

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Legislative Fiscal Note

BILL NUMBER: House Bill 32 (First Edition)

SHORT TITLE: Electoral Freedom Act of 2011.

SPONSOR(S): Representatives Luebke, Farmer-Butterfield, Bradley, and LaRoque

FISCAL IMPACT					
	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>FY 2014-15</u>	<u>FY 2015-16</u>
REVENUES					
EXPENDITURES					
POSITIONS (cumulative):					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	State Board of Elections, County Boards of Elections				
EFFECTIVE DATE:	The effective date for all primaries and elections held on or after the date this Bill becomes law. However, partisan municipal elections held in 2011 must receive preclearance under Section 5 of the Voting Rights Act of 1965 if the Bill becomes law before July 1, 2011.				

BILL SUMMARY: House Bill 32, Electoral Freedom Act of 2011, amends G.S. 163 regarding political parties, primaries, and write-in candidacies. Section 1 of the Bill amends G.S. 163-96(a) regarding the definition of a political party. Any party that receives 10,000 or more votes in the preceding State general election for the office of Governor, Council of State office, or Presidential election is considered a political party. The Section also reduces the number of signatures required to petition the State for a new political party from 2% of the votes cast in the preceding election to 10,000 registered and qualified voters. Furthermore, the party must obtain 200 signatures from at least three Congressional districts instead of four. The petition deadline is extended to the third Friday in July.

Section 2 repeals G.S. 163-122(a) which deals with unaffiliated candidates seeking a write-in by petition.

Section 3 amends G.S. 163-98. Political parties with less than 10% of the registered voters are not subject to the G.S. 163, Article 10, except for G.S. 163-113 through 115. Such political parties must submit candidates, after approval of a State convention or State executive committee by July 1 of an odd-numbered year. The exemption remains in effect unless revoked by the State convention or State executive committee. Political parties exempt from this Article 10 must select their candidates by party convention. The deadline to notify the State Board of Elections of candidates chosen is the first of July prior to the General prior to the General election. A candidate may become affiliated with such a party by submitting an application to change their affiliation with the State Board of Elections, or an application to become a member of the relevant party. The State Board of Elections shall print the certified names on ballots and send each county board of elections the list of party candidates.

Section 4 amends G.S. 163-111 by adding subsection g to exempt parties with less than 10% of the registered voters from holding second primaries.

Section 5 amends G.S. 163, Article 10 by adding G.S. 163-111.1 regarding the determination of primary results for political parties. The new section only applies to political parties with less than 10% of the registered voters in the State and those parties that have elected not to be covered by this section per G.S. 163-111(g). Primary winners are selected when one person receives the highest number of votes. When there are more persons seeking a nomination to more than one office, candidates receiving the highest number of votes equal to the number of offices shall be declared the winner. If there are any ties, the party executive committee shall select the nominee.

Section 6 amends G.S. 163-122 by adding a new subsection a1. This new subsection regards unaffiliated candidates. Under the new subsection, a qualified voter seeking to have their name printed on a Statewide or district offices comprising more than one county must have petitions filed with the State Board of Elections by noon on the third Friday preceding the general election. The petitions are due no later than 5:00pm on the fifteenth day preceding the general election. Petitions will be submitted to the county board of election commissioner where each signer is registered and must be verified within two weeks from the date such petitions are presented to the county. The same process is followed in single county district offices, county office, partisan municipal office, or any other single county office with the petitions being filed to the respective county board of elections instead.

Section 7 amends G.S. 163-122 by adding subsection a2. The new subsection creates the number of signatures of qualified voters required for unaffiliated candidates to have their names printed on the ballot. A candidate must have 10,000 signatures for the office of President and all other Statewide elected offices. Furthermore, 200 signatures must come from at least three congressional districts. 1,000 signatures are required for the U.S. House of Representatives. 300 signatures are required for the State Senate. 150 signatures are requires for the State House of Representatives and any county or partisan municipal office where there are more than 25,000 registered voters, on the January before the election, in the jurisdiction. 50 votes are required for those county and municipal offices with under 25,000 registered voters.

Section 8 amends G.S. 163-122 by adding subsection a3. The new subsection requires the board of elections in the relevant areas to print the unaffiliated candidate's name on the ballot upon

successful completion of the process created in Section 6 and 7 of this Bill. This Section also prohibits failed primary candidates from having their name submitted as an unaffiliated candidate for the same office they sought in the primary election.

Sections 9 and 10 make various changes to alter existing General Statutes to conform with Sections 6, 7, and 8 of this Bill.

Section 11 sets the effective date for all primaries and elections held on or after the date this Bill becomes law. However, partisan municipal elections held in 2011 must receive preclearance under Section 5 of the Voting Rights Act of 1965 if the Bill becomes law before July 1, 2011.

ASSUMPTIONS AND METHODOLOGY:

There are no costs to the General Fund of the State of North Carolina. House Bill 32 merely amends processes that already exist in Statute. The Bill alters the number of signatures required for political parties and unaffiliated candidates, which may result in some cost savings due to reduced review time by the State Board of Elections and the county boards of elections. However, the State Board of Elections believes that such a reduction would increase the number of filings. Fiscal Research concurs with this assessment. As ballots must be printed for a general election, there are no additional printing costs at the State or county level.

SOURCES OF DATA: State Board of Elections

TECHNICAL CONSIDERATIONS: Section 5 adds G.S. 163-111.1(a) and allows parties with more than 10,000 registered voters to elect to be covered under the section, per G.S. 163-111(g). However, as currently written in this Bill, there is no process for those parties with more than 10,000 registered voters to elect to be covered under G.S. 163-111(g).

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Signed Copy Located in the NCGA Principal Clerk's Offices