



SENATE BILL 656: Electoral Freedom Act of 2017.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	Date:	June 21, 2017
Introduced by:	Sen. Brock	Prepared by:	Erika Churchill, Kara McCraw, and Jessica Sammons
Analysis of:	PCS to Second Edition S656-CSTC-48		Committee Co-Counsel

OVERVIEW: *The PCS to 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.*

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.

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

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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 at least 10,000 signatures from registered and qualified voters in the State, 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	At least 5,000 qualified voters of the State, with 200 signatures from registered voters 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.