

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 391
Committee Substitute Favorable 4/30/91

Short Title: Unaffiliated Petition Requirement.

(Public)

Sponsors:

Referred to:

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO CONFORM THE PETITION REQUIREMENTS FOR UNAFFILIATED
CANDIDATES TO A RECENT COURT RULING.

The General Assembly of North Carolina enacts:

Section 1. 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 qualified voters of the State equal in number to two percent (2%) of the total number of registered voters in the State as reflected by the most recent statistical report issued by 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. 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

1 qualified and registered to vote in his county. The chairman shall
2 return each petition, together with the certificate required in this
3 section, to the person who presented it to him for checking.
4 Verification by the chairman of the county board of elections shall be
5 completed within two weeks from the date such petitions are presented
6 and a fee of five cents (5¢) for each name appearing on the petition has
7 been received.

8 (2) If the office is a district office comprised of two or more counties, file
9 written petitions with the State Board of Elections supporting his
10 candidacy for a specified office. These petitions must be filed with the
11 State Board of Elections on or before 12:00 noon on the last Friday in
12 June preceding the general election and must be signed by qualified
13 voters of the ~~State district~~ equal in number to ~~five percent (5%)~~ four
14 percent (4%) of the total number of registered voters in the district as
15 reflected by the latest statistical report issued by the State Board of
16 Elections. Each petition shall be presented to the chairman of the
17 board of elections of the county in which the signatures were obtained.
18 The chairman shall examine the names on the petition and the
19 procedure for certification shall be the same as specified in (1) above.

20 (3) If the office is a county office or a single county legislative district, file
21 written petitions with the chairman or supervisor of the county board
22 of elections supporting his candidacy for a specified county office.
23 These petitions must be filed with the county board of elections on or
24 before 12:00 noon on the last Friday in June preceding the general
25 election and must be signed by qualified voters of the county equal in
26 number to ~~ten percent (10%)~~ four percent (4%) of the total number of
27 registered voters in the county as reflected by the most recent
28 statistical report issued by the State Board of Elections, except if the
29 office is for a district consisting of less than the entire county and only
30 the voters in that district vote for that office, the petitions must be
31 signed by qualified voters of the district equal in number to four
32 percent (4%) of the total number of voters in the district according to
33 the most recent figures certified by the State Board of Elections. Each
34 petition shall be presented to the chairman or supervisor of the county
35 board of elections. The chairman shall examine, or cause to be
36 examined, the names on the petition and the procedure for certification
37 shall be the same as specified in (1) above.

38 (4) If the office is a partisan municipal office, file written petitions with
39 the chairman or supervisor of the county board of elections in the
40 county wherein the municipality is located supporting his candidacy
41 for a specified municipal office. These petitions must be filed with the
42 county board of elections on or before the time and date specified in
43 G.S. 163-296 and must be signed by the number of qualified voters

1 specified in G.S. 163-296. The procedure for certification shall be the
2 same as specified in (1) above.

3 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
4 board of elections with which the petitions and affidavit have been timely filed shall
5 cause the unaffiliated candidate's name to be printed on the general election ballots in
6 accordance with G.S. ~~163-14C~~163-140.

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

10 Sec. 2. G.S. 163-296 reads as rewritten:

11 **"§ 163-296. Nomination by petition.**

12 In cities conducting partisan elections, any qualified voter who seeks to have his
13 name printed on the regular municipal election ballot as an unaffiliated candidate may
14 do so in the manner provided in G.S. 163-122, except that the petitions and affidavits
15 shall be filed not later than 12:00 noon on the Friday preceding the seventh Saturday
16 before the election, and the petitions shall be signed by a number of qualified voters of
17 the municipality equal to at least ~~ten percent (10%)~~ four percent (4%) of the whole
18 number of voters qualified to vote in the municipal election according to the most recent
19 figures certified by the State Board of Elections. A person whose name appeared on the
20 ballot in a primary election is not eligible to have his name placed on the regular
21 municipal election ballot as an unaffiliated candidate for the same office in that year.
22 The Board of Elections shall examine and verify the signatures on the petition, and shall
23 certify only the names of signers who are found to be qualified registered voters in the
24 municipality. Provided that in the case where a qualified voter seeks to have his name
25 printed on the regular municipal election ballot as an unaffiliated candidate for election
26 from an election district within the municipality, the petition shall be signed by ~~ten~~
27 percent (10%) four percent (4%) of the voters qualified to vote ~~in that district.~~ for that
28 office."

29 Sec. 3. This act becomes effective with respect to elections held on or after
30 July 1, 1991.