

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

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 CORRECT 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 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.~~ State. 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 states in the prior Presidential election. To be effective, the group of voters



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

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

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

- 15 (1) If the office is a statewide office, file written petitions with the State Board
16 of Elections supporting the voter's candidacy for a specified office. These
17 petitions must be filed with the State Board of Elections on or before 12:00
18 noon on the ~~second Wednesday prior to the primary election~~ last Friday in
19 June preceding the general election and must be signed by at least 5,000
20 qualified voters of the State equal in number to two percent (2%) of the total
21 number of voters who voted in the most recent general election for
22 Governor, State. Also, the petition must be signed by at least 200 registered
23 voters from ~~each of four~~ at least three congressional districts in North
24 Carolina. The petitions shall be divided into sections based on the county in
25 which the signatures were obtained. Provided the petitions are timely filed,
26 the State Board of Elections shall require the filed petition be verified ~~no~~
27 ~~later than 15 business days after canvass of the primary~~ within two weeks
28 from the date such petitions are presented 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 ~~to the primary election last Friday in June preceding the general election and~~
2 must be signed by qualified voters of the district equal in number to ~~four~~
3 three percent (4%)(3%) of the total number of registered voters in the district
4 as reflected by the voter registration records of the State Board of Elections
5 as of January 1 of the year in which the general election is to be held. The
6 petitions shall be divided into sections based on the county in which the
7 signatures were obtained. The petitions shall be verified as specified in
8 subdivision (1) of this subsection.

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

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

44 (5) If the office is a superior court judge or a district court judge, regardless of
45 whether the district lies entirely in one county or in more than one county,
46 file written petitions with the State Board of Elections supporting that voter's
47 candidacy for a specified office. These petitions must be filed with the State
48 Board of Elections on or before 12:00 noon on the ~~second Wednesday prior~~
49 to the primary election last Friday in June preceding the general election and
50 must be signed by qualified voters of the district equal in number to two
51 percent (2%) of the total number of registered voters in the district as

1 reflected by the voter registration records of the State Board of Elections as
2 of January 1 of the year in which the general election is to be held. The
3 petitions shall be divided into sections based on the county in which the
4 signatures were obtained. The petitions shall be verified as specified in
5 subdivision (1) of this subsection.

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

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

11 **"§ 163-296. Nomination by petition.**

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

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

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

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

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