

# North Carolina State Board of Elections

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## *Candidates for North Carolina General Assembly in 2020*

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### 1) **Qualifications** [N.C. Const. Art. II §§ 6, 7, Art. VI § 6](#)

- **State Senator**

- At least 25 years of age by the date of the [general election](#)
- Residence in state for two years prior to the general election.
- Residence in district for one year immediately prior to general election
- Registered to vote in the district and eligible to vote for the office

- **State House Representative**

- At least 21 years of age by the date of the [general election](#)
- Residence in district for one year immediately prior to general election
- Registered to vote in the district and eligible to vote for the office

### 2) **What action is required for a person to have his or her name entered on the ballot?**

Typically, a person seeking office pays a filing fee and files certain papers during a specific [filing period](#) designated by statute. This process applies to persons participating in a party primary. For candidates who wish to run unaffiliated instead of with a party, please [Section 3](#), below.

- **Filing fee.** The filing fee is 1% of the annual salary of the office sought, payable by personal check, committee check or money order. Cash is not acceptable.<sup>1</sup>
- **In lieu of filing fee.**<sup>2</sup> It is possible to avoid the filing fee by submission of a petition signed by registered voters. For more information, see [GS 163A-980](#) or the fact sheet “Petition in lieu of a Filing Fee” located on the petition page on this agency’s website: <https://www.ncsbe.gov/petition-info>.
- **Form to file.**<sup>3</sup> Each candidate must file a **notice of candidacy form** with the county board of elections in the county of his or her residence. 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](#) of this agency’s website.
  - Filings submitted prior to the filing period will not be accepted.
  - Please note that forms that are mailed instead of delivered in person must be **received** within the filing period, regardless of postmark.

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<sup>1</sup> 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. In 2018 the filing fee was \$207.00.

<sup>2</sup> Petition in lieu of filing fee: [prev. § 163-1-7.1]; text currently available online under [§ 163A-980](#).

<sup>3</sup> Notice of candidacy: [prev. § 163-106]; text currently available online under [§ 163A-972](#).

- **Felony record.**<sup>4</sup> The notice of candidacy form includes questions about any previous felony convictions of the candidate. If a candidate has 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 probation) are not eligible to be registered to vote or to run for elected office.
  - **Party affiliation.**<sup>5</sup> 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 at least **90** days prior to the date the candidate files.
- 3) **To seek office without filing in a primary by running as unaffiliated or as a write-in candidate:**
- A candidate who wishes to run as **unaffiliated**<sup>6</sup> 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**<sup>7</sup> should review the fact sheet, “Write-in Candidate” on the petition page: <https://www.ncsbe.gov/petition-info> of this agency’s website.
- 4) **Single Office Contest.**<sup>8</sup> No one may file for more than one office in the same election.
- 5) **Is a primary always necessary?**<sup>9</sup>

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. This even typically occurs when no one challenges an incumbent for a given office. Unopposed, certified nominees 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?**<sup>10</sup>

Because the primary has now moved to March in all even-numbered years, 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**.

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<sup>4</sup> 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\(a\)\(2\)](#).

<sup>5</sup> Party affiliation requirement: [prev. § 163-106(f)]; text currently available online under [§ 163A-977](#).

<sup>6</sup> Unaffiliated candidate: [prev. § 163-122]; text currently available online under [§ 163A-1005](#).

<sup>7</sup> Write-in candidate: [prev. § 163-123]; text currently available online under [§ 163A-1006](#).

<sup>8</sup> 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](#).

<sup>9</sup> Nominee without primary: [prev. § 163-110]; text currently available online under [§ 163A-983](#).

<sup>10</sup> Filing period [prev. § 163-106(c)]; text currently available online under [§ 163A-974](#).

## 7) Election Dates for 2020:<sup>11</sup>

- **Primary: Tuesday, March 3, 2020**
- **Second primary<sup>12</sup>** (possible if no candidate receives 30% of the primary vote):
  - 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: Tuesday, November 3, 2020**

## 8) Campaign Finance filing requirements.<sup>13</sup>

North Carolina law requires financial disclosure of all political activities, *even when the candidate spends only personal funds*. 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 section of this agency within ten days of becoming a candidate.**

- You “become a candidate” when you file the notice of candidacy form.<sup>14</sup>
- You also become a candidate and trigger the requirement to file the organizational report much earlier by either:
  - spending money in support of your candidacy, or
  - receiving money (or goods or services) in support of your candidacy, or
  - giving consent for anyone else to receive funds or transfer anything of value for the purpose of bringing about your candidacy.<sup>15</sup>

**If any of these actions has been taken, you have ten days from first receipt of funds (or goods or services) or ten days from your first expenditure, including expenditure of personal funds, to file the organizational report.**

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<sup>11</sup> Election Dates: [prev. § 163-1]; text currently available online under [§ 163A-700](#).

<sup>12</sup> Second Primary: [prev. § 163-111]; text currently available online under [§ 163A-984\(e\)](#).

<sup>13</sup> Campaign Reporting: [prev. § 163-278.9]; text currently available online under [§ 163A-1418](#).

<sup>14</sup> A person also becomes a candidate upon becoming certified as the nominee of a political party to fill a vacancy.

<sup>15</sup> This includes any expenditure to support your campaign made by an individual, person or entity that you consent to or authorize; text currently available online under NC Session Laws 2018-13, sec. 3.10.

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

Please see the [Campaign Finance](#) page of our website.

**9) Disclosure of economic interest is also required.<sup>16</sup>**

The State Government Ethics Act requires that candidates for an office covered by the Act file a Statement of Economic Interest with the State Ethics Commission. **An individual seeking to qualify as an unaffiliated candidate must file the Statement of Economic Interest within three days of filing the petition.** For more information about your responsibilities under this act, please call 919/814-3600 and ask to speak with Ethics staff about the Statement of Economic Interest.

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<sup>16</sup> Statement of Economic Interest: [prev. § 138A-22]; text currently available online under [§ 163A-187](#)