

08 NCAC 01 .0107 POLITICAL PARTY FORMATION, TERMINATION, AND REINSTATEMENT

(a) Pursuant to G.S. 163-97, a political party ceases to be a political party on the date the State Board certifies the general State election in which the political party failed to poll for its candidate for Governor, or for presidential electors, at least two percent of the entire vote cast in the State for Governor or for presidential electors. Any voter registration form received after that date by a county board of elections where the applicant chooses to affiliate with an expired political party shall be registered as "unaffiliated," except that if the person is already registered to vote in the county and that person's registration already contains a party affiliation, the county board of elections shall not change the registrant's political party affiliation.

(b) Notwithstanding Paragraph (a) of this Rule, a political party shall not cease to be a political party under G.S. 163-97 if it submits to the State Board of Elections by the date of the State canvass documentation that the group of voters had a candidate nominated by that group on the general election ballot of at least 70 percent of the states in the prior Presidential election.

(c) Voters affiliated with an expired political party shall be changed to "unaffiliated designation" as required by G.S. 163-97.1 on the twentieth day before the opening of the candidate filing period for the next regularly scheduled election held after the date the political party failed to continue its legal status as provided in G.S. 163-97.

(d) The State Board shall order the county boards of elections to change the registration affiliation of all voters who are recorded on the registration books as being affiliated with an expired political party at 5:00 p.m. on the 20th day before the opening of the candidate filing period for the next regularly scheduled election held after the date of expiration. Upon making the change, the county board of elections shall send each affected voter verification of the party change by mail in accordance with G.S. 163-82.17(b). However, an expired political party that submits to the State Board one of the following prior to noon on the twentieth day before the opening of the candidate filing period for the next regularly scheduled election held after the date of expiration shall not have its affiliated voters changed to "unaffiliated designation":

- (1) A petition approved pursuant to G.S. 163-96(a)(2). The political party shall comply with all other petition processes and deadlines in G.S. 163-96(a)(2), (b), and (c), including submitting the signatures to each county board of elections no later than 5:00 p.m. on the 15th day preceding the date the petitions are due to be filed with the State Board as provided in this Paragraph; or
- (2) Documentation that the group of voters had a candidate nominated by that group on the general election ballot of at least 70 percent of the states in the prior presidential election.

(e) For purposes of this Rule, "expired political party" means a party that failed to continue its legal status as provided in G.S. 163-97.

(f) Documentation required under G.S. 163-96(a)(3) for the creation of a political party and under Subparagraph (d)(2) of this Rule for the reinstatement of an expired political party shall include any official State or federal government source, including official election results or statistics from a state or federal government website or publication.

*History Note: Authority G.S. 163-22; 163-97.1;
 Eff. September 1, 2021.*