



NORTH CAROLINA STATE BOARD OF ELECTIONS

FACTSHEET: CANDIDATES FOR GOVERNOR, LT. GOVERNOR, OR COUNCIL OF STATE 2020 PAGE 1 OF 4

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1 What offices are included in the Council of State?

- Governor
- Lieutenant Governor
- Secretary of State
- State Auditor
- State Treasurer
- Superintendent of Public Instruction
- Attorney General
- Commissioner of Agriculture
- Commissioner of Labor
- Commissioner of Insurance

[\(N.C. Const. Art. III § 8\)](#)

2 Qualifications

- **All offices in Council of State:** All candidates must be properly registered to vote in the county of his or her residence, must be at least 21 years old, and must not be serving an active felony sentence, including any period of probation or parole or supervised release.
- **Attorney General.** Candidate must be properly registered to vote in the county of his or her residence, and must be authorized to practice law in North Carolina. [N.C. Const. Art. III § 7\(7\)](#)
- **Governor and Lieutenant Governor.** [N.C. Const. Art. III § 2\(2\)](#)
 - A voter, properly registered to vote in the county of his or her residence
 - At least 30 years of age at time of election
 - A citizen of the United States for at least five years at time of election
 - A resident of North Carolina for at least two years at time of election
 - Not have served more than two consecutive terms of the same office
- **What action is required for a person to have his or her name entered on the ballot for the primary election?** Typically, a person seeking office will pay a filing fee and file a notice of candidacy during the filing period designated by statute.
- **Filing fee.** The filing fee is 1% of the annual salary of the office sought.¹
- **In lieu of filing fee.** It is possible to avoid the filing fee by submission of a petition signed by registered voters.² For more information, please see the fact sheet "Petition in lieu of Filing Fee" located on the candidate filing page: <https://www.ncsbe.gov/Elections/Candidate-Filing> of this agency's website.

¹ Filing Fee: [prev. § 163-107] text currently available online under [§ 163A-979](#). [The amount of the fee is calculated each year upon finalization of the budget for that year.](#)

² Petition in lieu of a filing fee: [prev. § 163-107.1] text currently available online under [§ 163A-980](#).



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- **Form to file.** Each candidate must file a notice of candidacy with the State Board of Elections.³ A specific form is required for this purpose and will be made available near the filing period under the caption “Candidate Forms” on the Candidate Filing page: <https://www.ncsbe.gov/Elections/Candidate-Filing> of this agency’s website. Filings submitted prior to the filing period will not be accepted.
- **Certification of affiliation.** At the time of filing, each candidate must also file a certificate signed by the director or chair of the county board of elections where the candidate currently resides. The certification states the party with which the candidate is affiliated and affirms that the candidate has not changed party affiliation in the past 90 days.⁴
- **Felony record.** The notice of candidacy form includes questions about any previous felony convictions of the candidate; if there are any convictions, additional information is required on a separate form within 48 hours of submitting the notice of candidacy. Active felons who have not had their citizenship rights fully restored (completion of any felony sentence, including any period of probation, parole or supervised release) are not eligible to be registered to vote or to run for elected office.⁵
- **Party affiliation.** In partisan contests, a candidate must be a registered voter affiliated with the same political party with which he or she intends to file. A person changing party affiliation must do so more than **90** days prior to the date the candidate files.⁶

[\(N.C. Const. Art. VI § 6, 8 \)](#)

3

Seeking office without filing in a primary

- A candidate who wishes to run as **unaffiliated**⁷ should review the fact sheet, “Unaffiliated Candidate” on the petition page: <https://www.ncsbe.gov/petition-info> of this agency’s website.
- A candidate who wishes to run as a **write-in**⁸ should review the fact sheet, “Write-in Candidate” on the petition page: <https://www.ncsbe.gov/petition-info> of this agency’s website.

³ Notice of Candidacy described: [prev. § 163-106] text currently available online under [§ 163A-972](#); [When and with whom Notice is filed](#): [prev. § 163-106(c)] text currently available online under [§ 163A-974](#).

⁴ Certificate of affiliation: [prev. § 163-106(f)] text currently available online under [§ 163A-977](#).

⁵ Felony Disclosure required: [prev. § 163-106(a1)]; text currently available online at [§ 163A-972\(e\)](#); Exclusion from electoral franchise: [prev. § 163-55(a)(2)]; text currently available online at [§ 163A-841\(a\)\(2\)](#).

⁶ Party affiliation requirement: [prev. § 163-106(f)]; text currently available online under [§ 163A-977](#)

⁷ Unaffiliated candidate: [prev. § 163-122]; text currently available online under [§ 163A-1005](#)

⁸ Write-in candidate: [prev. § 163-123]; text currently available online under [§ 163A-1006](#).



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4
Single Office Contest

No one may file for more than one office in the same election (with exceptions for elections to fill vacancies for US Senate or US House).⁹

5
Is a primary always necessary?¹⁰

No, a filed primary candidate who remains unopposed after the close of the filing period will be certified as his or her party's nominee without the need for a primary. An unopposed, certified nominee will be listed on the General Election ballot as the nominee of his or her party for the office in contest.

6
When is the filing period?¹¹

Because the primary has now moved to March, the filing period for the 2020 General Election will occur in 2019. Filing begins at noon on **Monday, December 2, 2019** and ends at noon on **Friday, December 20, 2019**.

7
Election Dates for 2020:¹²

- **Primary:** The Tuesday after the first Monday in March preceding the general Election. **Tuesday, March 3, 2020**
- **Second primary** (will only be held in certain situations, and if requested by a candidate)¹³
 - If any federal office contest requires a second primary, all second primaries will be held **Tuesday, May 12, 2020**
 - If no federal office contest requires a second primary, any second primaries will be held **Tuesday, April 21, 2020**
- **General election:** The Tuesday after the first Monday in November. **Tuesday, November 3, 2020**

⁹ Prohibition on certain dual candidacies [prev. § 163-106(h); text currently available online under [§ 163A-978](#), but note exception for elections for vacancies for US Senate [prev. § 163-12]; and US House [prev. 163-13], texts currently available online under §§ [163A-720](#) and [163A-721](#).

¹⁰ Nominee without primary: [prev. § 163-110]; text currently available online under [§ 163A-983](#).

¹¹ Filing period [prev. § 163-106(c)]; text currently available online under [§ 163A-974](#)

¹² Election Dates: Election Dates: [prev. § 163-1]; text currently available online under [§ 163A-700](#)

¹³ Second Primary: [prev. § 163-111]; text currently available online under [§ 163A-984\(e\)](#).



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8 What are the campaign reporting requirements?¹⁴

North Carolina law requires financial disclosure of all political activities, *even when the candidate spends only personal funds*. The time of filing of these reports, and the types of reports will vary by the type of campaign. Every candidate is legally responsible for his or her compliance with campaign reporting laws.

The treasurer of every campaign committee is required by law to receive training in campaign finance reports and law. Since candidates are also required to comply with campaign finance law, it is highly recommended that candidates obtain the training as well. This **mandatory campaign finance training** is available online or in-person at numerous training sessions offered by this agency. Please contact Jason Schrader, at 919/814-0733 or Terry Harris at 919/814-0741.

IMPORTANT: You must file an organizational report with the Campaign Finance Disclosure section of this agency within ten days of becoming a candidate. You “become a candidate” when you file the notice of candidacy form.

HOWEVER, you may also become a candidate and trigger the requirement to file the organizational report much earlier by spending money or receiving money (or goods or services) in support of your candidacy. In such a case, you would have ten days from the first receipt of funds (or goods or services) or ten days from your first expenditure, including expenditure of personal funds.

For further information about this report and other campaign finance requirements, please call the main line for this agency, 919/814-0700, and ask to speak with someone from the Disclosure section of this agency.

9 Disclosure of economic interest is also required.¹⁵

The State Government Ethics Act requires that candidates for an office covered by the Act file a Statement of Economic Interest with the State Board of Elections and Ethics Enforcement. **An individual seeking to qualify as an unaffiliated candidate must file the Statement of Economic Interest within three days of filing the petition.** Please see information that discusses the requirements at this link: [Statement of Economic Interest \(SEI\)](#).

For more information about the SEI, please contact the [North Carolina State Ethics Commission](#).

¹⁴ Campaign Reporting: [prev. § 163-278.9]; text currently available online under [§ 163A-1418](#).

¹⁵ Statement of Economic Interest: [prev. § 138A-22]; text currently available online under [§ 163A-187](#). For more information, please call (919) 814-3600 and ask to speak to Ethics Commission staff regarding Statement of Economic Interest requirements.