



SENATE BILL 656: Electoral Freedom Act of 2017.

**This Bill Analysis
reflects the
contents of the bill
as it was presented
in committee.**

2017-2018 General Assembly

| | | | |
|-----------------------|--------------------------------------|---------------------|---|
| Committee: | House Elections and Ethics Law | Date: | June 28, 2017 |
| Introduced by: | Sen. Brock | Prepared by: | Erika Churchill, Kara McCraw, and Jessica Sammons |
| Analysis of: | PCS to Third Edition S656-CSBK-30 | | Committee Co-Counsel |

OVERVIEW: *The 3rd Edition of Senate Bill 656 would:*

- *Amend the qualifications for a group of voters to be recognized as a political party.*
- *Lower the number of signatures required on petitions for unaffiliated candidates to be included on the general election ballot.*
- *Change the deadline for filing petitions for unaffiliated candidates.*
- *Lower the threshold for a substantial plurality in primary elections to 30% of the vote.*

The PCS for SB 656 would establish the signature requirements for new parties and unaffiliated statewide candidates at one-quarter of one percent of the vote for Governor in most recent election.

Section 1 – Political Parties

CURRENT LAW: Under G.S. 163-96, a group of voters is recognized as a political party if that group:

- 1) Received 2% of the vote cast in the State for Governor or President in the most recent election.
- 2) Filed a petition with the State Board to form a new party with signatures from qualified and registered voters equal to 2% of the vote for Governor in the most recent election, with at least 200 signatures from registered voters from each of four congressional districts. Petitions must be submitted to the State Board prior to noon on June 1 preceding the first general State election in which the new political party desires to participate.

In the 2016 general election, there were 4,769,640 ballots cast for Governor. Two percent of the vote is equal to 95,393 signatures needed.

G.S. 163-98 provides for general election participation of a newly qualified political party but requires the party's candidates to be selected by nominating convention for the first general election after the new party's qualification.

Political parties receive certain access and privileges, including:

- G.S. 163-99: Allows political parties access to schools and public building for political meetings.
- G.S. 163-41: Permits party chair to recommend precinct officials.
- G.S. 163-82.13: Provides free copy of statewide computerized voter registration file to party.
- G.S. 163-165.5: Places political party nominees prior to unaffiliated candidates on general ballot.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate PCS 656

Page 2

A political party is terminated when it fails to obtain 2% of the vote for Governor.

BILL ANALYSIS: The PCS to Senate Bill 656 would lower the number of signatures required on the petition to form a new political party to 0.25% of the vote for Governor in the most recent election, with at least 200 signatures from registered voters from at least three congressional districts.

The PCS would also authorize a party to participate in the presidential election process if the party provides documentation no later than 120 days preceding the North Carolina presidential preference primary that the party was included on the general election ballot in 80% of the states in the prior Presidential election.

Section 2 – Unaffiliated Candidates

CURRENT LAW & BILL ANALYSIS: G.S. 163-122 permits qualified voters to have their name printed on the general election ballot as an unaffiliated candidate by filing a petition with the appropriate board of elections. The following chart summarizes the number of signatures required on the filed petition under current law and the PCS:

| | Current Law | PCS to Senate Bill 656 |
|--|--|---|
| Statewide office | 2% of the vote for Governor in most recent election, with 200 signatures from each of four congressional districts | 0.25% of the vote for Governor in the most recent election, with 200 signatures from at least three congressional districts |
| District office | 4% of the total number of registered voters in the district | 3% of the total number of registered voters in the district |
| County office or single county legislative office | 4% of the total number of registered voters in the county | 3% of the total number of registered voters in the county |
| Partisan municipal office | 4% of the total number of registered voters in that municipality | 3% of the total number of registered voters in that municipality |
| Superior Court or District Court Judge | 2% of the total number of registered voters in the district | <i>No change</i> |

Under current law, except for partisan municipal office, the petition is due by noon on the second Wednesday prior to the primary election. For partisan municipal office, the petition is due by noon on Friday before 7th Saturday before the election.

The PCS would change back the deadline for filing the petition for all offices except for partisan municipal office to the last Friday in June preceding the general election, in compliance with the holding in *Greaves v. State Bd. of Elections of North Carolina*.

Section 3 – Primary Determination

CURRENT LAW: G.S. 163-111 requires that nominations in primary elections be determined by a substantial plurality, which requires a candidate receive more than 40% of the vote to be declared the nominee. If no candidate receives a substantial plurality, a second primary may be requested.

BILL ANALYSIS: The PCS to Senate Bill 656 would lower the threshold for a substantial plurality, requiring a candidate to receive 30% of the vote to be declared the nominee.

EFFECTIVE DATE: January 1, 2018, and applies to primaries and elections held on or after that date.