

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE DRH10211-LU-31 (01/09)

Short Title: Voter Freedom Act of 2015. (Public)

Sponsors: Representatives Saine and Luebke (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE DEFINITION OF A "POLITICAL PARTY" AND TO REDUCE  
3 THE SIGNATURE REQUIREMENT FOR UNAFFILIATED CANDIDATES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 163-96(a) reads as rewritten:

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

8 (1) Any group of voters which, at the last preceding general State election,  
9 polled for its candidate for Governor, or for presidential electors, at least ~~two~~  
10 ~~percent (2%)~~ one-quarter of one percent (0.25%) of the entire vote cast in the  
11 State for Governor or for presidential electors; or

12 (2) Any group of voters which shall have filed with the State Board of Elections  
13 petitions for the formulation of a new political party which are signed by  
14 registered and qualified voters in this State equal in number to ~~two percent~~  
15 ~~(2%)~~ one-quarter of one percent (0.25%) of the total number of voters who  
16 voted in the most recent general election for ~~Governor~~ Governor, or for  
17 presidential electors, whichever is less. Also the petition must be signed by  
18 at least 200 registered voters from each of ~~four~~ three congressional districts  
19 in North Carolina. To be effective, the petitioners must file their petitions  
20 with the State Board of Elections before 12:00 noon on the ~~first day of~~  
21 ~~June~~ third Friday in July preceding the day on which is to be held the first  
22 general State election in which the new political party desires to participate.  
23 The State Board of Elections shall forthwith determine the sufficiency of  
24 petitions filed with it and shall immediately communicate its determination  
25 to the State chairman of the proposed new political party."

26 SECTION 2. G.S. 163-98 reads as rewritten:

27 "§ 163-98. **General election participation by new political party.**

28 In the first general election following the date on which a new political party qualifies  
29 under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for  
30 national, State, congressional, and local offices printed on the official ballots upon paying a  
31 filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon  
32 complying with the alternative available to candidates for the office in G.S. 163-107.1.

33 For the first general election following the date on which it qualifies under G.S. 163-96, a  
34 new political party shall select its candidates by party convention. Following adjournment of  
35 the nominating convention, but not later than the first day of ~~July~~ September prior to the  
36 general election, the president of the convention shall certify to the State Board of Elections the



1 names of persons chosen in the convention as the new party's candidates in the ensuing general  
2 election. Any candidate nominated by a new party shall be affiliated with the party at the time  
3 of certification to the State Board of Elections. The requirement of affiliation with the party  
4 will be met if the candidate submits at or before the time of certification as a candidate an  
5 application to change party affiliation to that party. The State Board of Elections shall print  
6 names thus certified on the appropriate ballots as the nominees of the new party. The State  
7 Board of Elections shall send to each county board of elections the list of any new party  
8 candidates so that the county board can add those names to the appropriate ballot."

9 **SECTION 3.** G.S. 163-122(a) reads as rewritten:

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

13 (1) If the office is a statewide office, file written petitions with the State Board  
14 of Elections supporting his candidacy for a specified office. These petitions  
15 must be filed with the State Board of Elections on or before 12:00 noon on  
16 the ~~last Friday in June~~third Friday in July preceding the general election and  
17 must be signed by qualified voters of the State equal in number to ~~two~~  
18 ~~percent (2%)~~one-quarter of one percent (0.25%) of the total number of  
19 voters who voted in the most recent general election for ~~Governor~~that  
20 office. Also, the petition must be signed by at least 200 registered voters  
21 from each of ~~four~~three congressional districts in North Carolina. No later  
22 than 5:00 p.m. on the fifteenth day preceding the date the petitions are due to  
23 be filed with the State Board of Elections, each petition shall be presented to  
24 the chairman of the board of elections of the county in which the signatures  
25 were obtained. Provided the petitions are timely submitted, the chairman  
26 shall examine the names on the petition and place a check mark on the  
27 petition by the name of each signer who is qualified and registered to vote in  
28 his county and shall attach to the petition his signed certificate. Said  
29 certificates shall state that the signatures on the petition have been checked  
30 against the registration records and shall indicate the number of signers to be  
31 qualified and registered to vote in his county. The chairman shall return each  
32 petition, together with the certificate required in this section, to the person  
33 who presented it to him for checking. Verification by the chairman of the  
34 county board of elections shall be completed within two weeks from the date  
35 such petitions are presented.

36 (2) If the office is a district office under the jurisdiction of the State Board of  
37 Elections under G.S. 163-182.4(b), file written petitions with the State Board  
38 of Elections supporting that voter's candidacy for a specified office. These  
39 petitions must be filed with the State Board of Elections on or before 12:00  
40 noon on the ~~last Friday in June~~third Friday in July preceding the general  
41 election and must be signed by qualified voters of the district equal in  
42 number to ~~four percent (4%)~~one-quarter of one percent (0.25%) of the total  
43 number of registered voters ~~in the district as reflected by the voter~~  
44 ~~registration records of the State Board of Elections as of January 1 of the~~  
45 ~~year in which the general election is to be held~~who voted in the most recent  
46 general election for that office. Each petition shall be presented to the  
47 chairman of the board of elections of the county in which the signatures  
48 were obtained. The chairman shall examine the names on the petition and  
49 the procedure for certification and deadline for submission to the county  
50 board shall be the same as specified in (1) above.

- 1 (3) If the office is a county office or a single county legislative district, file  
 2 written petitions with the chairman or director of the county board of  
 3 elections supporting his candidacy for a specified county office. These  
 4 petitions must be filed with the county board of elections on or before 12:00  
 5 noon on the ~~last Friday in June~~third Friday in July preceding the general  
 6 election and must be signed by qualified voters of the county equal in  
 7 number to ~~four percent (4%)~~one-quarter of one percent (0.25%) of the total  
 8 number of registered voters ~~in the county as reflected by the voter~~  
 9 ~~registration records of the State Board of Elections as of January 1 of the~~  
 10 ~~year in which the general election is to be held, except if the office is for a~~  
 11 ~~district consisting of less than the entire county and only the voters in that~~  
 12 ~~district vote for that office, the petitions must be signed by qualified voters~~  
 13 ~~of the district equal in number to four percent (4%) of the total number of~~  
 14 ~~voters in the district according to the voter registration records of the State~~  
 15 ~~Board of Elections as of January 1 of the year in which the general election~~  
 16 ~~is to be held, who voted in the most recent general election for that office.~~  
 17 Each petition shall be presented to the chairman or director of the county  
 18 board of elections. The chairman shall examine, or cause to be examined, the  
 19 names on the petition and the procedure for certification shall be the same as  
 20 specified in (1) above.
- 21 (4) If the office is a partisan municipal office, file written petitions with the  
 22 chairman or director of the county board of elections in the county wherein  
 23 the municipality is located supporting his candidacy for a specified  
 24 municipal office. These petitions must be filed with the county board of  
 25 elections on or before the time and date specified in G.S. 163-296 and must  
 26 be signed by the number of qualified voters specified in  
 27 G.S. 163-296, subdivision (3) of this subsection. The procedure for  
 28 certification shall be the same as specified in (1) above.

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

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

36 **SECTION 4.** G.S. 163-296 reads as rewritten:

37 **"§ 163-296. Nomination by petition.**

38 In cities conducting partisan elections, any qualified voter who seeks to have his name  
 39 printed on the regular municipal election ballot as an unaffiliated candidate ~~may~~shall do so in  
 40 the manner provided in G.S. 163-122, except that the petitions and affidavits shall be filed not  
 41 later than 12:00 noon on the Friday preceding the seventh Saturday before the election, ~~and the~~  
 42 ~~petitions shall be signed by a number of qualified voters of the municipality equal to at least~~  
 43 ~~four percent (4%) of the whole number of voters qualified to vote in the municipal election~~  
 44 ~~according to the voter registration records of the State Board of Elections as of January 1 of the~~  
 45 ~~year in which the general municipal election is held.~~election. A person whose name appeared  
 46 on the ballot in a primary election is not eligible to have his name placed on the regular  
 47 municipal election ballot as an unaffiliated candidate for the same office in that year. ~~The~~  
 48 ~~Board of Elections shall examine and verify the signatures on the petition, and shall certify only~~  
 49 ~~the names of signers who are found to be qualified registered voters in the municipality.~~  
 50 ~~Provided that in the case where a qualified voter seeks to have his name printed on the regular~~  
 51 ~~municipal election ballot as an unaffiliated candidate for election from an election district~~

1 ~~within the municipality, the petition shall be signed by four percent (4%) of the voters qualified~~  
2 ~~to vote for that office."~~

3       **SECTION 5.** This act becomes effective with respect to all primaries and elections  
4 held on or after the date this act becomes effective, except that it shall apply to partisan  
5 municipal elections held in 2015 only if preclearance is received under section 5 of the Voting  
6 Rights Act of 1965 prior to July 1, 2015.