

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

D

HOUSE DRH50530-RR-11 (01/31)

Short Title: Unaffiliated Candidates. (Public)

Sponsors: Representative Lewis.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS CONCERNING UNAFFILIATED
CANDIDATES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-122 reads as rewritten:

"§ 163-122. Unaffiliated candidates nominated by petition.

(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. –
~~Any~~ Except as provided in G.S. 163-122.1, 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~~ business day in February 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 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. 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

1 records and shall indicate the number of signers to be qualified and
2 registered to vote in his county. The chairman shall return each
3 petition, together with the certificate required in this section, to the
4 person who presented it to him for checking. Verification by the
5 chairman of the county board of elections shall be completed within
6 two weeks from the date such petitions are presented.

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

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

41 (4) If the office is a partisan municipal office, file written petitions with
42 the chairman or director of the county board of elections in the county
43 wherein the municipality is located supporting his candidacy for a
44 specified municipal office. These petitions must be filed with the

1 county board of elections on or before the time and date specified in
2 G.S. 163-296 and must be signed by the number of qualified voters
3 specified in G.S. 163-296. The procedure for certification shall be the
4 same as specified in (1) above.

5 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
6 board of elections with which the petitions have been timely filed shall cause the
7 unaffiliated candidate's name to be printed on the general election ballots in accordance
8 with G.S. ~~163-140~~.163-165.6.

9 ~~An individual whose name appeared on the ballot in a primary election preliminary~~
10 ~~to the general election shall not be eligible to have his name placed on the general~~
11 ~~election ballot as an unaffiliated candidate for the same office in that year. No person~~
12 ~~may file as a candidate for party nomination and as an unaffiliated candidate in the same~~
13 ~~election.~~

14 (b) Form of Petition. – Petitions requesting an unaffiliated candidate to be placed
15 on the general election ballot shall contain on the heading of each page of the petition in
16 bold print or in all capital letters the words: "THE UNDERSIGNED REGISTERED
17 VOTERS IN _____ COUNTY HEREBY PETITION ON BEHALF OF
18 _____ AS AN UNAFFILIATED CANDIDATE FOR THE OFFICE OF
19 _____ IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED
20 HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED ON THE
21 APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS
22 CONTAINED IN G.S. 163-122."

23 (c) This section does not apply to elections under Article 25 of this Chapter.

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

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

35 (e) Any candidate seeking to have that candidate's name printed on the general
36 election ballot under this section shall pay a filing fee equal to that provided for
37 candidates for the office in G.S. 163-107 or comply with the alternative available to
38 candidates for the office in G.S. 163-107.1."

39 **SECTION 2.** G.S. 163-296 reads as rewritten:

40 "**§ 163-296. Nomination by petition.**

41 In cities conducting partisan elections, any qualified voter who seeks to have his
42 name printed on the regular municipal election ballot as an unaffiliated candidate may
43 do so in the manner provided in G.S. 163-122, except that the petitions and affidavits
44 shall be filed not later than 12:00 noon on the ~~Friday preceding the seventh Saturday~~

1 third Friday in July before the election, and the petitions shall be signed by a number of
2 qualified voters of the municipality equal to at least four percent (4%) of the whole
3 number of voters qualified to vote in the municipal election according to the voter
4 registration records of the State Board of Elections as of January 1 of the year in which
5 the general municipal election is held. A person whose name appeared on the ballot in a
6 primary election is not eligible to have his name placed on the regular municipal
7 election ballot as an unaffiliated candidate for the same office in that year. No person
8 may file as a candidate for party nomination and as an unaffiliated candidate in the same
9 election. The Board of Elections shall examine and verify the signatures on the petition,
10 and shall certify only the names of signers who are found to be qualified registered
11 voters in the municipality. Provided that in the case where a qualified voter seeks to
12 have his name printed on the regular municipal election ballot as an unaffiliated
13 candidate for election from an election district within the municipality, the petition shall
14 be signed by four percent (4%) of the voters qualified to vote for that office."

15 **SECTION 3.** Article 11 of Chapter 163 of the General Statutes is amended
16 by adding a new section to read:

17 **"§ 163-122.1. Unaffiliated candidates for President.**

18 (a) Procedure for Qualifying as Unaffiliated Candidate. – Any person who seeks
19 to be listed on the general election ballot as an unaffiliated candidate for President shall
20 file written petitions with the State Board of Elections supporting the candidacy. These
21 petitions must be filed with the State Board of Elections on or before 12:00 noon on the
22 last Friday in June preceding the general election and must be signed by qualified voters
23 of the State equal in number to two percent (2%) of the total number of voters who
24 voted in the most recent general election for Governor. Also, the petition must be signed
25 by at least 200 registered voters from each of four congressional districts in North
26 Carolina. No later than 5:00 P.M. on the fifteenth day preceding the date the petitions
27 are due to be filed with the State Board of Elections, each petition shall be presented to
28 the chairman of the board of elections of the county in which the signatures were
29 obtained. Provided the petitions are timely submitted, the chairman shall examine the
30 names on the petition and place a check mark on the petition by the name of each signer
31 who is qualified and registered to vote in his county and shall attach to the petition his
32 signed certificate. The certificates shall state that the signatures on the petition have
33 been checked against the registration records and shall indicate the number of signers to
34 be qualified and registered to vote in his county. The chairman shall return each
35 petition, together with the certificate required in this section, to the person who
36 presented it to him for checking. Verification by the chairman of the county board of
37 elections shall be completed within two weeks from the date such petitions are
38 presented. Upon compliance with the provisions of this subsection, the State Board of
39 Elections shall cause the unaffiliated candidate's name to be printed on the general
40 election ballots in accordance with G.S. 163-165.6.

41 (b) Form of Petition. – Petitions requesting an unaffiliated candidate to be placed
42 on the general election ballot shall contain on the heading of each page of the petition in
43 bold print or in all capital letters the words: "THE UNDERSIGNED REGISTERED
44 VOTERS IN _____ COUNTY HEREBY PETITION ON BEHALF OF

1 AS AN UNAFFILIATED CANDIDATE FOR THE OFFICE OF
2 PRESIDENT IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED
3 HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED ON THE
4 APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS
5 CONTAINED IN G.S. 163-122."

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

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

17 **SECTION 4.** This act becomes effective January 1, 2008, and applies to all
18 elections conducted on or after that date.