACCESS
3 FOR POLITICAL PARTIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 163-96 reads as rewritten:

6 **"§ 163-96. 'Political party' defined; creation of new party.**

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

9 (1) Any group of voters which, at the last preceding general State election,
10 polled for its candidate for Governor, or for presidential electors, at least
11 ten percent (10%) of the entire vote cast in the State for Governor or for
12 presidential electors; or

13 (2) Any group of voters which shall have filed with the State Board of
14 Elections petitions for the formulation of a new political party which are
15 signed by registered and qualified voters in this State equal in number to
16 two percent (2%) of the total number of voters who voted in the most
17 recent general election for Governor. Also the petition must be signed
18 by at least 200 registered voters from each of four congressional
19 districts in North Carolina. To be effective, the petitioners must file their

1 petitions with the State Board of Elections before 12:00 noon on the ~~first~~
2 ~~day of June~~ second Thursday in July preceding the day on which is to be
3 held the first general State election in which the new political party
4 desires to participate. The State Board of Elections shall forthwith
5 determine the sufficiency of petitions filed with it and shall immediately
6 communicate its determination to the State chairman of the proposed
7 new political party.

8 (b) Petitions for New Political Party. – Petitions for the creation of a new political
9 party shall contain on the heading of each page of the petition in bold print or all in
10 capital letters the words: ‘THE UNDERSIGNED REGISTERED VOTERS IN
11 COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL
12 PARTY TO BE NAMED AND WHOSE STATE CHAIRMAN IS,
13 RESIDING AT..... AND WHO CAN BE REACHED BY TELEPHONE AT.....
14 THE SIGNERS OF THIS PETITION ~~INTEND TO ORGANIZE A NEW POLITICAL~~
15 PARTY—DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO
16 PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION.’

17 All printing required to appear on the heading of the petition shall be in type no smaller
18 than 10 point or in all capital letters, double spaced typewriter size. In addition to the
19 form of the petition, the organizers and petition circulators shall inform the signers of the
20 general purpose and intent of the new party.

21 The petitions must specify the name selected for the proposed political party. The
22 State Board of Elections shall reject petitions for the formation of a new party if the name
23 chosen contains any word that appears in the name of any existing political party
24 recognized in this State or if, in the Board's opinion, the name is so similar to that of an
25 existing political party recognized in this State as to confuse or mislead the voters at an
26 election.

27 The petitions must state the name and address of the State chairman of the proposed
28 new political party.

29 The validity of the signatures on the petitions shall be proved in accordance with one
30 of the following alternative procedures:

- 31 (1) The signers may acknowledge their signatures before an officer
32 authorized to take acknowledgments, after which that officer shall
33 certify the validity of the signatures by appropriate notation attached to
34 the petition, or
35 (2) A person in whose presence a petition was signed may go before an
36 officer authorized to take acknowledgments and, after being sworn,
37 testify to the genuineness of the signatures on the petition, after which
38 the officer before whom he has testified shall certify his testimony by
39 appropriate notation attached to the petition.

40 Each petition shall be presented to the chairman of the board of elections of the
41 county in which the signatures were obtained, and it shall be the chairman's duty:

- 1 (1) To examine the signatures on the petition and place a check mark on the
2 petition by the name of each signer who is qualified and registered to
3 vote in his county.
- 4 (2) To attach to the petition his signed certificate
5 a. Stating that the signatures on the petition have been checked
6 against the registration records and
7 b. Indicating the number found qualified and registered to vote in
8 his county.
- 9 (3) To return each petition, together with the certificate required by the
10 preceding subdivision, to the person who presented it to him for
11 checking.

12 The group of petitioners shall submit the petitions to the chairman of the county board
13 of elections in the county in which the signatures were obtained no later than 5:00 P.M.
14 on the fifteenth business day preceding the date the petitions are due to be filed with the
15 State Board of Elections as provided in subsection (a)(2) of this section. Provided the
16 petitions are timely submitted, the chairman of the county board of elections shall require
17 a fee of five cents (5¢) for each signature appearing and shall proceed to examine and
18 verify the signatures under the provisions of this subsection. Verification shall be
19 completed within ~~two weeks~~ 15 business days from the date such petitions are presented
20 and the required fee ~~received~~ received. Notwithstanding the previous sentence, the county
21 board may extend its deadline for verifying the signatures for a reasonable length of time,
22 if meeting the deadline is unduly burdensome and extending it will not disadvantage the
23 petitioners."

24 Section 2. G.S. 163-97.1 reads as rewritten:

25 **"§ 163-97.1. Voters affiliated with expired political party.**

26 ~~The State Board of Elections shall be authorized to promulgate appropriate~~
27 ~~procedures to order the county boards of elections to change the registration affiliation of~~
28 ~~all voters who are recorded on the voter registration books as being affiliated with a~~
29 ~~political party which has lost its legal status as provided in G.S. 163-97. The State Board~~
30 ~~of Elections shall not implement the authority contained in this section earlier than 90~~
31 ~~days following the certification of the election in which the political party failed to~~
32 ~~continue its legal status as provided in G.S. 163-97. All voters affiliated with such~~
33 ~~expired political party shall be changed to "unaffiliated" designation by the State Board's~~
34 ~~order and all such registrants shall be entitled to declare a political party affiliation as~~
35 ~~provided in G.S. 163-74(b). Any voter registered with a political party shall be allowed to~~
36 retain that affiliation even if that party loses its status as a political party under the
37 provisions of G.S. 163-97. Unless the voter indicates an intention otherwise, the county
38 board of elections shall carry that voter on its registration lists as a member of the expired
39 party."

40 Section 3. This act is effective when it becomes law.