

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 573*
Judiciary Committee Substitute Adopted 4/30/97
House Committee Substitute Favorable 8/5/97

Short Title: Election Law Reform.

(Public)

Sponsors:

Referred to:

April 1, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A CAMPAIGN STANDARDS CODE TO BE ENFORCED
3 BY A CAMPAIGN STANDARDS COMMISSION; TO CHANGE THE
4 DEADLINES AND PROCEDURES BY WHICH NEW PARTIES MAY GAIN
5 BALLOT ACCESS AND CHOOSE CANDIDATES, TO ALLOW VOTERS TO
6 RETAIN OFFICIAL AFFILIATION WITH AN EXPIRED PARTY, TO MAKE
7 CERTAIN CHANGES TO EQUALIZE CANDIDACY REQUIREMENTS, AND TO
8 REMOVE CERTAIN COURT-INVALIDATED REQUIREMENTS FROM THE
9 PETITION PROCEDURES FOR NEW PARTIES, UNAFFILIATED
10 CANDIDATES, AND WRITE-IN CANDIDATES; TO CLOSE THE
11 CONTRIBUTION-LIMIT LOOPHOLE FOR SECOND PRIMARIES; TO REQUIRE
12 VOTER IDENTIFICATION; AND TO ROTATE BALLOT ALIGNMENT OF
13 POLITICAL PARTIES.

14 The General Assembly of North Carolina enacts:
15 –CAMPAIGN STANDARDS.

16 Section 1. (a) Chapter 163 of the General Statutes is amended by adding a new
17 Article to read:

18 **"ARTICLE 22D.**

"CAMPAIGN STANDARDS.**"§ 163-278.60. Purpose of Article.**

The purpose of this Article is to use constitutional means to encourage informative and civil political campaigning in North Carolina elections and to discourage false or misleading attacks.

"§ 163-278.61. North Carolina Campaign Standards Commission established.

(a) Establishment of the Commission. – There is established within the office of the State Board of Elections the North Carolina Campaign Standards Commission.

(b) Appointment of Members. – The Commission shall consist of six members to be appointed by the Governor. No more than three members shall be affiliated with the same political party. The Governor shall appoint the members from a list of nominees submitted by the State Chair of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board of Elections. Each party Chair shall submit a list of at least six nominees who are affiliated with that party.

(c) Terms of Office. – By October 1, 1997, and as needed thereafter, the Governor shall appoint the six members of the Commission. Of the initial appointees, two shall be appointed for one-year terms, two shall be appointed for two-year terms, and two shall be appointed for three-year terms according to random lot. Thereafter, appointees shall be appointed to serve four-year terms. A person may not serve more than two full terms. The appointed members receive the legislative per diem pursuant to G.S. 120-3.1.

(d) Election of Chair. – One of the Commission members shall be elected by the members as Chair.

(e) Vacancies. – A vacancy during an unexpired term shall be filled in the same manner as a full term.

(f) Prohibitions. – No member of the Commission shall do or be any of the following:

(1) Hold, or be a candidate for, public office;

(2) Serve in a political party office or on a political party executive committee or on a committee supporting or opposing a candidate;

(3) Be a registered lobbyist;

(4) Make or solicit a contribution on behalf of a candidate or political committee; or

(5) Be a State employee.

(g) Staff Assistance. – The State Board of Elections shall provide staff assistance to the Commission.

"§ 163-278.62. Powers and duties of the Commission.

(a) Adoption of Rules. – The Commission shall adopt any rules necessary for the effective administration of this Article, not inconsistent with the provisions of this Article.

(b) Receipt and Processing of Complaints. – The Commission shall prescribe the form of complaints alleging violation of G.S. 163-278.63. A complaint shall be made by

1 affidavit under penalty of perjury. Upon the filing of a complaint with the Commission,
2 the Commission shall process the complaint in accordance with G.S. 163-278.64.

3 (c) Reports to the General Assembly. – The Commission shall report to the
4 General Assembly by the convening of every regular session of the General Assembly.
5 The report shall review the most recent campaign with respect to the purpose of this
6 Article and the Code of Campaign Standards set out in G.S. 163-278.63. The
7 Commission may recommend legislation.

8 **"§ 163-278.63. Code of Campaign Standards.**

9 No person, during the course of any campaign for nomination or election to public
10 office, by means of campaign materials, including sample ballots, an advertisement in
11 radio or television or in a newspaper or periodical, a public speech, press release, or
12 otherwise, shall knowingly and with intent to affect the outcome of the campaign do any
13 of the following:

- 14 (1) Make a false or misleading statement concerning the voting record of a
15 candidate or public official. 'Voting record' under this subdivision
16 means the recorded affirmative or negative on a bill, ordinance,
17 resolution, motion, amendment, or confirmation. A 'misleading
18 statement' under this subdivision includes taking votes or actions
19 significantly out of context or distorting the opponent's record by the
20 use of demonstrably unrepresentative votes or actions.
- 21 (2) Make a false or misleading statement that a candidate or public official
22 has been indicted or convicted of a theft offense, extortion, or other
23 crime involving financial corruption or moral turpitude.
- 24 (3) Make a statement that a candidate has been indicted for any crime or has
25 been the subject of a finding by the Campaign Standards Commission
26 without disclosing the outcome of any legal proceedings resulting from
27 the indictment or finding.
- 28 (4) Make a false or misleading statement that a candidate or official has a
29 record of treatment or confinement for mental disorder.
- 30 (5) Make a false or misleading statement that a candidate or official has
31 been subjected to military discipline for criminal misconduct or
32 dishonorably discharged from the armed services.
- 33 (6) Identify in a false or misleading way the source of a statement, issue
34 statements under the name of another person without attribution, or state
35 in a false or misleading way the endorsement of or opposition to a
36 candidate by a person or publication.
- 37 (7) Use the title of an office not currently held by a candidate in a manner
38 that implies that the candidate does currently hold that office or use the
39 term 'reelect' when the candidate has never been elected at a primary,
40 general, or special election to the office for which that person is a
41 candidate.
- 42 (8) Make a false or misleading statement concerning the formal schooling
43 or training completed or attempted by a candidate; a degree, diploma,

1 certificate, scholarship, grant, award, prize, or honor received, earned,
2 or held by a candidate; or the period of time during which a candidate
3 attended any school, college, community technical school, or institution.

4 (9) Make a false or misleading statement concerning the professional,
5 occupational, or vocational licenses held by a candidate, or concerning
6 any position the candidate held for which the candidate received a salary
7 or wages.

8 (10) Use an appeal to discrimination based on race, gender, or religious
9 belief.

10 (11) Use any still photo, film, or video of a candidate that is designed to
11 make that candidate look personally unpleasant or contorted or that is
12 taken significantly out of context.

13 **"§ 163-278.64. Processing of complaint.**

14 (a) Probable Cause Hearing. – If a complaint is filed alleging a violation of the
15 Code of Campaign Standards in G.S. 163-278.63, a panel of two members of the
16 Commission shall determine whether there is probable cause to refer the matter to the full
17 Commission. The two members of the panel shall not be of the same political party. The
18 panel shall meet within three business days after the attorney makes a determination,
19 unless it finds good cause to postpone the meeting. All members of the panel shall
20 participate if the panel refers a complaint to the full Commission, provided that the
21 panel's meeting may be conducted by conference call. The panel shall make only one of
22 the following two findings:

23 (1) That there is no probable cause to believe that a violation of the Code
24 has occurred. If the panel so finds, it shall dismiss the complaint.

25 (2) That there is probable cause to believe that a violation of the Code has
26 occurred. If the panel so finds, it shall refer the complaint to the full
27 Commission.

28 A finding of probable cause may be entered only by a unanimous vote of the panel.

29 (b) Hearing by Full Commission. – If a panel of the Commission finds pursuant to
30 subsection (a) of this section that there is probable cause that a violation of the Code has
31 taken place, the full Commission shall conduct a hearing within 10 business days after
32 the panel makes its finding. At the hearing, the Commission shall determine whether or
33 not a violation of the Code occurred and shall do one of the following:

34 (1) Enter a finding that a violation of the Code has not been proven by clear
35 and convincing evidence and dismiss the complaint.

36 (2) Enter a finding that a violation of the Code has been proven by clear and
37 convincing evidence to have occurred and issue a letter of reprimand to
38 the individual or entity that it determines is in violation.

39 A finding that a violation has occurred may be entered only by a majority vote of all the
40 members of the Commission.

41 (c) Referral to District Attorney. – If as a result of the evidence it has heard the
42 Commission determines that there is probable cause that a violation of G.S. 163-274(8)
43 has occurred in a matter that is before it, the Commission shall refer the matter to the

1 appropriate district attorney. The referral may be made only upon a positive vote of a
2 majority of all the members of the Commission."

3 (b) This section is effective when it becomes law.

4 –BALLOT ACCESS CHANGES.

5 Section 2. (a) 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
20 petitions with the State Board of Elections before 12:00 noon on the ~~first~~
21 ~~day of June~~ thirty-first day of December preceding the day on which is
22 to be held the first general State election in which the new political party
23 desires to participate. The State Board of Elections shall forthwith
24 determine the sufficiency of petitions filed with it and shall immediately
25 communicate its determination to the State chairman of the proposed
26 new political party.

27 (b) Petitions for New Political Party. – Petitions for the creation of a new political
28 party shall contain on the heading of each page of the petition in bold print or all in
29 capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN
30 COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL
31 PARTY TO BE NAMED AND WHOSE STATE CHAIRMAN IS,
32 RESIDING AT..... AND WHO CAN BE REACHED BY TELEPHONE AT.....
33 ~~THE SIGNERS OF THIS PETITION INTEND TO ORGANIZE A NEW POLITICAL~~
34 ~~PARTY—~~DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO
35 PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION.'

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

40 The petitions must specify the name selected for the proposed political party. The
41 State Board of Elections shall reject petitions for the formation of a new party if the name
42 chosen contains any word that appears in the name of any existing political party
43 recognized in this State or if, in the Board's opinion, the name is so similar to that of an

1 existing political party recognized in this State as to confuse or mislead the voters at an
2 election.

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

5 ~~The validity of the signatures on the petitions shall be proved in accordance with one
6 of the following alternative procedures:~~

7 (1) ~~The signers may acknowledge their signatures before an officer
8 authorized to take acknowledgments, after which that officer shall
9 certify the validity of the signatures by appropriate notation attached to
10 the petition, or~~

11 (2) ~~A person in whose presence a petition was signed may go before an
12 officer authorized to take acknowledgments and, after being sworn,
13 testify to the genuineness of the signatures on the petition, after which
14 the officer before whom he has testified shall certify his testimony by
15 appropriate notation attached to the petition.~~

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

18 (1) To examine the signatures on the petition and place a check mark on the
19 petition by the name of each signer who is qualified and registered to
20 vote in his county.

21 (2) To attach to the petition his signed certificate
22 a. Stating that the signatures on the petition have been checked
23 against the registration records and
24 b. Indicating the number found qualified and registered to vote in
25 his county.

26 (3) To return each petition, together with the certificate required by the
27 preceding subdivision, to the person who presented it to him for
28 checking.

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

40 (b) G.S. 163-97.1 reads as rewritten:

41 **"§ 163-97.1. Voters affiliated with expired political party.**

42 ~~The State Board of Elections shall be authorized to promulgate appropriate
43 procedures to order the county boards of elections to change the registration affiliation of~~

1 all voters who are recorded on the voter registration books as being affiliated with a
2 political party which has lost its legal status as provided in G.S. 163-97. The State Board
3 of Elections shall not implement the authority contained in this section earlier than 90
4 days following the certification of the election in which the political party failed to
5 continue its legal status as provided in G.S. 163-97. All voters affiliated with such
6 expired political party shall be changed to "unaffiliated" designation by the State Board's
7 order and all such registrants shall be entitled to declare a political party affiliation as
8 provided in G.S. 163-74(b). Any voter registered with a political party shall be allowed to
9 retain that affiliation even if that party loses its status as a political party under the
10 provisions of G.S. 163-97. Unless the voter indicates an intention otherwise, the county
11 board of elections shall carry that voter on its registration lists as a member of the expired
12 party."

13 (c) G.S. 163-98 reads as rewritten:

14 **"§ 163-98. General election participation by new political party.**

15 In the first general election following the date on which a new political party qualifies
16 under the provisions of G.S. 163-96, it shall be entitled to have the names of its
17 candidates for municipal, county, district, State, congressional, and national offices
18 printed on the official ballots, but it shall not be entitled to have the names of candidates for
19 other offices printed on State, district, or county ballots at that election. ballots in accordance
20 with the procedures in this section.

21 For the first general election following the date on which it qualifies under G.S. 163-
22 96, a new political party shall select its candidates by party convention. Following
23 adjournment of the nominating convention, but not later than the first day of July prior to the
24 general election, the president of the convention shall certify to the State Board of Elections the
25 names of persons chosen in the convention as the new party's candidates for State, congressional,
26 and national offices in the ensuing general election. The State Board of Elections shall print
27 names thus certified on the appropriate ballots as the nominees of the new party. in accordance
28 with Article 10 of this Chapter."

29 (d) Article 9 of Chapter 163 of the General Statutes is amended by adding a new
30 section to read:

31 **"§ 163-100. Political party for presidential election only.**

32 A party shall be recognized only for the purposes of nominating candidates for
33 presidential elector in a general election if the party meets the other requirements of this
34 Article except that the petitioners for that party file their petitions as provided in G.S.
35 163-96(a)(2) with the State Board of Elections before 12:00 noon on the second Thursday
36 in July before that general election. If that party so qualifies, it may nominate its electors
37 in convention no later than 90 days before the general election. Unless the party has met
38 the petition deadline of G.S. 163-96, it shall cease to be a political party within the
39 provisions of this Chapter."

40 (e) G.S. 163-106(b) reads as rewritten:

41 "(b) Eligibility to File. – No person shall be permitted to file as a candidate in a
42 primary if, at the time he offers to file notice of candidacy, he is registered on the
43 appropriate registration book or record as an affiliate of a political party other than that in

1 whose primary he is attempting to file. No person who has changed his political party
2 affiliation or who has changed from unaffiliated status to party affiliation as permitted in
3 G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to
4 which he changed unless he has been affiliated with the political party in which he seeks
5 to be a candidate for at least 90 days prior to the filing date for the office for which he
6 desires to file his notice of ~~candidacy~~-candidacy, provided that the requirement of this
7 sentence shall not apply to a person filing a notice of candidacy in the primary of a party
8 holding its first primary since gaining ballot access under the provisions of G.S. 163-
9 96(a)(2).

10 A person registered as 'unaffiliated' shall be ineligible to file as a candidate in a party
11 primary election."

12 (f) G.S. 163-107.1 reads as rewritten:

13 **"§ 163-107.1. Petition in lieu of payment of filing fee.**

14 (a) Any qualified voter who seeks nomination in the party primary of the political
15 party with which he affiliates may, in lieu of payment of any filing fee required for the
16 office he seeks, file a written petition requesting him to be a candidate for a specified
17 office with the appropriate board of elections, State, county or municipal.

18 (b) If the candidate is seeking the office of United States Senator, Governor,
19 Lieutenant Governor, any State executive officer, Justice of the Supreme Court or Judge
20 of the Court of Appeals, the petition must be signed by ~~10,000 registered voters who are~~
21 ~~members of the political party in whose primary the candidate desires to run, except that in the~~
22 ~~case of a political party as defined by G.S. 163-96(a)(2) which will be making nominations by~~
23 ~~primary election, the petition must be signed by ten percent (10%) of the registered voters of the~~
24 ~~State who are affiliated with the same political party in whose primary the candidate desires to~~
25 ~~run, or in the alternative, the petition shall be signed by no less than 10,000 registered voters~~
26 ~~regardless of the voter's political party affiliation, whichever requirement is greater.~~registered
27 voters of the State equal in number to two percent (2%) of the total number of registered
28 voters in the State as reflected by the most recent statistical report issued by the State
29 Board of Elections. The petition must be filed with the State Board of Elections not later
30 than 12:00 noon on Monday preceding the filing deadline before the primary in which he
31 seeks to run. The names on the petition shall be verified by the board of elections of the
32 county where the signer is registered, and the petition must be presented to the county
33 board of elections at least 15 days before the petition is due to be filed with the State
34 Board of Elections. When a proper petition has been filed, the candidate's name shall be
35 printed on the primary ballot.

36 (c) County, Municipal and District Primaries. – If the candidate is seeking one of
37 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this
38 section, or a municipal or any other office requiring a partisan primary which is not set
39 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board
40 of elections no later than 12:00 noon on Monday preceding the filing deadline before the
41 primary. The petition shall be signed by ~~ten percent (10%) of the registered voters of the~~
42 ~~election area in which the office will be voted for, who are affiliated with the same political party~~
43 ~~in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by~~

1 ~~no less than 200 registered voters regardless of said voter's political party affiliation, whichever~~
2 ~~requirement is greater.~~ registered voters in the election area in which the office will be
3 voted for equal to four percent (4%) of the registered voters of that area, as reflected by
4 the latest statistical report issued by the appropriate board of elections. The board of
5 elections shall verify the names on the petition, and if the petition is found to be
6 sufficient, the candidate's name shall be printed on the appropriate primary ballot.
7 Petitions for candidates for member of the U.S. House of Representatives, District
8 Attorney, and judge of the District Court or members of the State House of
9 Representatives from multi-county districts or members of the State Senate from multi-
10 county districts must be presented to the county board of elections for verification at least
11 15 days before the petition is due to be filed with the State Board of Elections, and such
12 petition must be filed with the State Board of Elections no later than 12:00 noon on
13 Monday preceding the filing deadline. The State Board of Elections may adopt rules to
14 implement this section and to provide standard petition forms.

15 (d) Nonpartisan Primaries and Elections. – Any qualified voter who seeks to be a
16 candidate in any nonpartisan primary or election may, in lieu of payment of the filing fee
17 required, file a written petition signed by ~~ten percent (10%) of the registered voters in the~~
18 ~~election area in which the office will be voted for with the appropriate board of elections.~~
19 registered voters in the election area in which the office will be voted for equal to four
20 percent (4%) of the registered voters of that area, as reflected by the latest statistical
21 report issued by the appropriate board of elections. Any qualified voter may sign the
22 petition. The petition shall state the candidate's name, address and the office which he is
23 seeking. The petition must be filed with the appropriate board of elections no later than
24 60 days prior to the filing deadline for the primary or election, and if found to be
25 sufficient, the candidate's name shall be printed on the ballot. "

26 (g) G.S. 163-122 reads as rewritten:

27 **"§ 163-122. Unaffiliated candidates nominated by petition.**

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

- 31 (1) If the office is a statewide office, file written petitions with the State
32 Board of Elections supporting his candidacy for a specified office.
33 These petitions must be filed with the State Board of Elections on or
34 before 12:00 noon on the ~~last Friday in June~~ day of the first primary for
35 the office preceding the general election and must be signed by qualified
36 voters of the State equal in number to two percent (2%) of the total
37 number of registered voters in the State as reflected by the most recent
38 statistical report issued by the State Board of Elections. Each petition
39 shall be presented to the chairman of the board of elections of the
40 county in which the signatures were obtained. The chairman shall
41 examine the names on the petition and place a check mark on the
42 petition by the name of each signer who is qualified and registered to
43 vote in his county and shall attach to the petition his signed certificate.

1 Said certificates shall state that the signatures on the petition have been
2 checked against the registration records and shall indicate the number of
3 signers to be qualified and registered to vote in his county. The
4 chairman shall return each petition, together with the certificate required
5 in this section, to the person who presented it to him for checking.
6 Verification by the chairman of the county board of elections shall be
7 completed within two weeks from the date such petitions are presented
8 and a fee of five cents (~~5¢~~) for each name appearing on the petition has been
9 received. presented.

10 (2) If the office is a district office comprised of two or more counties, file
11 written petitions with the State Board of Elections supporting his
12 candidacy for a specified office. These petitions must be filed with the
13 State Board of Elections on or before 12:00 noon on the ~~last Friday in~~
14 ~~June~~ day of the first primary for the office preceding the general election
15 and must be signed by qualified voters of the district equal in number to
16 four percent (4%) of the total number of registered voters in the district
17 as reflected by the latest statistical report issued by the State Board of
18 Elections. Each petition shall be presented to the chairman of the board
19 of elections of the county in which the signatures were obtained. The
20 chairman shall examine the names on the petition and the procedure for
21 certification shall be the same as specified in (1) above.

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

40 (4) If the office is a partisan municipal office, file written petitions with the
41 chairman or director of the county board of elections in the county
42 wherein the municipality is located supporting his candidacy for a
43 specified municipal office. These petitions must be filed with the county

1 board of elections on or before the time and date specified in G.S. 163-
2 296 and must be signed by the number of qualified voters specified in
3 G.S. 163-296. The procedure for certification shall be the same as
4 specified in (1) above.

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

9 An individual whose name appeared on the ballot in a primary election preliminary to
10 the general election shall not be eligible to have his name placed on the general election
11 ballot as an unaffiliated candidate for the same office in that year.

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 AS
16 AN UNAFFILIATED CANDIDATE IN THE NEXT GENERAL ELECTION. THE
17 UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED
18 ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS
19 CONTAINED IN G.S. 163-122.'

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

21 (d) Presidential Electors. – Unaffiliated candidates for presidential electors who
22 comply with the other provisions of this section shall qualify for the ballot if the petitions
23 for their candidacy are filed with the State Board of Elections at least 75 days before the
24 general election."

25 (h) G.S. 163-123(c)(1) reads as rewritten:

26 "(1) If the office is a statewide office, file written petitions with the State
27 Board of Elections supporting his candidacy for a specified office.
28 These petitions shall be filed on or before noon on the 90th day before
29 the general election. They shall be signed by 500 qualified voters of the
30 State. Before being filed with the State Board of Elections, each petition
31 shall be presented to the board of elections of the county in which the
32 signatures were obtained. A petition presented to a county board of
33 elections shall contain only names of voters registered in that county.
34 The chairman of the county board of elections shall examine the names
35 on the petition and place a check mark by the name of each signer who
36 is qualified and registered to vote in his county. The chairman of the
37 county board shall attach to the petition his signed certificate. On his
38 certificate the chairman shall state that the signatures on the petition
39 have been checked against the registration records and shall indicate the
40 number of signers who are qualified and registered to vote in his county
41 and eligible to vote for that office. The chairman shall return each
42 petition, together with the certificate required in this section, to the
43 person who presented it to him for checking. The chairman of the

1 county board shall complete the verification within two weeks from the
2 date the petition is presented. ~~At the time of submitting the petition, a fee of~~
3 ~~five cents (5¢) shall be paid for each name appearing on the petition."~~

4 (i) This section is effective when it becomes law.

5 ~~CLOSE THE LOOPHOLE FOR SECOND PRIMARIES.~~

6 Section 3. (a) G.S. 163-278.13(d) reads as rewritten:

7 "(d) For the purposes of this section, the term 'an election' means any
8 primary, second primary, or general election in which the candidate or political
9 committee may be involved, without regard to whether the candidate is opposed or
10 unopposed in the ~~election.~~ election, except that where a candidate is not on the ballot in a
11 second primary, that second primary is not 'an election' with respect to that candidate."

12 (b) This section becomes effective January 1, 1998, and applies to all elections
13 occurring on or after that date.

14 ~~VOTER IDENTIFICATION REQUIREMENT.~~

15 Section 4. (a) G.S. 163-82.8 reads as rewritten:

16 **"§ 163-82.8. Voter registration cards.**

17 (a) Authority to Issue Card. ~~—With the approval of the board of county~~
18 ~~commissioners, the~~ The county board of elections may shall issue to each voter in the
19 county a voter registration card, ~~or may issue cards to all voters registered after January~~
20 ~~1, 1995.~~ card not later than December 31, 1997.

21 (b) Content and Format of Card. — At a minimum, the voter registration card
22 shall:

23 (1) List the voter's name, address, and voting place;

24 (2) Contain the address and telephone number of the county board of
25 elections, along with blanks to report a change of address within the
26 county, change of name, and change of party affiliation; ~~and~~

27 (3) Be wallet ~~size.~~ size; and

28 (4) Contain an identification number.

29 No voter registration card may be issued by a county board of elections unless the
30 State Board of Elections has approved the format of the card.

31 (c) Ways County Board and Registrant May Use Card. ~~—If the county board of~~
32 ~~elections issues voter registration cards, the~~ The county board may use that card as a notice
33 of tentative approval of the voter's application pursuant to G.S. 163-82.7(c), provided that
34 the mailing contains the statements and information required in that subsection. The
35 county board may also satisfy the requirements of G.S. 163-82.15(b), 163-82.16(b), or
36 163-82.17(b) by sending the registrant a replacement of the voter registration card to
37 verify change of address, change of name, or change of party affiliation. A registrant may
38 use the card to report a change of address, change of name, or change of party affiliation,
39 satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

40 (d) Card as Evidence of Registration. — A voter registration card shall be evidence
41 of registration but shall not preclude a challenge as permitted by law.

42 (e) ~~Display of Card May Not Be Required to Vote.~~ — ~~No county board of elections~~
43 ~~may require that a voter registration card be displayed in order to vote."~~

1 (b) G.S. 163-150(a) reads as rewritten:

2 "(a) Checking Registration. – A person seeking to vote shall enter the voting
3 enclosure at the voting place through the appropriate entrance and shall at once state his
4 name and place of residence to one of the judges of election. A voter shall show one of
5 the following types of identification:

6 (1) A voter registration card issued under G.S. 163-82.8;

7 (2) A drivers license;

8 (3) A special identification card issued under G.S. 20-37.7;

9 (4) A passport;

10 (5) An identification card issued by the U.S. Department of Defense; or

11 (6) A social security card and one other type of identification showing the
12 name and a picture of the voter.

13 A voter who does not show one of those types of identification shall be allowed to
14 mark a provisional ballot. The provisional ballot shall be sealed in an envelope on which
15 the voter shall sign an affidavit attesting to identity and eligibility to vote the ballot. The
16 county board of elections shall determine if the voter is eligible to cast the ballot and, if
17 so, shall count it, and if not, shall not count it. The State Board of Elections shall
18 promulgate rules for provisional ballot procedures to include instructions for county
19 boards of elections in methods to determine the eligibility of persons who vote a
20 provisional ballot under this subsection. In a primary election, the voter shall also state
21 the political party with which he affiliates and in whose primary he desires to vote, or if
22 the voter is an unaffiliated voter permitted to vote in the primary of a particular party
23 under G.S. ~~163-116, 163-119,~~ the voter shall state the name of the authorizing political
24 party in whose primary he wishes to vote. The judge to whom the voter gives this
25 information shall announce the name and residence of the voter in a distinct tone of
26 voice. After examining the precinct registration records, the chief judge shall state
27 whether the person seeking to vote is duly registered."

28 (c) This section is effective when it becomes law.

29 –BALLOT ROTATION.

30 Section 5. (a) G.S. 163-140.1 reads as rewritten:

31 "**§ 163-140.1. Political party alignment on ballots.**

32 All ballots printed for use in general elections in the State, district, county or any
33 other political subdivision, shall be aligned with the number of political party columns
34 required pursuant to instructions contained in G.S. 163-140(b) and the columns shall be
35 assigned in ~~strict alphabetical~~ order, beginning with the left column, to the two political
36 parties entitled to ballot position ~~provided such political parties reflect at least five percent~~
37 ~~(5%) of that have the largest proportion of the total statewide voter registration, according~~
38 ~~to the latest statistical report published by the State Board of Elections. so that such parties~~
39 rotate order every four years. The order of the parties for the four-year cycle shall be
40 determined on August 1 in the even-numbered year in which there is no presidential
41 election. The voter registration statistics used in the determination shall be the latest
42 statistical report prepared by the State Board of Elections as of August 1. Political parties
43 having less than five percent (5%) smaller proportions of the total statewide voter

1 registration, but otherwise eligible for ballot position shall be assigned column alignment
2 to the right of ~~all other~~ the largest two qualified political parties. As soon as the
3 deadline passes for ballot access in the general election of the first year of each four-year
4 cycle, the State Board of Elections shall determine by lot the column alignment of any
5 parties then qualified that are smaller than the two largest parties. If any parties qualify
6 subsequent to the lottery during the four-year cycle, those parties shall be aligned in the
7 chronological order in which they qualified to the right of all other parties. The column
8 for unaffiliated candidates shall be to the right of the columns for all parties. The State
9 Board of Elections shall be responsible for implementing the procedures required by this
10 section and shall issue instructions to those counties using voting machines so as to
11 accomplish the effect of this section whether such counties utilize voting machines that
12 list party columns in a horizontal or vertical alignment. Every county board of elections
13 shall follow the column alignment prescribed by the State Board of Elections."

14 (b) This section becomes effective January 1, 1998. Rotation as required by this
15 section begins in 1998, with the party that had the second to the left column in 1996 and
16 1997 having the left column in 1998, 1999, 2000, and 2001.

17 Section 6. This act is effective when it becomes law.