

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE BILL DRH40396-LU-99 (03/21)

Short Title: Voter Freedom Act of 2017. (Public)

Sponsors: Representatives Shepard, Adcock, Jordan, and R. Moore (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), as amended by Section 10 of S.L. 2017-3, reads as
10 rewritten:

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

- 14 (1) If the office is a statewide office, file written petitions with the State Board
15 of Elections supporting the voter's candidacy for a specified office. These
16 petitions must be filed with the State Board of Elections on or before 12:00
17 noon on the ~~second Wednesday prior to the primary election~~ third Friday in
18 July and must be signed by qualified voters of the State equal in number to
19 ~~two percent (2%)~~ one-quarter of one percent (0.25%) of the total number of
20 voters who voted in the most recent general election for ~~Governor~~ that
21 office. Also, the petition must be signed by at least 200 registered voters
22 from each of ~~four~~ three congressional districts in North Carolina. The
23 petitions shall be divided into sections based on the county in which the
24 signatures were obtained. Provided the petitions are timely filed, the State
25 Board of Elections shall require the filed petition be verified no later than 15
26 business days after canvass of the primary in one of the following ways:
- 27 a. The Executive Director shall examine the names on the petition and
28 place a check mark on the petition by the name of each signer who is
29 qualified and registered to vote in the designated county and shall
30 attach to the petition a signed certificate. Said certificates shall state
31 that the signatures on the petition have been checked against the
32 registration records and shall indicate the number of signers to be
33 qualified and registered to vote in each county.
- 34 b. The chair shall examine the names on the petition and place a check
35 mark on the petition by the name of each signer who is qualified and
36 registered to vote in the chair's county and shall attach to the petition
37 the chair's signed certificate. Said certificates shall state that the
38 signatures on the petition have been checked against the registration
39 records and shall indicate the number of signers to be qualified and
40 registered to vote in the chair's county. The chair shall return the
41 petition and certificate to the State Board.

42 The State Board shall return a copy of each petition, together with a copy of
43 the certificate required in this section, to the person who presented it to the
44 State Board.

- 45 (2) Except as provided in this subsection, if the office is a district office under
46 the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file
47 written petitions with the State Board of Elections supporting that voter's
48 candidacy for a specified office. These petitions must be filed with the State
49 Board of Elections on or before 12:00 noon on the ~~second Wednesday prior~~
50 ~~to the primary election~~ third Friday in July and must be signed by qualified
51 voters of the district equal in number to ~~four percent (4%)~~ one-quarter of one

1 percent (0.25%) of the total number of registered voters ~~in the district as~~
2 ~~reflected by the voter registration records of the State Board of Elections as~~
3 ~~of January 1 of the year in which the general election is to be held.~~ who voted
4 in the most recent general election for that office. The petitions shall be
5 divided into sections based on the county in which the signatures were
6 obtained. The petitions shall be verified as specified in subdivision (1) of
7 this subsection.

8 (3) If the office is a county office or a single county legislative district, file
9 written petitions with the chair or director of the county board of elections
10 supporting the voter's candidacy for a specified county office. These
11 petitions must be filed with the county board of elections on or before 12:00
12 noon on the ~~second Wednesday prior to the primary election~~ third Friday in
13 July and must be signed by qualified voters of the county equal in number to
14 ~~four percent (4%)~~ one-quarter of one percent (0.25%) of the total number of
15 registered voters ~~in the county as reflected by the voter registration records~~
16 ~~of the State Board of Elections as of January 1 of the year in which the~~
17 ~~general election is to be held, except if the office is for a district consisting~~
18 ~~of less than the entire county and only the voters in that district vote for that~~
19 ~~office, the petitions must be signed by qualified voters of the district equal in~~
20 ~~number to four percent (4%) of the total number of voters in the district~~
21 ~~according to the voter registration records of the State Board of Elections as~~
22 ~~of January 1 of the year in which the general election is to be held.~~ who voted
23 in the most recent general election for that office. Each petition shall be
24 presented to the chairman or director of the county board of elections. The
25 chair or director of the county board of elections shall verify the filed
26 petition no later than 15 business days after canvass as provided in
27 sub-subdivision b. of subdivision (1) of this subsection, and shall return a
28 copy of each petition, together with a copy of the certificate required in this
29 section, to the person who presented it to the county board of elections.

30 (4) If the office is a partisan municipal office, file written petitions with the
31 chair or director of the county board of elections in the county wherein the
32 municipality is located supporting the voter's candidacy for a specified
33 municipal office. These petitions must be filed with the county board of
34 elections on or before the time and date specified in G.S. 163-296 and must
35 be signed by the number of qualified voters specified in
36 ~~G.S. 163-296, subdivision (3) of this subsection.~~ The chair or director of the
37 county board of elections shall verify the filed petition no later than 15
38 business days after canvass as provided in sub-subdivision b. of subdivision
39 (1) of this subsection, and shall return a copy of each petition, together with
40 a copy of the certificate required in this section, to the person who presented
41 it to the county board of elections.

42 (5) If the office is a superior court judge or a district court judge, regardless of
43 whether the district lies entirely in one county or in more than one county,
44 file written petitions with the State Board of Elections supporting that voter's
45 candidacy for a specified office. These petitions must be filed with the State
46 Board of Elections on or before 12:00 noon on the ~~second Wednesday prior~~
47 ~~to the primary election~~ third Friday in July and must be signed by qualified
48 voters of the district equal in number to ~~two percent (2%)~~ one-quarter of one
49 percent (0.25%) of the total number of registered voters ~~in the district as~~
50 ~~reflected by the voter registration records of the State Board of Elections as~~
51 ~~of January 1 of the year in which the general election is to be held.~~ who voted

1 in the most recent general election for that office. The petitions shall be
2 divided into sections based on the county in which the signatures were
3 obtained. The petitions shall be verified as specified in subdivision (1) of
4 this subsection.

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

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

10 "**§ 163-296. Nomination by petition.**

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

27 **SECTION 5.** This act becomes effective with respect to all primaries and elections
28 held on or after the date this act becomes effective.