

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS35229-RR-36 (03/12)

Short Title: Electoral Freedom Act of 2009.

(Public)

Sponsors: Senator Jacumin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING
3 THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW
4 POLITICAL PARTY AND FOR UNAFFILIATED CANDIDATES TO OBTAIN
5 BALLOT ACCESS ELIGIBILITY.

6 The General Assembly of North Carolina enacts:

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

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

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

14 (2) Any group of voters which shall have filed with the State Board of Elections
15 petitions for the formulation of a new political party which are signed by at
16 least 10,000 registered and qualified voters in this State ~~equal in number to~~
17 ~~two percent (2%) of the total number of voters who voted in the most recent~~
18 ~~general election for Governor, State.~~ Also the petition must be signed by at
19 least 200 registered voters from each of ~~four~~ three congressional districts in
20 North Carolina. To be effective, the petitioners must file their petitions with
21 the State Board of Elections before 12:00 noon on the first day of June
22 preceding the day on which is to be held the first general State election in
23 which the new political party desires to participate. The State Board of
24 Elections shall forthwith determine the sufficiency of petitions filed with it
25 and shall immediately communicate its determination to the State chairman
26 of the proposed new political party."

27 **SECTION 2.** G.S. 163-122(a) reads as rewritten:

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 Board
32 of Elections supporting his candidacy for a specified office. These petitions
33 must be filed with the State Board of Elections on or before 12:00 noon on
34 the last Friday in June preceding the general election and must be signed by
35 at least 5,000 qualified voters of the State ~~equal in number to two percent~~



1 ~~(2%) of the total number of voters who voted in the most recent general~~
2 ~~election for Governor. State.~~ Also, the petition must be signed by at least 200
3 registered voters from ~~each of four~~ at least three congressional districts in
4 North Carolina. No later than 5:00 p.m. on the fifteenth day preceding the
5 date the petitions are due to be filed with the State Board of Elections, each
6 petition shall be presented to the chairman of the board of elections of the
7 county in which the signatures were obtained. Provided the petitions are
8 timely submitted, the chairman shall examine the names on the petition and
9 place a check mark on the petition by the name of each signer who is
10 qualified and registered to vote in his county and shall attach to the petition
11 his signed certificate. Said certificates shall state that the signatures on the
12 petition have been checked against the registration records and shall indicate
13 the number of signers to be qualified and registered to vote in his county.
14 The chairman shall return each petition, together with the certificate required
15 in this section, to the person who presented it to him for checking.
16 Verification by the chairman of the county board of elections shall be
17 completed within two weeks from the date such petitions are presented.

18 (2) If the office is a district office under the jurisdiction of the State Board of
19 Elections under G.S. 163-182.4(b), file written petitions with the State Board
20 of Elections supporting that voter's candidacy for a specified office. These
21 petitions must be filed with the State Board of Elections on or before 12:00
22 noon on the last Friday in June preceding the general election and must be
23 signed by qualified voters of the district equal in number to ~~four~~ three
24 percent ~~(4%)~~ (3%) of the total number of registered voters in the district as
25 reflected by the voter registration records of the State Board of Elections as
26 of January 1 of the year in which the general election is to be held. Each
27 petition shall be presented to the chairman of the board of elections of the
28 county in which the signatures were obtained. The chairman shall examine
29 the names on the petition and the procedure for certification and deadline for
30 submission to the county board shall be the same as specified in (1) above.

31 (3) If the office is a county office or a single county legislative district, file
32 written petitions with the chairman or director of the county board of
33 elections supporting his candidacy for a specified county office. These
34 petitions must be filed with the county board of elections on or before 12:00
35 noon on the last Friday in June preceding the general election and must be
36 signed by qualified voters of the county equal in number to ~~four~~ three
37 percent ~~(4%)~~ (3%) of the total number of registered voters in the county as
38 reflected by the voter registration records of the State Board of Elections as
39 of January 1 of the year in which the general election is to be held, except if
40 the office is for a district consisting of less than the entire county and only
41 the voters in that district vote for that office, the petitions must be signed by
42 qualified voters of the district equal in number to ~~four~~ three percent
43 ~~(4%)~~ (3%) of the total number of voters in the district according to 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. Each petition shall be
46 presented to the chairman or director of the county board of elections. The
47 chairman shall examine, or cause to be examined, the names on the petition
48 and the procedure for certification shall be the same as specified in (1)
49 above.

50 (4) If the office is a partisan municipal office, file written petitions with the
51 chairman or director of the county board of elections in the county wherein

1 the municipality is located supporting his candidacy for a specified
2 municipal office. These petitions must be filed with the county board of
3 elections on or before the time and date specified in G.S. 163-296 and must
4 be signed by the number of qualified voters specified in G.S. 163-296. The
5 procedure for certification shall be the same as specified in (1) above.

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

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

13 **SECTION 3.** This act becomes effective January 1, 2010, and applies to all
14 primaries and elections held on or after that date.