

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 88

Short Title: Electoral Fairness Act. (Public)

Sponsors: Representatives Miller; Luebke, Rayfield, Stam, and Weiss.

Referred to: Election Law and Campaign Finance Reform.

February 7, 2005

A BILL TO BE ENTITLED

1
2 AN ACT TO REDUCE THE NUMBER OF SIGNATURES REQUIRED OF A NEW
3 POLITICAL PARTY AND OF A STATEWIDE UNAFFILIATED CANDIDATE
4 TO ACHIEVE BALLOT ELIGIBILITY; TO REDUCE THE NUMBER OF
5 VOTES A NEW POLITICAL PARTY MUST GAIN FOR A NOMINEE IN
6 ORDER TO MAINTAIN BALLOT ELIGIBILITY; AND TO MOVE TO A DATE
7 BEFORE THE POLITICAL PARTY PRIMARIES THE DEADLINES FOR
8 FILING NEW POLITICAL PARTY PETITIONS AND NOMINATING NEW
9 POLITICAL PARTY CANDIDATES.

10 The General Assembly of North Carolina enacts:

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

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

- 14 (1) Any group of voters which, at the last preceding general State election,
15 polled for its candidate for Governor, or for presidential electors, at
16 least ~~ten-two~~ two percent ~~(10%)~~ (2%) of the entire vote cast in the State for
17 Governor or for presidential electors; or
- 18 (2) Any group of voters which shall have filed with the State Board of
19 Elections petitions for the formulation of a new political party which
20 are signed by registered and qualified voters in this State equal in
21 number to ~~two~~ one-half of one percent ~~(2%)~~ (0.5%) of the total number
22 of voters who voted in the most recent general election for Governor.
23 Also the petition must be signed by at least 200 registered voters from
24 each of four congressional districts in North Carolina. To be effective,
25 the petitioners must file their petitions with the State Board of
26 Elections before 12:00 noon on the first day of ~~June~~ April preceding
27 the day on which is to be held the first general State election in which
28 the new political party desires to participate. The State Board of
29 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 governor, or for
6 presidential electors, at least ~~ten-two~~ percent (~~10%~~) (2%) of the entire vote cast in the
7 State for governor or for presidential electors at a general election, it shall cease to be a
8 political party within the meaning of the primary and general election laws and all other
9 provisions of this Chapter."

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

11 **"§ 163-98. General election participation by new political party.**

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

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

26 **SECTION 4.** G.S. 163-122(a)(1) reads as rewritten:

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

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

14 **SECTION 5.** This act becomes effective January 1, 2006, and applies to all
15 primaries and elections held on or after that date.