

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 867
Committee Substitute Favorable 4/17/03

Short Title: Electoral Fairness Act.

(Public)

Sponsors:

Referred to:

April 7, 2003

A BILL TO BE ENTITLED

AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW PARTY AND OF A STATEWIDE UNAFFILIATED CANDIDATE TO ACHIEVE BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF VOTES A NEW PARTY MUST GAIN FOR A NOMINEE IN ORDER TO MAINTAIN BALLOT ELIGIBILITY; AND TO MOVE TO A DATE BEFORE THE PARTY PRIMARIES THE DEADLINES FOR FILING NEW PARTY PETITIONS AND NOMINATING NEW PARTY CANDIDATES.

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 ~~ten~~ two percent (~~10%~~) (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 registered and qualified voters in this State equal in number to ~~two~~ one-half of one percent (~~2%~~) (0.5%) of the total number of voters who voted in the most recent general election for Governor. Also the petition must be signed by at least 200 registered voters from each of four 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~~ April 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

1 with it and shall immediately communicate its determination to the
2 State chairman of the proposed new political party."

3 **SECTION 2.** G.S. 163-97 reads as rewritten:

4 "**§ 163-97. Termination of status as political party.**

5 When any political party fails to poll for its candidate ~~for~~ or group of candidates in at
6 least one of the following races, ~~governor, governor~~ or ~~for~~ presidential electors, at least
7 ten ~~two~~ percent (10%) ~~(2%)~~ of the entire vote cast in the State ~~for governor or for~~
8 presidential electors in that race at a general election, it shall cease to be a political party
9 within the meaning of the primary and general election laws and all other provisions of
10 this Chapter."

11 **SECTION 3.** G.S. 163-98 reads as rewritten:

12 "**§ 163-98. General election participation by new political party.**

13 In the first general election following the date on which a new political party
14 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its
15 candidates for national, State, congressional, and local offices printed on the official
16 ballots.

17 For the first general election following the date on which it qualifies under G.S.
18 163-96, a new political party shall select its candidates by party convention. Following
19 adjournment of the nominating convention, but not later than the first day of ~~July~~ May
20 prior to the general election, the president of the convention shall certify to the State
21 Board of Elections the names of persons chosen in the convention as the new party's
22 candidates ~~for State, congressional, and national offices in the ensuing general election.~~
23 The State Board of Elections shall print names thus certified on the appropriate ballots
24 as the nominees of the new party. The State Board of Elections shall send to each
25 county board of elections the list of any new party candidates so that the county board
26 can add those names to the appropriate ballot."

27 **SECTION 4.** G.S. 163-122(a) reads as rewritten:

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

- 31 (1) If the office is a statewide office, file written petitions with the State
32 Board of Elections supporting his candidacy for a specified office.
33 These petitions must be filed with the State Board of Elections on or
34 before 12:00 noon on the last Friday in June preceding the general
35 election and must be signed by qualified voters of the State equal in
36 number to ~~two~~ one-half of one percent (2%) (0.5%) of the total number
37 of ~~registered voters in the State as reflected by the most recent~~
38 statistical report issued by the State Board of Elections. ~~voters who~~
39 voted in the most recent general election for Governor. Also the
40 petition must be signed by at least 200 registered voters from each of
41 four congressional districts in North Carolina. No later than 5:00 p.m.
42 on the fifteenth day preceding the date the petitions are due to be filed
43 with the State Board of Elections, each petition shall be presented to
44 the chairman of the board of elections of the county in which the

1 signatures were obtained. Provided the petitions are timely submitted,
2 the chairman shall examine the names on the petition and place a
3 check mark on the petition by the name of each signer who is qualified
4 and registered to vote in his county and shall attach to the petition his
5 signed certificate. Said certificates shall state that the signatures on the
6 petition have been checked against the registration records and shall
7 indicate the number of signers to be qualified and registered to vote in
8 his county. The chairman shall return each petition, together with the
9 certificate required in this section, to the person who presented it to
10 him for checking. Verification by the chairman of the county board of
11 elections shall be completed within two weeks from the date such
12 petitions are presented.

13 (2) If the office is a district office comprised of two or more counties, file
14 written petitions with the State Board of Elections supporting his
15 candidacy for a specified office. These petitions must be filed with the
16 State Board of Elections on or before 12:00 noon on the last Friday in
17 June preceding the general election and must be signed by qualified
18 voters of the district equal in number to four percent (4%) of the total
19 number of registered voters in the district as reflected by the latest
20 statistical report issued by the State Board of Elections. Each petition
21 shall be presented to the chairman of the board of elections of the
22 county in which the signatures were obtained. The chairman shall
23 examine the names on the petition and the procedure for certification
24 and deadline for submission to the county board shall be the same as
25 specified in (1) above.

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

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

9 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
10 board of elections with which the petitions have been timely filed shall cause the
11 unaffiliated candidate's name to be printed on the general election ballots in accordance
12 with G.S. 163-140.

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

16 **SECTION 5.** This act becomes effective January 1, 2004, and applies to all
17 primaries and elections held on or after that date.