

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 769

Short Title: Voter Freedom Act of 2017. (Public)

Sponsors: Representatives Shepard, Adcock, Jordan, and R. Moore (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Elections and Ethics Law

April 13, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE DEFINITION OF A "POLITICAL PARTY" AND TO REDUCE  
3 THE SIGNATURE REQUIREMENT FOR UNAFFILIATED CANDIDATES.

4 The General Assembly of North Carolina enacts:

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

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

8 (1) Any group of voters which, at the last preceding general State election,  
9 polled for its candidate for Governor, or for presidential electors, at least ~~two~~  
10 ~~percent (2%)~~ one-quarter of one percent (0.25%) of the entire vote cast in the  
11 State for Governor or for presidential electors; or

12 (2) Any group of voters which shall have filed with the State Board of Elections  
13 petitions for the formulation of a new political party which are signed by  
14 registered and qualified voters in this State equal in number to ~~two percent~~  
15 ~~(2%)~~ one-quarter of one percent (0.25%) of the total number of voters who  
16 voted in the most recent general election for ~~Governor~~ Governor, or for  
17 presidential electors, whichever is less. Also the petition must be signed by  
18 at least 200 registered voters from each of ~~four~~ three congressional districts  
19 in North Carolina. To be effective, the petitioners must file their petitions  
20 with the State Board of Elections before 12:00 noon on the ~~first day of~~  
21 ~~June~~ third Friday in July preceding the day on which is to be held the first  
22 general State election in which the new political party desires to participate.  
23 The State Board of Elections shall forthwith determine the sufficiency of  
24 petitions filed with it and shall immediately communicate its determination  
25 to the State chairman of the proposed new political party."

26 **SECTION 2.** G.S. 163-98 reads as rewritten:

27 **"§ 163-98. General election participation by new political party.**

28 In the first general election following the date on which a new political party qualifies  
29 under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for  
30 national, State, congressional, and local offices printed on the official ballots upon paying a  
31 filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon  
32 complying with the alternative available to candidates for the office in G.S. 163-107.1.

33 For the first general election following the date on which it qualifies under G.S. 163-96, a  
34 new political party shall select its candidates by party convention. Following adjournment of  
35 the nominating convention, but not later than the first day of ~~July~~ September prior to the



1 general election, the president of the convention shall certify to the State Board of Elections the  
2 names of persons chosen in the convention as the new party's candidates in the ensuing general  
3 election. Any candidate nominated by a new party shall be affiliated with the party at the time  
4 of certification to the State Board of Elections. The requirement of affiliation with the party  
5 will be met if the candidate submits at or before the time of certification as a candidate an  
6 application to change party affiliation to that party. The State Board of Elections shall print  
7 names thus certified on the appropriate ballots as the nominees of the new party. The State  
8 Board of Elections shall send to each county board of elections the list of any new party  
9 candidates so that the county board can add those names to the appropriate ballot."

10 **SECTION 3.** G.S. 163-122(a), as amended by Section 10 of S.L. 2017-3, reads as  
11 rewritten:

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

- 15 (1) If the office is a statewide office, file written petitions with the State Board  
16 of Elections supporting the voter's candidacy for a specified office. These  
17 petitions must be filed with the State Board of Elections on or before 12:00  
18 noon on the ~~second Wednesday prior to the primary election~~ third Friday in  
19 July and must be signed by qualified voters of the State equal in number to  
20 ~~two percent (2%)~~ one-quarter of one percent (0.25%) of the total number of  
21 voters who voted in the most recent general election for ~~Governor~~ that  
22 office. Also, the petition must be signed by at least 200 registered voters  
23 from each of ~~four~~ three congressional districts in North Carolina. The  
24 petitions shall be divided into sections based on the county in which the  
25 signatures were obtained. Provided the petitions are timely filed, the State  
26 Board of Elections shall require the filed petition be verified no later than 15  
27 business days after canvass of the primary in one of the following ways:
- 28 a. The Executive Director shall examine the names on the petition and  
29 place a check mark on the petition by the name of each signer who is  
30 qualified and registered to vote in the designated county and shall  
31 attach to the petition a signed certificate. Said certificates shall state  
32 that the signatures on the petition have been checked against the  
33 registration records and shall indicate the number of signers to be  
34 qualified and registered to vote in each county.
- 35 b. The chair shall examine the names on the petition and place a check  
36 mark on the petition by the name of each signer who is qualified and  
37 registered to vote in the chair's county and shall attach to the petition  
38 the chair's signed certificate. Said certificates shall state that the  
39 signatures on the petition have been checked against the registration  
40 records and shall indicate the number of signers to be qualified and  
41 registered to vote in the chair's county. The chair shall return the  
42 petition and certificate to the State Board.

43 The State Board shall return a copy of each petition, together with a copy of  
44 the certificate required in this section, to the person who presented it to the  
45 State Board.

- 46 (2) Except as provided in this subsection, if the office is a district office under  
47 the jurisdiction of the State Board of Elections under G.S. 163-182.4(b), file  
48 written petitions with the State Board of Elections supporting that voter's  
49 candidacy for a specified office. These petitions must be filed with the State  
50 Board of Elections on or before 12:00 noon on the ~~second Wednesday prior~~  
51 ~~to the primary election~~ third Friday in July and must be signed by qualified

1 voters of the district equal in number to ~~four percent (4%)~~one-quarter of one  
2 percent (0.25%) of the total number of registered voters ~~in the district as~~  
3 ~~reflected by the voter registration records of the State Board of Elections as~~  
4 ~~of January 1 of the year in which the general election is to be held.~~who voted  
5 in the most recent general election for that office. The petitions shall be  
6 divided into sections based on the county in which the signatures were  
7 obtained. The petitions shall be verified as specified in subdivision (1) of  
8 this subsection.

9 (3) If the office is a county office or a single county legislative district, file  
10 written petitions with the chair or director of the county board of elections  
11 supporting the voter's candidacy for a specified county office. These  
12 petitions must be filed with the county board of elections on or before 12:00  
13 noon on the ~~second Wednesday prior to the primary election~~third Friday in  
14 July and must be signed by qualified voters of the county equal in number to  
15 ~~four percent (4%)~~one-quarter of one percent (0.25%) of the total number of  
16 registered voters ~~in the county as reflected by the voter registration records~~  
17 ~~of the State Board of Elections as of January 1 of the year in which the~~  
18 ~~general election is to be held, except if the office is for a district consisting~~  
19 ~~of less than the entire county and only the voters in that district vote for that~~  
20 ~~office, the petitions must be signed by qualified voters of the district equal in~~  
21 ~~number to four percent (4%) of the total number of voters in the district~~  
22 ~~according to the voter registration records of the State Board of Elections as~~  
23 ~~of January 1 of the year in which the general election is to be held.~~who voted  
24 in the most recent general election for that office. Each petition shall be  
25 presented to the chairman or director of the county board of elections. The  
26 chair or director of the county board of elections shall verify the filed  
27 petition no later than 15 business days after canvass as provided in  
28 sub-subdivision b. of subdivision (1) of this subsection, and shall return a  
29 copy of each petition, together with a copy of the certificate required in this  
30 section, to the person who presented it to the county board of elections.

31 (4) If the office is a partisan municipal office, file written petitions with the  
32 chair or director of the county board of elections in the county wherein the  
33 municipality is located supporting the voter's candidacy for a specified  
34 municipal office. These petitions must be filed with the county board of  
35 elections on or before the time and date specified in G.S. 163-296 and must  
36 be signed by the number of qualified voters specified in  
37 ~~G.S. 163-296~~subdivision (3) of this subsection. The chair or director of the  
38 county board of elections shall verify the filed petition no later than 15  
39 business days after canvass as provided in sub-subdivision b. of subdivision  
40 (1) of this subsection, and shall return a copy of each petition, together with  
41 a copy of the certificate required in this section, to the person who presented  
42 it to the county board of elections.

43 (5) If the office is a superior court judge or a district court judge, regardless of  
44 whether the district lies entirely in one county or in more than one county,  
45 file written petitions with the State Board of Elections supporting that voter's  
46 candidacy for a specified office. These petitions must be filed with the State  
47 Board of Elections on or before 12:00 noon on the ~~second Wednesday prior~~  
48 ~~to the primary election~~third Friday in July and must be signed by qualified  
49 voters of the district equal in number to ~~two percent (2%)~~one-quarter of one  
50 percent (0.25%) of the total number of registered voters ~~in the district as~~  
51 ~~reflected by the voter registration records of the State Board of Elections as~~

1 of January 1 of the year in which the general election is to be held ~~who voted~~  
2 in the most recent general election for that office. The petitions shall be  
3 divided into sections based on the county in which the signatures were  
4 obtained. The petitions shall be verified as specified in subdivision (1) of  
5 this subsection.

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

10 **SECTION 4.** 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~~ the voter's  
13 name printed on the regular municipal election ballot as an unaffiliated candidate ~~may~~ shall do  
14 so in the manner provided in G.S. 163-122, except that the petitions and affidavits shall be filed  
15 not later than 12:00 noon on the Friday preceding the seventh Saturday before the election, ~~and~~  
16 ~~the petitions shall be signed by a number of qualified voters of the municipality equal to at least~~  
17 ~~four percent (4%) of the whole number of voters qualified to vote in the municipal election~~  
18 ~~according to the voter registration records of the State Board of Elections as of January 1 of the~~  
19 ~~year in which the general municipal election is held.~~ election. A person whose name appeared  
20 on the ballot in a primary election is not eligible to have ~~his~~ the person's name placed on the  
21 regular 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 certify~~  
23 ~~only the names of signers who are found to be qualified registered voters in the municipality.~~  
24 ~~Provided that in the case where a qualified voter seeks to have his name printed on the regular~~  
25 ~~municipal election ballot as an unaffiliated candidate for election from an election district~~  
26 ~~within the municipality, the petition shall be signed by four percent (4%) of the voters qualified~~  
27 ~~to vote for that office."~~

28 **SECTION 5.** This act becomes effective with respect to all primaries and elections  
29 held on or after the date this act becomes effective.