

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

HOUSE/SENATE BILL

Short Title: Electoral Freedom Act of 2011 (Public)

Sponsors: _____

Referred to: _____

MONTH DD, 2011

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTORY REQUIREMENT FOR A POLITICAL PARTY TO MAINTAIN BALLOT ELIGIBILITY; TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY; TO REDUCE THE NUMBER OF SIGNATURES FOR UNAFFILIATED CANDIDATES TO GAIN BALLOT ELIGIBILITY AND TO ELIMINATE THE NEED FOR PETITIONS FOR WRITE-IN CANDIDACY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-96(a)(1) 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~~ ran at least one candidate for statewide office; 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~~ Friday in August 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 G.S. 163-122(a) is repealed.

SECTION 3. G.S. 163-122 is amended by adding a new section to read:

"(a1) When and Where to File. –Any qualified voter who seeks to have his name printed on the general election ballot as an unaffiliated candidate shall:

(1) File written petitions with the State Board of Elections supporting his candidacy for any Statewide or District office comprised of more than one county. These petitions must be filed with the State Board of Elections on or before 12:00 noon on the first Friday in August preceding the general election. No later than 5:00 p.m. on the fifteenth day preceding the date the petitions are due to be filed with the State Board of Elections, each petition shall be presented to the chairman of the board of elections of the county in which the signatures were obtained. Provided the petitions are timely submitted, the chairman shall examine the names on the petition and place a check mark on the petition by the name of each signer who is qualified and registered to vote in his county and shall attach to the petition his signed certificate. Said certificates shall state that the signatures on the petition have been checked against the registration records and shall indicate the number of signers to be qualified and registered to vote in his county. The chairman shall return each petition, together with the certificate required in this section, to the person who presented it to him for checking. Verification by the chairman of the county board of elections shall be completed within two weeks from the date such petitions are presented.

(2) File written petitions with the appropriate County Board of Elections supporting his candidacy for any district office containing one or less than one county, county office, partisan municipal office or any other office comprised of one or less than one county. These petitions must be filed with the County Board of Elections on or before 12:00 noon on the first Friday in August preceding the general election. Provided the petitions are timely submitted, the chairman shall examine, or cause to be examined, the names on the petition and the procedure for certification shall be the same as specified in (1) above."

SECTION 4. G.S. 163-122 is amended by adding a new section to read:

"(a2) Number of Signatures Required. –Candidates seeking election to a partisan office as an unaffiliated candidate shall obtain no less than the following number of signatures for the office sought:

(1) 5,000 signatures: United States Senator, Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, Commissioner of Insurance and any other statewide office;

(2) 1,000 signatures: United States House of Representatives

- (3) 300 signatures: North Carolina State Senate
- (4) 150 signatures: North Carolina House of Representatives, any county office with more than 25,000 registered voters within the county, and any partisan municipal office with more than 25,000 registered voters within the municipality as of the first day of January before the General Election.
- (5) 50 signatures: Any county office with 25,000 or less registered voters within the county, any partisan municipal office with 25,000 or less registered voters within the municipality, and any other partisan office not specified in subsections (1), (2), (3) or (4) above as of the first day of January before the General Election.

SECTION 5. G.S. 163-122 is amended by adding a new section to read:

“(a3) Unaffiliated Candidates to be Printed on the General Election Ballot and Primary Election Losing Candidates Provision. – Upon compliance with the provisions of G.S. 163-122(a1) and (a2), the board of elections with which the petitions have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with Article 14A of this Chapter.

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

SECTION 6. G.S. 163-296 reads as rewritten:

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

SECTION 7. G.S. 163-123(a) reads as rewritten:

~~“(a) Procedure for Qualifying as a Write-In Candidate. – Any qualified voter who seeks to have write-in votes for him counted in a general election shall file a declaration of intent in accordance with subsection (b) of this section and petition(s) in accordance with subsection (c) of this section.”~~

SECTION 8. G.S. 163-123(c) is repealed.

SECTION 9. G.S. 163-123(d) is repealed.

SECTION 10. G.S. 163-123(f) reads as rewritten:

“(f) Counting and Recording of Votes. – If a qualified voter has complied with the provisions of subsections ~~(a), (b), and (c)~~ (a) and (b) and is not excluded by subsection (e), the board of elections ~~with which petition has been filed~~ shall count votes for him according to the procedures set out in G.S. 163-182.1, and the appropriate board of elections shall record those votes on the official abstract. Write-in votes for names other than those of qualified write-in candidates shall not be counted for any purpose and shall not be recorded on the abstract.”

SECTION 11. G.S. 163-123(f1) reads as rewritten:

“(f1) When any person files a ~~petition~~ declaration of intent with a board of elections under this section, the board of elections shall, immediately upon receipt of the ~~petition~~ declaration of intent, inspect the registration records of the county and cancel the ~~petition~~ declaration of intent of any person who does not meet the constitutional or statutory qualifications for the office, including residency.

The board shall give notice of cancellation to any person whose ~~petition~~ declaration of intent has been cancelled under this subsection by mail or by having the notice served on that person by the sheriff. A person whose ~~petition~~ declaration of intent has been cancelled or another candidate for the same office affected by a substantiation under this subsection may request a hearing on the issue of constitutional or statutory qualifications for the office. If the person requests a hearing, the hearing shall be conducted in accordance with Article 11B of Chapter 163 of the General Statutes.

SECTION 12. This act is effective when it becomes law, and applies to all primaries and elections held after that date.