

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

S

1

**SENATE BILL 731**

Short Title: Electoral Freedom Act of 2009. (Public)

Sponsors: Senators Jacumin; and Brock.

Referred to: Judiciary I.

March 24, 2009

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.

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:

- (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; or
- (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~~ 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."

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

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

- (1) If the office is a statewide office, file written petitions with the State Board of Elections supporting his candidacy for a specified office. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the last Friday in June preceding the general election and must be signed by at least 5,000 qualified voters of the 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



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

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

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

48 (4) If the office is a partisan municipal office, file written petitions with the  
49 chairman or director of the county board of elections in the county wherein  
50 the municipality is located supporting his candidacy for a specified  
51 municipal office. These petitions must be filed with the county board of

1 elections on or before the time and date specified in G.S. 163-296 and must  
2 be signed by the number of qualified voters specified in G.S. 163-296. The  
3 procedure for certification shall be the same as specified in (1) above.

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

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

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