

# North Carolina Bipartisan State Board of Elections & Ethics Enforcement

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## *Candidates for county & other local offices in 2018*

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This fact sheet pertains to local offices for which candidates submit filing paperwork to the county board of elections in even-numbered years, including county commissioner, clerk of superior court, school board, and others. Although state legislative candidates (state representative or state senator) are permitted to file notice of candidacy with the local county board of elections, a separate fact sheet is available to candidates for those offices. A separate fact sheet is also available for district attorney candidates.

### 1) What are the qualifications to be elected to county office?

[N.C. Const. Art. VI § 6, 8](#)

- One must reside in the electoral district
- One must be a registered voter in the electoral district<sup>1</sup>
- One must be at least 21 years of age
- With respect to the office of **sheriff**, one must have residency in the county one year prior to the general election (§162-2), and, according to [N.C. Const. Art. VII, § 2](#), a candidate for sheriff must have never been convicted of a felony. This restriction applies even if the candidate has been lawfully restored to his or her rights of citizenship.

### 2) 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 certain papers during a specific period designated by statute for this purpose. However, statutes provide an alternative mechanism, as described below.

[G.S. §§ 163A-972-78 \[163-106\]](#); [163A-979 \[163-107\]](#), [163A-980 \[163-107.1\]](#), [163A-981 \[163-108\]](#).

- **Filing fee.** The filing fee is 1% of the annual salary of the office sought.
- **In lieu of filing fee:** it is possible to avoid the filing fee by submission of a petition signed by registered voters. For more information, see [North Carolina General Statute § 163A-980 \[163-107.1\]](#). Prior to undertaking this petition, please see our fact sheet at [this link](#).
- **Form to file.** Each candidate must file a [notice of candidacy form](#) with the county board of elections in the county of his or her residence. This form may be obtained from this agency's website beginning **February 1, 2018**. Filings submitted prior to the filing period (see below) 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

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<sup>1</sup> Under NC Constitution Art. VI § 8, a person must have resided in the electoral district for 30 days to be eligible to vote in its elections.

is affiliated and affirms that the candidate has not changed party affiliation in the past 90 days.

- **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 probation) are not eligible to be registered to vote or to run for elected office.
- **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 **90** days prior to the date the candidate files. (Please see below for information about seeking office without being affiliated with a party.)

**3) Seeking office unaffiliated or seeking office as a write-in candidate** [G.S. §§ 163A-1005 \[163-122\]](#), [163A-1006 \[163-123\]](#)

- A candidate who wishes to run unaffiliated should review [G.S. §§ 163A-1005 \[163-122\]](#) and [fact sheet on running as an unaffiliated candidate](#).
- A candidate who wishes to run as a write-in should review [G.S. §§ 163A-1006 \[163-123\]](#) and the [fact sheet on running as a write-in candidate](#).

**4) Single Office Contest.** No one may file for more than one office in the same election.

**5) Is a primary always necessary?**

[G.S. § 163A-983 \[163-110\]](#)

- 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.
- The winners of the party primaries (or the certified nominees, if they ran unopposed) will be listed on the General Election ballot as the nominees of that party for the office they filed for.

**6) When is the filing period?**

Filing for most offices: [G.S. §163A-974 \[163-106\(c\)\]](#)<sup>2</sup>

- Begins: Noon on **Monday, February 12, 2018**
- Ends: Noon on **Wednesday, February 28, 2018**

Filing for Soil and Water Conservation District Board of Supervisors<sup>3</sup>: [G.S. § 139-6](#)

- Begins: Noon on second Monday in June: **Monday, June 11, 2018**

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<sup>2</sup> Some local offices may have a different filing period from the regular filing period.

<sup>3</sup> The filing fee for this office is \$5.00, to be paid at the point of filing notice of candidacy.

- Ends: Noon on first Friday in July: **Friday, July 6, 2018**

5) **Election Dates for 2018** [S.L. 2015-258 §§ 1\(b\), 2\(d\)](#), [G.S. § 163A-700 \[163-1\]](#)

- **Primary: Tuesday, May 8, 2018**
- **Second primary** (will only be held in certain situations, and if requested by a candidate):
  - If any federal office contest requires a second primary, all second primaries will be held **Tuesday, July 17, 2018**
  - If no federal office contest requires a second primary, any second primaries will be held **Tuesday, June 26, 2018**
- **General election:** The Tuesday after the first Monday in November, **Tuesday, November 8, 2016**

7) **Campaign Finance filing requirements.** [G.S. § 163A-1418 \[163-278.9\]](#)

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 Disclosure section of this agency within ten days of becoming a candidate.** You “become a candidate” when you file the notice of candidacy form.<sup>4</sup> **HOWEVER, you may also become a candidate and trigger the requirement to file the organizational report much earlier** by either 1) making a public announcement of a definite intent to run for public office in a particular election, or 2) spending money or receiving money (or goods or services) in support of your candidacy. If any of these actions has been taken, you have ten days from the public announcement or 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. **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.**

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<sup>4</sup> A person also becomes a candidate upon becoming certified as the nominee of a political party to fill a vacancy.

For further information about this report, please contact your county board of elections and ask to speak to someone about campaign finance. You may also call the main line of this agency, at 919/814-0700 and ask to speak to someone in the Disclosure section.

8) Are there other filings required of certain county candidates?

**The State Government Ethics Act requires that candidates for Clerk of Court file a Statement of Economic Interest with the State Board of Elections within 10 days of the filing deadline for the office. Most county offices aren't covered, but candidates for Clerk of Court are subject to this obligation. (G.S. § 163A-187 [138A-22])** For more information: <http://www.ethicscommission.nc.gov/sei/default.aspx>